

1972
SESSION LAWS
OF THE
STATE OF WASHINGTON

2nd EXTRAORDINARY SESSION
FORTY-SECOND LEGISLATURE

Convened January 10, 1972. Adjourned February 22, 1972.



Published at Olympia by the Statute Law Committee pursuant
to Chapter 6, Laws of 1969.

RICHARD O. WHITE
Code Reviser



**PERTINENT FACTS CONCERNING THE WASHINGTON
SESSION LAWS**

1. EDITIONS AVAILABLE

- (a) *General information.* The session laws are printed successively in two editions;
- (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions are accompanied by a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at one dollar per set, remittance to accompany order. (No sales tax required.)
- (c) *Permanent bound edition—when and how obtained—price.* The permanent bound edition of the session laws may be ordered from the State Law Librarian, Temple of Justice, Olympia, Washington 98504 at four dollars per volume. (No sales tax required.) The 1972 Laws (42nd Legislature, 2nd Ex.Sess.) 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 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 1972 Laws (42nd Legislature, 2nd Ex.Sess.) is May 23, 1972 (midnight May 22).
- (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 published herein may be found at the back of the book.

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AUTHENTICATION

I, Richard O. White, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20-.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1972 extraordinary session (42nd 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, 1972.



Richard O. White

RICHARD O. WHITE
Code Reviser

CHAPTER 1
[House Bill No. 12]
PUBLIC PRINTING

AN ACT Relating to public printing; and amending section 43.78.080, chapter 8, Laws of 1965 as amended by section 7, chapter 6, Laws of 1969 and RCW 43.78.080.

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

Section 1. Section 43.78.080, chapter 8, Laws of 1965 as amended by section 7, chapter 6, Laws of 1969 and RCW 43.78.080 are each amended to read as follows:

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

SECOND CLASS. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed ((on what is known as machine finish book paper weighing not less than fifty pounds to the ream of 25 x 38 inches; and set in brevier; or what is known as eight point type; with a six to pica lead between each line; and without unnecessary blanks; broken pages; or paragraphs. All communications; resolutions; reports of committees; messages; and similar documents making up a part of said journals shall be set in nonpareil or what is known as six point type; with a six to pica lead between each line. All tabular matters shall be set in nonpareil or what is known as six point type; the type matter for a page to be

4 1/2 x 7 1/2 inches, which is to include all running heads and footnotes. All reports shall be 6 x 9 inches when trimmed. The general style of all reports shall be the same as those printed in 1948, and the general style of the journals of the house and senate of the session of 1947 shall be followed in the printing and binding of the journals hereafter. There shall be no duplicates of reports or parts of reports printed except by permission of the governor) in such form as the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four.

Passed the House January 10, 1972.
Passed the Senate January 11, 1972.
Approved by the Governor January 19, 1972.
Filed in office of Secretary of State January 20, 1972.

CHAPTER 2
[Senate Bill No. 47]
TEMPORARY SPECIAL LEVY STUDY COMMISSION

AN ACT To repeal obsolete provisions relating to the temporary special levy study commission heretofore directed to study programs, problems and financial needs of the common schools of the state; repealing section 1, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.010; repealing section 2, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.020; repealing section 3, chapter 235, Laws of 1969 ex. sess. and RCW

28A.96.030; repealing section 4, chapter 235, Laws of 1969 ex. sess., section 54, chapter 48, Laws of 1971 and RCW 28A.96.040; repealing section 5, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.050; repealing section 6, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.060; repealing section 7, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.070; repealing section 8, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.080; repealing section 9, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.090; repealing section 10, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.100; and repealing section 11, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.300.

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

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

(1) Section 1, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.010;

(2) Section 2, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.020;

(3) Section 3, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.030;

(4) Section 4, chapter 235, Laws of 1969 ex. sess., section 54, chapter 48, Laws of 1971 and RCW 28A.96.040;

(5) Section 5, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.050;

(6) Section 6, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.060;

(7) Section 7, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.070;

(8) Section 8, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.080;

(9) Section 9, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.090;

(10) Section 10, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.100; and

(11) Section 11, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.300.

Passed the Senate January 24, 1972.

Passed the House January 25, 1972.

Approved by the Governor February 3, 1972.

Filed in office of Secretary of State February 4, 1972.

CHAPTER 3
[House Bill No. 56]
INTERMEDIATE SCHOOL DISTRICT SUPERINTENDENTS

AN ACT Relating to the powers and duties of intermediate school district superintendents; and amending section 11, chapter 176, Laws of 1969 ex. sess. as amended by section 17, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.110.

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

Section 1. Section 11, chapter 176, Laws of 1969 ex. sess. as amended by section 17, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.110 are each amended to read as follows:

In addition to other powers and duties as provided by law, each intermediate school district superintendent shall:

(1) Serve as chief executive officer of the intermediate school district and secretary of the intermediate school district board.

(2) Visit the schools in the intermediate school district, counsel with directors and staff, and assist in every possible way to advance the educational interest in the intermediate school district.

(3) Perform such record keeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.

(4) Keep records of official acts of the intermediate school district board and superintendents in accordance with RCW 28A.21.120.

(5) Preserve carefully all reports of school officers and teachers and deliver to the successor of the office all records, books, documents, and papers belonging to the office either personally or through a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where the office is located.

(6) Administer oaths and affirmations to school directors, teachers, and other persons on official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(7) Require the oath of office of all school district officers be filed (~~in the intermediate school district office~~) as provided in RCW 28A.57.322 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the

school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file.

(8) Assist the school districts in preparation of their budgets as provided in chapter 28A.65 RCW.

(9) Enforce the provisions of the compulsory attendance law as provided in chapters 28A.27 and 28A.28 RCW.

(10) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.56 RCW.

(11) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.57 RCW.

(12) Perform all other duties prescribed by law and the intermediate school district board.

Passed the House January 24, 1972.

Passed the Senate January 26, 1972.

Approved by the Governor February 3, 1972.

Filed in Office of Secretary of State February 4, 1972.

CHAPTER 4

[Senate Bill No. 83]

VETERANS' ESTATES-

SECRETARY OF SOCIAL AND HEALTH SERVICES,

POWERS AND DUTIES

AN ACT Relating to veterans' estates; and providing certain powers and duties to the secretary of the department of social and health services; and adding a new section to chapter 73.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 73.04 RCW a new section to read as follows:

The secretary of the department of social and health services or his designee is authorized to act as executor under the last will, or as administrator of the estate of any deceased veteran, or as the guardian of the estate of any insane or incompetent veteran, or as guardian of the estate of any person who is a bona fide resident of the state of Washington and who is certified by the veterans' administration as having money due from the veterans' administration, the payment of which is dependent upon the appointment of a guardian. No fee shall be allowed or paid to the secretary or his designee for acting as executor, administrator, or guardian, or to any attorney for the secretary or his designee.

The secretary or his designee, or any other interested person may petition the appropriate court for the appointment of the secretary or his designee. Any such petition by the secretary or his designee shall be without cost and without fee. If appointed, the secretary or his designee may serve without bond. This act shall not affect the prior right to act as administrator of a veterans' estate of such persons as are denominated in RCW 11.28.120(1) and (2), nor shall this act affect the appointment of executor made in the last will of any veteran, nor shall this act apply to estates larger than \$7500.

Passed the Senate February 8, 1972.

Passed the House February 7, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 5
[Engrossed Senate Bill No. 88]
MOTOR VEHICLES
SPECIAL MOBILE EQUIPMENT,
SPRAY OR FERTILIZER APPLICATORS AND AUXILIARIES

AN ACT Relating to motor vehicle equipment; amending section 30, chapter 154, Laws of 1963 and RCW 46.04.552; and amending section 46.16.010, chapter 12, Laws of 1961 as last amended by section 3, chapter 27, Laws of 1969 and RCW 46.16.010; and declaring an emergency.

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

Section 1. Section 30, chapter 154, Laws of 1963 and RCW 46.04.552 are each amended to read as follows:

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not

include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Sec. 2. Section 46.16.010, chapter 12, Laws of 1961 as last amended by section 3, chapter 27, Laws of 1969 and RCW 46.16.010 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: PROVIDED, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to special mobile equipment and to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway

surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

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 shall take effect immediately.

Passed the Senate January 24, 1972.

Passed the House February 7, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 6

[Senate Bill No. 97]

DEPARTMENT OF EMERGENCY SERVICES--
EMERGENCY SERVICES ADVISORY COUNCIL--
LOCAL ORGANIZATION

AN ACT Relating to state government; designating a new name, department of emergency services, for the department of civil defense; and adding new sections to chapter 178, Laws of 1951 and to chapter 38.52 RCW.

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

NEW SECTION. Section 1. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

On and after the effective date of this act, the state department of civil defense shall be known and designated as the department of emergency services which shall administer the program of civil defense in the state of Washington as provided for in this chapter. All local organizations, organized and performing civil defense functions pursuant to RCW 38.52.070, shall henceforth change their name and be called the department/division of emergency services. The advisory council created pursuant to RCW 38.52.040 shall hereafter be known and designated as the emergency services advisory council.

NEW SECTION. Sec. 2. There is added to chapter 178, Laws of

1951 and to chapter 38.52 RCW a new section to read as follows:

The state department of emergency services and emergency services advisory council shall succeed to and are hereby vested with all powers, duties, and jurisdiction previously vested in said respective civil defense units. The local organizations for civil defense created pursuant to RCW 38.52.070 shall, as departments or divisions of emergency services, also succeed to and be vested with all powers, duties, and jurisdictions previously vested in such local organizations.

NEW SECTION. Sec. 3. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

Any reference to the Washington state civil defense agency in the laws of Washington are intended to be and shall be deemed to be a reference to the department of emergency services. The code reviser for purposes of harmonizing and clarifying the provisions of the statute sections published in the revised code of Washington may (1) substitute for words designating the Washington state civil defense agency, wherever they occur in statute sections to be published in the revised code of Washington, words designating the department of emergency services; (2) substitute for words designating the civil defense advisory council, wherever they occur in statute sections to be published in the revised code of Washington, words designating the emergency services advisory council; (3) substitute for words designating the director of civil defense, wherever they may occur in statute sections to be published in the revised code of Washington, words designating the director of the department of emergency services.

Passed the Senate February 1, 1972.

Passed the House February 7, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 7

[Engrossed Senate Bill No. 296]

CORRECTIONAL INSTITUTIONS--VOCATIONAL EDUCATION--

SALE OF PRODUCTS-- ADVISORY, APPRENTICESHIP COMMITTEES

AN ACT Relating to correctional institutions and vocational education; and adding a new chapter to Title 72 RCW.

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

NEW SECTION. Section 1. The legislature declares that programs of vocational education are essential to the habilitation

and rehabilitation of residents of state correctional institutions and facilities. It is the purpose of this chapter to provide for greater reality and relevance in the vocational education programs within the correctional institutions of the state.

NEW SECTION. Sec. 2. When used in this chapter, unless the context otherwise requires:

The term "vocational education" means a planned series of learning experiences, the specific objective of which is to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but shall not mean programs the primary characteristic of which is repetitive work for the purpose of production, including the institutional industries program.

NEW SECTION. Sec. 3. Products, goods, wares, articles, or merchandise manufactured or produced by residents of state correctional institutions or facilities within or in conjunction with vocational education programs for the training, habilitation, and rehabilitation of inmates may be sold on the open market, at public auction. When services are performed by residents within or in conjunction with such vocational education programs, the cost of materials used and the value of depreciation of equipment used may be recovered.

NEW SECTION. Sec. 4. The secretary of the department of social and health services shall credit the proceeds derived from the sale of such products, goods, wares, articles, or merchandise manufactured or produced by inmates of state correctional institutions within or in conjunction with vocational education programs to the institution where manufactured or produced to be deposited in a revolving fund to be expended for the purchase of supplies, materials and equipment for use in vocational education.

NEW SECTION. Sec. 5. Labor-management trade advisory and apprenticeship committees shall be constituted by the department for each vocation taught within the vocational education programs in the state correctional system.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 72 RCW.

Passed the Senate January 28, 1972.

Passed the House February 8, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 8
[House Bill No. 80]
WASHINGTON STATE WHEAT COMMISSION--
CODE CORRECTIONS

AN ACT Relating to the Washington state wheat commission; amending section 24, chapter 87, Laws of 1961 as amended by section 55, chapter 81, Laws of 1971 and RCW 15.63.240; and declaring an emergency.

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

Section 1. Section 24, chapter 87, Laws of 1961 as amended by section 55, chapter 81, Laws of 1971 and RCW 15.63.240 are each amended to read as follows:

Any party aggrieved by any order, rule or regulation issued by the commission, or by any action taken by it, or by any action taken by the ((secretary [director])) director in approving or disapproving any action of the commission, may apply to the superior court of the state of Washington in the county in which such party is a resident or has his principal place of business for a review of such decision. Where applicable, the procedure for such a review shall be that specified in chapter 34.04, the administrative procedure act, as in force on the effective date of this chapter, or as thereafter amended. The court may thereupon take such action as in its opinion the law requires and its decision shall be appealable to the supreme court or the court of appeals of this state subject to the laws and rules of court relating to appeals.

NEW SECTION. Sec. 2. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

When RCW 15.63.240 was amended by section 55, chapter 81, Laws of 1971 an apparent drafting error changed "director" to "secretary". The purpose of this bill is to change the incorrect reference.

Passed the House January 25, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 9

[House Bill No. 81]

PHARMACISTS AND INTERNS, LICENSING--CODE CORRECTIONS

AN ACT Relating to the licensing of pharmacists and interns; reenacting section 3, chapter 180, Laws of 1923 as last amended by section 5, chapter 201, Laws of 1971 ex. sess. and by section 25, chapter 292, Laws of 1971 ex. sess., and RCW 18.64.080; and declaring an emergency.

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

Section 1. Section 3, chapter 180, Laws of 1923 as last amended by section 5, chapter 201, Laws of 1971 ex. sess. and by section 25, chapter 292, Laws of 1971 ex. sess. and RCW 18.64.080 are each reenacted to read as follows:

(1) The state board of pharmacy may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who--

(a) Is not less than eighteen years of age and a citizen of the United States;

(b) Has satisfied the board that he is of good moral and professional character, that he will probably carry out the duties and responsibilities required of a pharmacist, and that he is not unfit or unable to practice pharmacy by reason of the extent or manner of his use of alcoholic beverages, narcotic drugs or dangerous drugs or by reason of a physical or mental disability;

(c) Holds a degree in pharmacy granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed the internship requirements as prescribed;

(e) Has satisfactorily passed such examinations given by the board.

(2) The state board of pharmacy shall, at least once in every twelve months, examine in the practice of pharmacy all pharmacy interns, who have completed their educational requirements, who shall make applications for said examination pursuant to regulations promulgated by the board. The said examination shall consist of two parts: The first part being a theoretical examination, and the second part consisting of a practical examination which shall be given to all pharmacy interns who have successfully passed the theoretical examination and have satisfactorily completed their internship requirements. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he has satisfactorily completed additional preparation as directed and

approved by the board.

(3) To insure proficiency in the practical aspects of pharmacy, the board shall, by regulation, prescribe internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license. The board shall specify the period of time of not less than six months nor more than one year and when and in what manner the internship shall be served.

(4) The board may, by regulation, accept in lieu of the experience as a registered pharmacy intern as herein required other equivalent experience obtained prior to January 1, 1964.

(5) Any person enrolled as a student of pharmacy in an accredited college may file with the state board of pharmacy an application for registration as a pharmacy intern in which said application he shall be required to furnish such information as the board may, by regulation, prescribe and simultaneously with the filing of said application, shall pay to the board a fee of one dollar. All certificates issued to pharmacy interns shall be valid for a period not exceeding six years from the date of issue exclusive of time spent in the military service.

(6) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by employment in any licensed pharmacy meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(7) The board may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is and, for at least one year next preceding, has been licensed as a pharmacist in any other state, territory or possession of the United States: PROVIDED, That the said person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and is possessed of good character and morals, who have become registered as pharmacists by examination in other states prior to the time chapter 38, Laws of 1963 takes effect shall be required to satisfy only the requirements which existed in this state at the time they became licensed in such other states: PROVIDED FURTHER, That the state in which said person is licensed shall under similar conditions grant reciprocal registration as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee of seventy-five dollars.

(8) Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of twenty dollars. Upon passing the required examinations and complying with all the

rules and regulations of the board and the provisions of this chapter, the board shall grant the applicant registration as a pharmacist and issue to him a certificate qualifying him to enter into the practice of pharmacy.

(9) The board shall provide for, regulate and require all persons registered as pharmacists to renew their registration annually, and shall prescribe the form of such registration and information required to be submitted by all applicants.

NEW SECTION. Sec. 2. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

RCW 18.64.080 was twice amended during the 1971 extraordinary session of the legislature.

(1) Section 5, chapter 201, Laws of 1971 ex. sess. changed the application fee for pharmacists' licensing from fifty dollars to seventy-five dollars, and the examination fee for pharmacy interns from ten to twenty dollars. Renewal of registration of pharmacists was changed from biennially to annually.

(2) Section 25, chapter 292, Laws of 1971 ex. sess. changed the age qualification for licensing of pharmacists from twenty-one to eighteen. The phrase "this amendatory act" in subsection (7) was changed to "chapter 38, Laws of 1963".

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.

Passed the House January 25, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 10
[House Bill No. 82]
EDUCATION--CODE CORRECTIONS

AN ACT Relating to education; reenacting section 28A.13.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 48, Laws of 1971 and by section 3, chapter 66, Laws of

1971 ex. sess. and RCW 28A.13.020; reenacting section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 51, Laws of 1971 ex. sess. and by section 2, chapter 215, Laws of 1971 ex. sess. and RCW 28A.27.010; reenacting section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 48, Laws of 1971 and by section 1, chapter 203, Laws of 1971 ex. sess. and RCW 28A.58.100; and declaring an emergency.

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

Section 1. Section 28A.13.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 48, Laws of 1971 and by section 3, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.020 are each reenacted to read as follows:

The superintendent of public instruction shall appoint an administrative officer of the division. The administrative officer, under the direction of the superintendent of public instruction, shall coordinate and supervise the program of special education for all handicapped children in the school districts of the state. He shall cooperate with the intermediate school district superintendents and local school district superintendents and with all other interested school officials in ensuring that all school districts provide an appropriate educational opportunity for all handicapped children and shall cooperate with the state secretary of social and health services and with county and regional officers on cases where medical examination or other attention is needed.

Sec. 2. Section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 51, Laws of 1971 ex. sess. and by section 2, chapter 215, Laws of 1971 ex. sess. and RCW 28A.27.010 are each reenacted to read as follows:

All parents, guardians and other persons in this state having custody of any child eight years of age and under fifteen years of age, or of any child fifteen years of age and under eighteen years of age not regularly and lawfully engaged in some useful and remunerative occupation or attending a residential school operated by the division of institutions of the department of social and health services or attending part time school in accordance with the provisions of chapter 28A.28 RCW or excused from school attendance thereunder, shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time, unless the school district superintendent of the district in which the child resides shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the

public schools of this state. Proof of absence from any public or approved private and/or parochial school shall be prima facie evidence of a violation of this section. An approved private and/or parochial school for the purposes of this section shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

Sec. 3. Section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 48, Laws of 1971 and by section 1, chapter 203, Laws of 1971 ex. sess. and RCW 28A.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 all certificated and noncertificated employees, and fix, alter, allow and order paid their salaries and compensation;

(2) Adopt written policies 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 certificated and noncertificated 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, injury and emergencies 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 (former 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 (former 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 except in the following manner: Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire;

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

(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.

When any teacher or other certificated employee leaves one school district within the state and commences employment with another school district within the state, he shall retain the same seniority, leave benefits and other benefits that he had in his previous position. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

NEW SECTION. Sec. 4. This 1972 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. Section 28A.13.020 was amended during the 1971 legislative session and again amended during the 1971 extraordinary session, each without reference to the other.

(1) Section 3, chapter 48, Laws of 1971 changed "county and intermediate district superintendents of schools" to "the intermediate school district superintendents".

(2) Section 3, chapter 66, Laws of 1971 ex. sess.: (a) changed "such division" to "the division" in the first sentence; (b) provided that the administrative officer "under the direction of the superintendent of public instruction" shall

coordinate...the program of special education (instead of aid) for "all" handicapped children; (c) changed "county and intermediate district superintendents of schools" to "intermediate school district superintendents and local school district superintendents"; (d) changed the phrase "the conduct of the program" to "ensuring that all school districts provide an appropriate educational opportunity for all handicapped children"; (e) changed "director of health" to "secretary of social and health services"; (f) changed "regional health officers" to "regional officers"; and (g) added the word "other" to the phrase "medical examination or other attention".

Sec. 2. RCW 28A.27.010 was twice amended during the 1971 extraordinary legislative session, each without reference to the other.

(1) Section 1, chapter 51, Laws of 1971 ex. sess. added "or attending a residential school operated by the division of institutions of the department of social and health services" to the exceptions from compulsory school attendance.

(2) Section 2, chapter 215, Laws of 1971 ex. sess. changed "public or private school" to "approved private and/or parochial school"; and also defined "approved private and/or parochial schools" as "approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended".

Sec. 3. RCW 28A.58.100 was amended during the 1971 regular session and again in the 1971 extraordinary session, each without reference to the other.

(1) Section 28, chapter 48, Laws of 1971 changed "county and intermediate district superintendents" to "intermediate school district superintendents" in subsection (2) (g).

(2) Section 1, chapter 203, Laws of 1971 ex. sess.: (a) added "and emergencies" to subsection (1) in reference to annual leave with compensation; (b) in subsection (2) (f) which provides accumulated leave is not compensable upon retirement, the following exception was added: "except in the following manner: Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the

time at which an employee is eligible to retire".

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

Passed the House January 25, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 11

[House Bill No. 83]

STATE CIVIL SERVICE--CODE CORRECTIONS

AN ACT Relating to state civil service; reenacting section 7, chapter 1, Laws of 1961 as last amended by section 100, chapter 81, Laws of 1971, and by section 1, chapter 59, Laws of 1971 ex. sess. and by section 1, chapter 209, Laws of 1971 ex. sess. and RCW 41.06.070; and declaring an emergency.

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

Section 1. Section 7, chapter 1, Laws of 1961 as last amended by section 100, chapter 81, Laws of 1971, and by section 1, chapter 59, Laws of 1971 ex. sess., and by section 1, chapter 209, Laws of 1971 ex. sess. and RCW 41.06.070 are each reenacted to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential

secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) the secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65

RCW);

(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(21) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

NEW SECTION. Sec. 2. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

RCW 41.06.070 was amended three times during the 1971 regular and extraordinary sessions.

(1) Section 100, chapter 81, Laws of 1971 amended subsection (2) by changing "judges" of the supreme court to "justices" of the supreme court, and by adding judges of the court of appeals. It also changed the references in subsection (7) from departments of "health", "institutions", and "public assistance" to "department of social and health services".

(2) Section 1, chapter 59, Laws of 1971 ex. sess. made the same change in subsection (7) regarding the department of social and health services, and also added a new subsection (20) regarding liquor vendors.

(3) Section 1, chapter 209, Laws of 1971 ex. sess. amended section 100, chapter 81, Laws of 1971 (but did not refer to section 1, chapter 59, Laws of 1971 ex. sess.) by adding a new subsection (20) (herein changed to (21)) regarding executive assistants for personnel administration and labor relations in state agencies.

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 all the amendments included therein.

Passed the House January 25, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 12
[House Bill No. 84]
STATE TREASURER--CODE CORRECTIONS

AN ACT Relating to the state treasurer; reenacting section 43.08.020, chapter 8, Laws of 1965 as last amended by section 1, chapter 14, Laws of 1971 and by section 108, chapter 81, Laws of 1971 and RCW 43.08.020; and declaring an emergency.

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

Section 1. Section 43.08.020, chapter 8, Laws of 1965 as last amended by section 1, chapter 14, Laws of 1971 and by section 108, chapter 81, Laws of 1971 and RCW 43.08.020 are each reenacted to read as follows:

The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in a sum of not less than five hundred thousand dollars, to be approved by the secretary of state and one of the justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state.

NEW SECTION. Sec. 2. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

RCW 43.08.020 was twice amended during the 1971 legislative session, each without reference to the other.

(1) Section 1, chapter 14, Laws of 1971 changed the amount of the bond to be executed by the state

treasurer from "two hundred fifty thousand dollars" to "not less than five hundred thousand dollars."

(2) Section 108, chapter 81, Laws of 1971 changed the reference from "judges of the supreme court" to "justices of the supreme court".

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.

Passed the House January 25, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 13

[House Bill No. 85]

JUDICIARY--CODE CORRECTIONS

AN ACT Relating to the judiciary; amending section 81.92.110, chapter 14, Laws of 1961 and RCW 81.92.110; repealing section 67, chapter 81, Laws of 1971 and RCW 22.20.100; and declaring an emergency.

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

Section 1. Section 81.92.110, chapter 14, Laws of 1961 and RCW 81.92.110 are each amended to read as follows:

In all respects in which the commission has power and authority under this chapter, application and complaints may be made and filed with it, process issued, hearing held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, petition for writs of review to the superior court filed therein, appeals of mandate filed with the supreme court or the court of appeals of this state and considered and disposed of by said courts in the manner, under the conditions and subject to the regulations and with the effect specified in this title.

NEW SECTION. Sec. 2. Section 67, chapter 81, Laws of 1971 and RCW 22.20.100 are each hereby repealed.

NEW SECTION. Sec. 3. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

RCW 22.20.100, which was repealed by section

81.98.040, chapter 14, Laws of 1961, was inadvertently amended in the 1971 legislative session. Since that section was reenacted as RCW 81.92.110 the purpose of this bill is to repeal the 1971 amendment and amend RCW 81.92.110 to bring it into conformity with chapter 81, Laws of 1971.

Passed the House January 25, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 14

[Engrossed House Bill No. 105]

PART TIME STUDENTS--ANCILLARY SERVICES

AN ACT Relating to part-time students; and amending section 4, chapter 217, Laws of 1969 ex.sess. and RCW 28A.41.145.

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

Section 1. Section 4, chapter 217, Laws of 1969 ex. sess. and RCW 28A.41.145 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "private school student" shall mean any student enrolled full time in a private or private sectarian school;

(b) "school" shall mean any primary, secondary or vocational school;

(c) "school funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "part time student" shall mean and include any student enrolled in a course of instruction in a private or private sectarian school and taking courses at and/or receiving ancillary services offered by any public school not available in such private or private sectarian school district and any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district ~~((are))~~ is authorized and ~~((may))~~ in the same manner as for other public school students, shall permit the enrollment of ~~((any))~~ and provide ancillary services for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part

time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: PROVIDED, That this section shall only apply to ((private school); part time students who would be otherwise eligible for full time enrollment in the (public schools) school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall include such costs in the "weighting schedule" established pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2), and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.

NEW SECTION. Sec. 2. If any provision of this 1972 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 held invalid.

Passed the House January 26, 1972.

Passed the Senate February 8, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 15

[Engrossed House Bill No. 126]

VOCATIONAL REHABILITATION--PURCHASE OF SERVICES--
MONETARY LIMITATIONS

AN ACT Relating to vocational rehabilitation; and amending section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 53, chapter 18, Laws of 1970 ex. sess. and

RCW 28A.10.080.

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

Section 1. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 53, chapter 18, Laws of 1970 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 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 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 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 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: PROVIDED, That the state agency is authorized to expend in excess of one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person when federal or other funding becomes available to the state agency for such purpose and such additional expenditures may continue as long as the additional federal or other funding is or becomes available.

(3) The determination of eligibility for such service shall be made for each individual by the 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 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 state agency.

(5) The 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.

Passed the House January 27, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 17, 1972.

Filed in Office of Secretary of State February 17, 1972.

CHAPTER 16

[Senate Bill No. 6]

FIRE PROTECTION DISTRICTS--FINANCES

AN ACT Relating to fire protection districts; amending section 39, chapter 34, Laws of 1939 as last amended by section 2, chapter 221, Laws of 1959 and RCW 52.16.070.

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

Section 1. Section 39, chapter 34, Laws of 1939 as last amended by section 2, chapter 221, Laws of 1959 and RCW 52.16.070 are each amended to read as follows:

Except as authorized by virtue of the issuance and sale of district coupon warrants and general obligation bonds, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year, revenues derived from contracts, leases and fire protection services rendered to any other municipal corporation, person, firm or corporation, or state agency, grants, bequests, gifts or donations whether received from governmental or nongovernmental sources, and the cash balances on hand in the expense and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years ((for the same fund or funds)) , revenues, grants, bequests, gifts or donations.

Passed the Senate January 25, 1972.

Passed the House February 10, 1972.

Approved by the Governor February 18, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 17

[Engrossed Senate Bill No. 15]

EDUCATION--CHILDREN OF SOUTHEAST ASIA POW/MIA PERSONS,
FREE TUITION

AN ACT Relating to providing free tuition at certain institutions of education to children of Washington citizens determined to be prisoners of war or missing in action in Southeast Asia; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW a new section to read as follows:

Children of any Washington citizen who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to and attend any public vocational-technical school within the state without the necessity of paying tuition therefor: PROVIDED, HOWEVER, That such child shall meet such other educational qualifications as such vocational-technical school shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

Children of any Washington citizen who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to and attend any public institution of higher education within the state without the necessity of paying tuition therefor: PROVIDED, That such child shall meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstance. Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional

administrative personnel with documentation of their rights under this section.

NEW SECTION. Sec. 3. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That qualified applicants under sections 1 and 2 of this 1972 act shall be admitted to such institutions tuition-free commencing not later than the next succeeding quarter, semester or like educational period beginning after the effective date of this 1972 act.

Passed the Senate February 10, 1972.

Passed the House February 9, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 18
[Senate Bill No. 38]
COURT REPORTERS--COMPENSATION

AN ACT Relating to court reporter's salaries; amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 95, Laws of 1969 and RCW 2.32.210.

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

Section 1. Section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 95, Laws of 1969 and RCW 2.32.210 are each amended to read as follows:

Each official reporter shall be paid compensation as follows:

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;

(2) In ~~((all judicial districts having a total population of one hundred thousand or over; excluding class AA counties; eleven thousand dollars per annum; in the judicial district containing the state capitol; eleven thousand dollars per annum regardless of population))~~ judicial districts having a total population of forty thousand or more, excluding class AA counties, fourteen thousand dollars per annum;

(3) In judicial districts having a total population of ~~((forty thousand or more and less than one hundred thousand; ten thousand five))~~ twenty-five thousand and under forty thousand, eight thousand four hundred dollars per annum;

~~((4))~~ In judicial districts having a total population of

twenty-five thousand and under forty thousand; six thousand six hundred dollars per annum;))

Said compensation shall be paid out of the current expense fund of the county where court is held.

In judicial districts comprising more than one county the judge or judges thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expenses of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expense to be paid by the county to which he travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the county auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Passed the Senate February 1, 1972.

Passed the House February 11, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 19

[Engrossed Senate Bill No. 62]

PUBLIC EMPLOYEES--

PENSION PLANS--DEFERRED ANNUITIES

AN ACT Relating to public employees' benefits; and amending section 1, chapter 264, Laws of 1971 ex. sess. and RCW 41.04.250.

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

Section 1. Section 1, chapter 264, Laws of 1971 ex. sess. and RCW 41.04.250 are each amended to read as follows:

Any department, division, or separate agency of the state government, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401(a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to provide deferred annuities ((in lieu of a portion of salary or wages)) for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section ((401 (a), [403(b)])) 403(b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in accordance with the salary reduction agreement between the public entity and the employee.

Coverage of an employee under a qualified pension plan or contract for a deferred annuity under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW.

Passed the Senate January 26, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 20

[Engrossed Senate Bill No. 90]

CLERKS OF SUPERIOR COURTS--FEES, SCHEDULE, DISPOSITION

AN ACT Relating to fees of clerks of the superior courts; providing

for allocating portions thereof for judicial salaries; amending section 36.18.020, chapter 4, Laws of 1963, as last amended by section 1, chapter 32, Laws of 1970 ex. sess. and RCW 36.13.020; adding a new section to chapter 4, Laws of 1963 and to chapter 36.18 RCW; and establishing an effective date.

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

Section 1. Section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 32, Laws of 1970 ex. sess. 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 (~~twenty-five~~) thirty-two dollars.

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

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

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

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of 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 (~~of~~) of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

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

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

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

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

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

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

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

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

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, ~~((1970))~~ 1972, shall be completed and governed by the fee schedule in effect as of January 1, ~~((1970))~~ 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

NEW SECTION. Sec. 2. There is added to chapter 4, Laws of 1963 and to chapter 36.18 RCW a new section to read as follows:

An amount equal to seven dollars from each filing fee paid pursuant to subsections (1), (2), (11) and (12) of RCW 36.18.020, as now or hereafter amended, shall be allocated to the payment of the monthly salaries of the judges of the superior courts, the court of appeals and the supreme court in the following manner:

(1) Three dollars of each such amount shall be paid into the county treasury and allocated to payment of the salaries of judges of the superior courts in the county; and

(2) Four dollars of each such amount shall be collected by the county treasurer and shall be transmitted by him each month to the state treasurer for deposit in the state general fund to aid in the payment of salaries of the judges of the superior courts, the court of appeals and the supreme court.

NEW SECTION. Sec. 3. This act shall take effect July 1, 1972.

Passed the Senate February 2, 1972.
Passed the House February 12, 1972.
Approved by the Governor February 19, 1972.
Filed in Office of Secretary of State February 19, 1972.

CHAPTER 21
[Engrossed Senate Bill No. 109]
DIVORCE, ANNULLMENT--
DUTY OF PROSECUTING ATTORNEY

AN ACT Relating to domestic relations; and amending section 8, chapter 215, Laws of 1949 and RCW 26.08.080.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 8, chapter 215, Laws of 1949 and RCW 26.08.080 are each amended to read as follows:

((Each party to any divorce or annulment action shall serve the prosecuting attorney of the county in which the action is commenced with copies of the summons and complaint and such other papers as may be required by court rule at the time the same are filed in the county clerk's office.)) Upon a special written order of the court it shall be the duty of the prosecuting attorney to appear ((upon the trial of every default or noncontested)) in a divorce or annulment case((, and in such other divorce cases as the presiding judge may direct,)) as a party to said action and to advise the court, and to that end he shall have power to cause witnesses to be subpoenaed to testify at the trial, respecting any charges made in the complaint or answer or the performance or neglect of any duty by either, or upon any vital matter touching the status of the parties, and the witness fees of such witnesses called by the prosecuting attorney shall be charged to the county. The prosecuting attorney shall have the same right to appeal as other parties to the action. Neither the prosecuting attorney nor his deputy nor the law partner of either shall accept employment in any divorce case in his county or receive any fee or compensation from either party in any such divorce action.

Passed the Senate January 28, 1972.
Passed the House February 10, 1972.
Approved by the Governor February 19, 1972.
Filed in Office of Secretary of State February 19, 1972.

CHAPTER 22

[Engrossed Senate Bill No. 111]

MOTOR FREIGHT CARRIERS--
COMMERCIAL ZONES--TERMINAL AREAS

AN ACT Relating to motor freight carriers; and adding new sections to chapter 81.80 RCW.

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

NEW SECTION. Section 1. There is added to chapter 81.80 RCW a new section to read as follows:

When upon public hearing the commission has designated an area to constitute a commercial zone upon a finding that public convenience and necessity require such designation, any common carrier of general freight who in the usual and ordinary course of his business during the past twelve months immediately preceding such designation has served as an inter-city carrier of general freight between any two cities in such zone shall have the authority to serve as a common carrier of general freight between any points within the zone at rates prescribed by the commission: PROVIDED, HOWEVER, That any restrictions on his authority to transport general freight shall remain in full force and effect. Any person thereafter seeking to serve as a common carrier of general freight within the zone shall be subject to all the requirements of this chapter and the rules of the commission applicable to persons seeking new or extended permit authority. Commercial zone as used herein is declared to mean an area including one or more cities or towns and environs thereto, found by the commission to be commercially interdependent.

NEW SECTION. Sec. 2. There is added to chapter 81.80 RCW a new section to read as follows:

When, following public hearing, the commission has designated an area to constitute a terminal area upon a finding that the same is required by public convenience and necessity, any common carrier having general freight authority between a city or town within such area and a city or town without such area on the effective date of such designation may as part of inter-city service perform pickup and delivery any place in such area at rates prescribed by the commission. Terminal area is declared to mean an area including one or more cities or towns, and environs adjacent thereto, which is found by the commission to be commercially interdependent.

NEW SECTION. Sec. 3. 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 January 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 23
[Substitute Senate Bill No. 128]
HIGHER EDUCATION--PERSONNEL, CLAIMS AGAINST--
DEFENSES--INSURANCE

AN ACT Relating to higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The term "institution of higher education" whenever used in this 1972 act, shall be held and construed to mean any public institution of higher education in Washington. The term "educational board" whenever used in this 1972 act, shall be held and construed to mean the state board for community college education, council on higher education, and the commission on higher education.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

Whenever any action, claim or proceeding is instituted against any regent, trustee, officer, employee or agent of an institution of higher education or member of the governing body, officer, employee or agent of an educational board arising out of the performance or failure of performance of duties for, or employment with such institution or educational board, the board of regents or board of trustees of the institution or governing body of the educational board may grant a request by such person that the attorney general be authorized to defend said claim, suit or proceeding, and the costs of defense of such action shall be paid from the appropriation made for the support of the institution or educational board to which said person is attached. If a majority of the members of a board of regents or trustees or educational board is or would be personally

affected by such findings and determination, or is otherwise unable to reach any decision on the matter, the administrative board created by RCW 43.17.080, as now or hereafter amended, is authorized to grant a request. When a request for defense has been authorized, then any obligation for payment arising from such action, claim or proceedings shall be paid from the tort claims revolving fund, notwithstanding the nature of the claim, pursuant to the provisions of RCW 4.92.130 through 4.92.170, as now or hereafter amended: PROVIDED, That this section shall not apply unless the authorizing body has made a finding and determination by resolution that such regent, trustee, member of the educational board, officer, employee or agent was acting in good faith.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The board of regents and the board of trustees of each of the state's institutions of higher education and governing body of an educational board are authorized to purchase insurance to protect and hold personally harmless any regent, trustee, officer, employee or agent of their respective institution, any member of an educational board, its officers, employees or agents, from any action, claim or proceeding instituted against him arising out of the performance or failure of performance of duties for or employment with such institution or educational board and to hold him harmless from any expenses connected with the defense, settlement or monetary judgments from such actions.

NEW SECTION. Sec. 4. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate January 31, 1972.

Passed the House February 11, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 24

[Senate Bill No. 152]

WASHINGTON STATE FERRY SYSTEM

AN ACT Relating to the Washington state ferry system; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 85, Laws of 1970 ex. sess. and RCW 82.36.020; amending section 46.68.100, chapter 12, Laws of

1961 as last amended by section 4, chapter 85, Laws of 1970 ex. sess. and RCW 46.68.100; amending section 47.60.150, chapter 13, Laws of 1961 and RCW 47.60.150; amending section 47.60.290, chapter 13, Laws of 1961 and RCW 47.60.290; amending section 5, chapter 9, Laws of 1961 ex. sess. as amended by section 42, chapter 3, Laws of 1963 ex. sess. and RCW 47.60.440; adding new sections to chapter 47.60 RCW; repealing section 47.60.320, chapter 13, Laws of 1961 and RCW 47.60.320; declaring an emergency; and providing an effective date.

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

Section 1. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 85, Laws of 1970 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, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended: PROVIDED, That from ((April 7, 1970)) the effective date of this 1972 amendatory act through June 30, 1976, six and seven-eighths cents shall be distributed between the state, cities, ((and)) counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created

by RCW 47.26.080.

(4) One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350: PROVIDED, That from (~~April 1, 1976~~) the effective date of this 1972 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. 2. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 4, chapter 85, Laws of 1970 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~~) twenty-five hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from (~~April 1, 1976~~) the effective date of this 1972 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~~) forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state sums equal to thirty-two and (~~five-tenths~~) four hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from (~~April 1, 1976~~) the effective date of this 1972 amendatory act through June 30, 1976, to the counties of the state there shall be paid sums equal to (~~thirty-three and nine~~) thirty-two and sixty-one hundredths percent of the net tax amount to be paid monthly as the same accrues;

(3) To the state to be expended as provided by RCW 46.68.130, sums equal to (~~fifty-seven and one-tenth~~) fifty-six and twenty-eight hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from (~~April 1, 1976~~) the effective date of this 1972 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~~)

fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) To the Puget Sound ferry operations account in the motor vehicle fund sums equal to one and forty-three hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from the effective date of this 1972 amendatory act through June 30, 1976, there shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels.

NEW SECTION. Sec. 3. There is added to chapter 47.60 RCW a new section to read as follows:

There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for maintenance and operation of the Washington state ferries supplementing as required the revenues available from the Washington state ferry system.

NEW SECTION. Sec. 4. There is added to chapter 47.60 RCW a new section to read as follows:

(1) Whenever in any biennium there has been paid into the Puget Sound ferry operations account sums equal to the appropriations from the account for the biennium, all additional sums accruing to the account shall forthwith be transferred from the account and shall be expended by the state highway commission pursuant to proper appropriations for state highway purposes.

(2) One month after the end of each biennium any sums which were paid into the Puget Sound ferry operations account during the biennium just ended which remain unexpended shall be transferred from the account and shall be expended by the state highway commission pursuant to proper appropriation for state highway purposes.

Sec. 5. Section 47.60.150, chapter 13, Laws of 1961 and RCW 47.60.150 are each amended to read as follows:

Subject to the provisions of section 8 of this 1972 amendatory act, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the authority so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation, and all moneys in the Puget Sound reserve account available for debt service will yield annual revenue and income

sufficient, after allowance for all operating, maintenance and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and disbursed upon order of the authority: PROVIDED, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

Sec. 6. Section 47.60.290, chapter 13, Laws of 1961 and RCW 47.60.290 are each amended to read as follows:

Subject to the provisions of section 8 of this 1972 amendatory act, the Washington toll bridge authority is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

Sec. 7. Section 5, chapter 9, Laws of 1961 ex. sess. as amended by section 42, chapter 3, Laws of 1963 ex. sess. and RCW 47.60.440 are each amended to read as follows:

The Washington state ferry system shall be efficiently managed, operated and maintained as a revenue-producing undertaking. Subject to the provisions of section 8 of this 1972 amendatory act the authority shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge ((that)) which together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation and all moneys in the Puget Sound reserve account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470 and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and any other facility hereafter

constructed by the authority to facilitate the crossing of Puget Sound, but shall not include payments into the ferry improvement fund.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the authority but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

NEW SECTION. Sec. 8. There is added to chapter 47.60 RCW a new section to read as follows:

(1) So long as moneys in the Puget Sound ferry operations account in the motor vehicle fund are appropriated for maintenance and operation of the Washington state ferries, tolls for use of ferries shall be stabilized at current rates except as otherwise authorized in subsections (2) and (3) of this section.

(2) The Washington toll bridge authority may from time to time pursuant to periodic reviews of its ferry toll schedules, adjust tolls for different classes of users and uses including commutation rates and volume discounts to eliminate inequities, or respond to changing economic factors.

(3) Each year the authority shall review the February consumer price index of the United States department of labor for the city of Seattle, or if the index for Seattle has been discontinued, then for the nearest city to Seattle, to ascertain the amount of any increase or decrease in relation to the same index for the previous February, taking into consideration the provisions of section 3 of this 1972 amendatory act. Changes in tolls if any, shall be adjusted by such increase or decrease and shall be rounded to the nearest multiple of five cents. The adjusted tolls if any, shall become effective on May 1st of the same year.

NEW SECTION. Sec. 9. Section 47.60.320, chapter 13, Laws of 1961 and RCW 47.60.320 are each repealed.

NEW SECTION. Sec. 10. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1972.

Passed the Senate January 28, 1972.

Passed the House February 10, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 25

[Engrossed Senate Bill No. 189]

HIGHER EDUCATION REVENUE BONDS--SIGNATURES

AN ACT Relating to revenue bonds of institutions of higher education; amending section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 22, chapter 56, Laws of 1970 ex. sess. and RCW 28B.10.310; and amending section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 56, Laws of 1970 ex. sess. and RCW 28B.30.730; and declaring an emergency.

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

Section 1. Section 28B.10.310, chapter 223, Laws of 1969 ex. sess. as last amended by section 22, chapter 56, Laws of 1970 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 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 or the treasurer 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. 2. Section 28B.30.730, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 56, Laws of 1970 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 or the treasurer 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;
- (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 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.

NEW SECTION. Sec. 3. This 1972 act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 28, 1972.

Passed the House February 10, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 26
[Engrossed Senate Bill No. 35C]
SCHOOL DISTRICTS--BUDGETS--
APPORTIONMENT FACTORS

AN ACT Relating to budgets of school districts; amending section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 93, Laws of 1971 ex. sess. and RCW 28A.65.170; amending section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 93, Laws of 1971 ex. sess. and RCW 28A.65.080; amending section 28A.41.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.055; and declaring an emergency.

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

Section 1. Section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 93, Laws of 1971 ex. sess. and RCW 28A.65.170 are each amended to read as follows:

The budget as finally adopted shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the making of expenditures and the incurring of liabilities to the grand total of such appropriations. The board of directors shall make no expenditures nor incur any liability for any purpose not provided for in said budget, except for emergencies as hereinabove provided: PROVIDED, That no board of directors shall be prohibited from making expenditures for the payment of regular employees ((and)) and for the necessary repairs ((r)) and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.58.107 during the interim while the budget is being settled: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such regulations as may be imposed by the school district board of directors: PROVIDED FURTHER, That over-expenditures made in violation of this statute shall not be a liability of said district. Directors, officers or employees who knowingly or negligently violate or participate in a violation of this statute by the making of expenditures, incurring of liabilities, or issuing of warrants in excess of appropriations may be held civilly liable jointly and severally for all consequential damages, or not less than three hundred dollars as liquidated damages, for each such violation. If as a result of a civil or criminal action the violation is found to have been done knowingly, such director, officer or employee who is found to have participated in such breach shall immediately forfeit his office or employment and the judgment in such action shall so

provide. Nothing in this section shall be construed to limit the duty of the attorney general to recover from any director, officer, employee, or other person in a civil action under RCW 43.09.26C as now or hereafter amended.

Sec. 2. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 93, Laws of 1971 ex sess. and RCW 28A.65.080 are each amended to read as follows:

On the date given in said notice the board of directors shall meet at the time and place designated. Any taxpayer may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days.

Upon the conclusion of the hearing, the board of directors shall fix and determine each item or class of the budget separately and shall by resolution adopt the preliminary budget as so finally determined and enter the same in detail in the official minutes: PROVIDED, That the estimates for the expenditures depending directly upon the prospective September enrollment or appropriations yet to be made by the legislature for the support of the common schools shall be adopted tentatively subject to revision: PROVIDED FURTHER, That in all second and third class districts five copies of said preliminary budget shall be forwarded to the county or intermediate district superintendent within five days after the adoption of said preliminary budget for review, alteration, and approval by the preliminary budget review committee. Members of the preliminary budget review committee shall consist of the county or intermediate district superintendent of schools, a member of the local board of directors, a member of the county or intermediate district board of education, and a representative of the state superintendent of public instruction. The preliminary budget review committee shall fix and approve the amount of the preliminary budget on or before the thirtieth day of June. A copy of said preliminary budget shall within ten days after adoption by first class districts or approval by the preliminary budget review committee in second and third class districts be filed with the intermediate school district superintendent, the state superintendent of public instruction, and the county auditor ((-)): The preliminary budget as adopted and approved shall constitute the appropriations for the district for the ensuing fiscal year commencing July 1, and be in effect until final adoption of the budget.

Sec. 3. Section 28A.41.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.055 are each amended to read as follows:

State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PROVIDED, That the

superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments to the extent necessary; PROVIDED FURTHER, That as to those revenues used in determining the amount of state funds to be apportioned to school districts pursuant to RCW 28A.41.130, any apportionment factors shall utilize data and statistics derived in an annual period established pursuant to rules and regulations promulgated by the superintendent of public instruction in cooperation with the department of revenue.

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 1972 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, 1972.

Passed the House February 9, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 27

[Senate Bill No. 414]

SCHOOL DISTRICTS--EMPLOYEE BENEFITS

AN ACT Relating to school district employee benefits; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Notwithstanding any other provision of law, any school district shall have the authority to provide for all employees within an employment classification pension benefits or annuity benefits as may already be established and in effect by other employers of a similar classification of employees, and payment therefor may be made by making contributions to such pension plans or funds already established and in effect by the other employers and in which the school district is permitted to participate for such particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or

funds.

Notwithstanding provisions of RCW 41.40.120(4), the coverage under such private plan shall not exclude such employees from simultaneous coverage under the Washington public employees retirement system.

NEW SECTION. Sec. 2. This 1972 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 2, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 19, 1972.

CHAPTER 28

[Substitute House Bill No. 8]

PUBLIC WORKS--RESIDENT EMPLOYEES

AN ACT Relating to resident employees on public works; adding a new section to chapter 39.16 RCW; and repealing section 1, chapter 246, Laws of 1943 and RCW 39.16.C10.

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

NEW SECTION. Section 1. There is added to chapter 39.16 RCW a new section to read as follows:

In all contracts let by the state, or any department thereof, or any county, city or town for the erection, construction, alteration, demolition or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement, the contractor or subcontractor shall employ ninety-five percent or more bona fide Washington residents as employees where more than forty persons are employed, and ninety percent or more bona fide Washington residents as employees where forty or less persons are employed, except that any contractor or subcontractor may employ not more than five persons without regard to the residency requirements stated herein in the performance of any such contract: PROVIDED, That the state of the residence of the contractor or subcontractor provides reciprocal rights to Washington contractors or subcontractors. The contractor shall pay the standard prevailing wages for the specific type of construction as determined by the United States department of labor in the city or county where the work is being performed. The term "resident", as used in this chapter, shall mean any person who has been a bona fide resident of the state of Washington for a period of ninety days prior to such employment: PROVIDED, That in contracts

involving the expenditure of federal aid funds this chapter shall not be enforced in such manner to conflict with or be contrary to the federal statutes, rules and regulations prescribing a labor preference to honorably discharged soldiers, sailors and marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

NEW SECTION. Sec. 2. Section 1, chapter 246, Laws of 1943 and RCW 39.16.010 are each hereby repealed.

Passed the House February 11, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 29

[Engrossed House Bill No. 38]

MOTOR VEHICLE DRIVER'S LICENSES--PROCEDURE

AN ACT Relating to motor vehicles and operators' licenses; providing for a limitation on stays pending appeal in cases of physical or mental disability; amending section 36, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.329; amending section 37, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.332; amending section 38, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.333; and amending section 39, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.334.

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

Section 1. Section 36, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.329 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation during pendency of hearing and appeal; PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the

stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department. Such referee or hearing board may be authorized by the director to make final determinations regarding the issuance, denial, or suspension, or revocation of a license.

Sec. 2. Section 37, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.332 are each amended to read as follows:

At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension or revocation of licenses, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses.

Sec. 3. Section 38, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.333 are each amended to read as follows:

In all cases not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension, or revocation of licenses the director, ~~((upon))~~ or a person so authorized shall review ~~((of))~~ the records, evidence, and ~~((of))~~ the findings after a formal hearing, and shall render ~~((his))~~ a decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to grant, or renew a license or the order imposing terms or conditions of probation, or ~~((he))~~ may set aside the prior action of the department and may direct ~~((the))~~ that probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation.

Sec. 4. Section 39, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.334 are each amended to read as follows:

Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this chapter shall have the right within thirty days, after receiving

notice of the (~~director's~~) decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

Passed the House February 1, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 30
[House Bill No. 45]
PROPERTY TAXES--
EXEMPTIONS, SUGAR BEETS, UNPROCESSED TIMBER

AN ACT Relating to property taxes; amending section 84.36.160, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1971 ex. sess. and RCW 84.36.160; amending section 84.36.140, chapter 15, Laws of 1961 and RCW 84.36.140; and prescribing an effective date.

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

Section 1. Section 84.36.160, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1971 ex. sess. and RCW 84.36.160 are each amended to read as follows:

For the purposes of RCW 84.36.140, 84.36.150, 84.36.161 and 84.36.162:

The term "grains and flour" shall mean and include all raw whole grains in their usual marketable state; and grain flour in the hands of the first processor; but not any other grain product.

The term "fruit and fruit products" shall mean and include all raw edible fruits, berries and hops; and all processed products of fruits, berries or hops, suitable and designed for human consumption, while in the hands of the first processor.

The term "vegetables and vegetable products" shall mean and include all raw edible vegetables, such as peas, beans, beets, sugar beets, and other vegetables; and all processed products of vegetables, suitable and designed for human consumption, while in the hands of the first processor.

The term "fish and fish products" shall mean and include all fish and fish products suitable and designed for human consumption, excluding all others.

The term "processed" shall be construed to refer to canning, barreling, bottling, preserving, refining, freezing, packing, milling or any other method employed to keep any grain, fruit, vegetables or fish in edible condition or to put them into more suitable or

convenient form for consumption, storing, shipping or marketing.

Sec. 2. Section 84.36.140, chapter 15, Laws of 1961 and RCW 84.36.140 are each amended to read as follows:

All grains and flour, fruit and fruit products, unprocessed timber, vegetables and vegetable products, and fish and fish products, while being transported to or held in storage in a public or private warehouse or storage area shall be exempt from taxation if actually shipped to points outside the state on or before April 30th of the first year for which they would otherwise be taxable: PROVIDED, That proof of shipment be furnished as required in RCW 84.36.150: PROVIDED FURTHER, That the exemption provided for herein with respect to unprocessed timber shall be applicable only with respect to such timber if actually shipped to points outside the United States, its territories and possessions.

NEW SECTION. Sec. 3. This 1972 amendatory act shall take effect July 1, 1972.

Passed the House February 12, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 31

[House Bill No. 93]

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT

AN ACT Relating to the uniform reciprocal enforcement of support; and amending section 2, chapter 196, Laws of 1951 as amended by section 1, chapter 45, Laws of 1963 and RCW 26.21.010.

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

Section 1. Section 2, chapter 196, Laws of 1951 as amended by section 1, chapter 45, Laws of 1963 and RCW 26.21.010 are each amended to read as follows:

As used in this chapter unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law ((has been enacted) or procedure is in effect.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be

commenced.

(4) "Court" means the superior court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed and a state or political subdivision thereof.

(9) "Governor" includes any person performing the functions of governor or the executive authority of any territory covered by the provisions of this chapter.

(10) "Support order" means any judgment, decree or order of support whether temporary or final, whether subject to modification, revocation or remission regardless of the kind of action in which it is entered.

(11) "Rendering state" means any state in which a support order is originally entered.

(12) "Registering court" means any court of this state in which the support order of the rendering state is registered.

(13) "Register" means to file in the registry of foreign support orders as required by the court.

(14) "Certification" shall be in accordance with the laws of the certifying state.

Passed the House January 25, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 32

[Engrossed House Bill No. 133]

MUNICIPAL COURTS, CITIES OVER 500,000--
ADDITIONAL DEPARTMENTS--JUDGES PRO TEMPORE

AN ACT Relating to municipal courts; amending section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.100; amending section 35.20.200, chapter 7, Laws of 1965 and RCW 35.20.200; and declaring an emergency.

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

Section 1. Section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.100 are each amended to read as follows:

There shall be three departments of the municipal court, which shall be designated as Department Nos. 1, 2 and 3: PROVIDED, That when the administration of justice and the accomplishment of the work of the court make additional departments necessary, the legislative body of the city may create ((one)) additional ((department for each additional fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by RCW 43.62.030 as now or hereafter amended)) departments as they are needed. The departments shall be established in such places as may be provided by the legislative body of the city, and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one of their number to act as presiding judge of the municipal court for a term of one year, and he shall be responsible for administration of the court and assignment of calendars to all departments. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090, 3.20.100 and 3.20.110 in all civil and criminal proceedings. The city shall assume the costs of the elections of the municipal judges in accordance with the provisions of RCW 29.13.045.

Sec. 2. Section 35.20.200, chapter 7, Laws of 1965 and RCW 35.20.200 are each amended to read as follows:

The mayor shall, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in RCW 35.20.170, appoint judges pro tempore who shall act in the absence of the regular judges of the court or in addition to the regular judges when the administration of justice and the accomplishment of the work of the court make it necessary. The judges of the municipal court shall promulgate rules establishing general standards for the use of judges pro tempore. A copy of said rules shall be filed with the legislative authority of the city at the time of budget consideration. Such appointments shall be made from a list of attorneys in accordance herewith furnished by the judges of the municipal court, which list shall contain not less than five names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the same manner as they were appointed. While acting as judge of the court judges pro tempore shall have all of the powers of the regular judges. Before entering upon his duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges

pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. Such municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city.

NEW SECTION. Sec. 3. This 1972 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 27, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 33
[House Bill No. 150]
RULES OF THE ROAD

AN ACT Relating to highways and the operation of vehicles thereon; amending section 15, chapter 155, Laws of 1965 ex. sess. as last amended by section 46, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.100; amending section 20, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.125; amending section 21, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.130; and amending section 25, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.150.

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

Section 1. Section 15, chapter 155, Laws of 1965 ex. sess. as last amended by section 46, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.100 are each amended to read as follows:

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway (~~designated and signposted for~~) restricted to one-way traffic.

(2) Upon all roadways any vehicle proceeding slower than the legal maximum speed or at a speed slower than necessary for safe operation at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1) (b) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

Sec. 2. Section 20, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.125 are each amended to read as follows:

(1) No vehicle shall ~~((at any time))~~ be driven ~~((to))~~ on the left side of the roadway under the following conditions:

(a) When approaching ~~or upon~~ the crest of a grade or ~~((upon))~~ a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100 (1) (b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

Sec. 3. Section 21, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.130 are each amended to read as follows:

(1) The state highway commission and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones ~~((by means of a solid barrier paint line of contrasting color parallel, adjacent, and to the right of the painted barrier line of the traffic lane in which the vehicle is~~

operating-)) and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) above no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100 (1) (b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

Sec. 4. Section 25, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.150 are each amended to read as follows:

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by ((two parallel yellow barrier stripes four inches or more apart)) a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or ((yellow barrier stripes)) median island, except through an opening in such physical barrier or dividing section or space or ((yellow barrier stripes)) median island, or at a crossover or intersection ((as)) established ((unless specifically prohibited)) by public authority.

Passed the House January 27, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 34

[Engrossed House Bill No. 155]

EMINENT DOMAIN--

RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICY--
DEFINITIONS

AN ACT Relating to relocation assistance and real property acquisition policy; amending section 2, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.020; and declaring an emergency.

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

Section 1. Section 2, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.020 are each amended to read as follows:

As used in this chapter--

(1) The term "state" means any department, commission, agency, or instrumentality of the state of Washington.

(2) The term "local public body" as used in this chapter applies to any county, city or town, or other municipal corporation or political subdivision of the state or any instrumentality of any of the foregoing but only with respect to any program or project the cost of which is financed in whole or in part by a federal agency. Notwithstanding the limitations of this subsection, the governing body of any county, city or town, or other municipal corporation or political subdivision of the state or any instrumentality of any of the foregoing may elect to comply with all the provisions of this chapter in connection with programs and projects not receiving federal assistance.

(3) The term "person" means any individual, partnership, corporation, or association.

(4) The term "displaced person" means any person who, on or after July 1, 1971, moves from real property lawfully occupied by him, or moves his personal property from real property on which it was lawfully located, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by the state, or a local public body. Solely for the purposes of subsections (1) and (2) of RCW 8.26.040 and RCW 8.26.070, the term "displaced person" includes any person who, on or after July 1, 1971, moves from real property or moves his personal property from real property, as a result of the acquisition of, or the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for a program or project undertaken by the state or a local public body.

(5) The term "business" means any lawful activity, excepting a farm operation, conducted primarily--

(a) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or other personal property;

(b) for the sale of services to the public;

(c) by a nonprofit organization; or

(d) solely for the purposes of subsection (1) of RCW 8.26.040, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by means of an outdoor advertising display or displays, otherwise lawfully erected and maintained, whether or not such display or

displays are located on the premises on which any of the above activities are conducted.

(6) The term "farm operations" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or for home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(7) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby. The term "mortgage" shall ~~((not))~~ include real estate contracts.

NEW SECTION. Sec. 2. The amendatory language contained in section 1 of this 1972 amendatory act shall apply only to persons displaced after the effective date of this 1972 amendatory act.

NEW SECTION. Sec. 3. This 1972 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 25, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 35

[House Bill No. 160]

UNEMPLOYMENT COMPENSATION--PUBLIC PORT DISTRICTS

AN ACT Relating to unemployment compensation; amending section 104, chapter 35, Laws of 1945 as last amended by section 14, chapter 3, Laws of 1971 and RCW 50.24.160; and amending section 20, chapter 3, Laws of 1971 and RCW 50.44.030; and declaring an emergency.

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

Section 1. Section 104, chapter 35, Laws of 1945 as last amended by section 14, chapter 3, Laws of 1971 and RCW 50.24.160 are each amended to read as follows:

Any employing unit for which services that do not constitute employment as defined in this title are performed may file with the commissioner a written election that all such services performed by any distinct class or group of individuals or by all individuals in its employ in one or more distinct establishments or places of

business shall be deemed to constitute employment for all the purposes of this title for not less than two calendar years. Upon the written approval of such election by the commissioner, such services shall be deemed to constitute employment subject to this title from and after the date stated in such approval: PROVIDED, HOWEVER, That any political subdivision of this state or any instrumentality of a political subdivision may elect coverage in accordance with the provisions of RCW 50.44.030 as a matter of right. Services covered pursuant to this section shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years, only if the employing unit files with the commissioner prior to the fifteenth day of January of such year a written application for termination of coverage: PROVIDED, FURTHER, That the provisions of RCW 50.44.200 to the contrary notwithstanding, public port districts may elect to cover the services of all or any distinct class or group of individuals in its employ on a contribution basis; such election shall preclude said port districts from covering contemporaneous services of any other class or group of employees under the provisions of RCW 50.44.030.

Sec. 2. Section 20, chapter 3, Laws of 1971 and RCW 50.44.030 are each amended to read as follows:

Any political subdivision of this state or any instrumentality of a political subdivision may elect to cover the services of all or any distinct class or group of individuals in its employ: PROVIDED, HOWEVER, That public utility districts and public power authorities may not elect coverage under this section: PROVIDED, FURTHER, That any political subdivision of this state or any instrumentality of a political subdivision which elects to cover the services of any employees in an institution of higher education or hospital operated by said political subdivision or instrumentality shall cover the services of all employees in all institutions of higher education and all hospitals operated by said political subdivision or instrumentality.

For the purposes of this chapter the term "hospital" means any institution primarily engaged in the treatment of emotional or physical disability which provides, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel and those components, of other institutions, which are primarily engaged in the treatment of emotional or physical disability and which provide, on a regular basis, twenty-four hour per day bed care under the supervision of licensed medical personnel.

For the purposes of this chapter, the term "institution of higher education" means an educational institution in this state which

(1) Admits as regular students only individuals having a

certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized within this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution;

(5) Notwithstanding any of the foregoing subsections, all colleges and universities in this state are "institutions of higher education".

Services covered by the election performed subsequent to the date of such election shall be deemed services in employment unless such services are excluded from the term "employment" by RCW 50.44.040.

Any political subdivision or instrumentality electing coverage under this section shall make payments in lieu of contributions with respect to benefits attributable to such employment as provided with respect to nonprofit organizations in subsections (2) and (3) of RCW 50.44.060.

An election under the provisions of this section shall be for no less than two calendar years. A political subdivision or instrumentality of a political subdivision desiring to terminate coverage may do so by filing a written application for termination of coverage no later than the December fifteenth preceding the calendar year with respect to which such termination is to be effective. Termination of coverage will not relieve the political subdivision or instrumentality of a political subdivision of the obligation to reimburse the unemployment compensation fund for all benefits paid attributable to service performed during the covered period in the employ of such political subdivision or instrumentality of a political subdivision.

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

Passed the House February 11, 1972.

Passed the Senate February 10, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 36

[Engrossed House Bill No. 164]

WESTERN REGIONAL SHORT-HAUL AIR TRANSPORTATION COMPACT

AN ACT Relating to air transportation; adopting an interstate compact relating to short haul air transportation among certain western states; and adding a new chapter to Title 81 RCW.

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

NEW SECTION. Section 1. This 1972 act shall constitute a new chapter in Title 81 RCW to read as set forth in sections 2, 3 and 4.

NEW SECTION. Sec. 2. The western regional short haul air transportation compact proposed for adoption by the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, is hereby ratified and approved and the adherence of this state to the provisions of this compact, upon its ratification and approval by at least six of the other twelve states, is hereby declared.

NEW SECTION. Sec. 3. The terms and provisions of the compact referred to in section 1 of this 1972 act are as follows:

WESTERN REGIONAL SHORT-HAUL AIR
TRANSPORTATION COMPACT

Article I

PURPOSE

The party states recognize that short-haul air transportation is essential to a balanced and efficient transportation system in the West, meeting special needs created by particular geographic and population patterns in both rural and urban areas. They further recognize that it is not economically feasible for the commercial airlines to provide a full complement of short-haul air services or to explore fully the capabilities and limitations of the various types and locations of such services. They also recognize that careful planning, experimentation, and testing are needed before appropriate short-haul air transportation can be developed for all the situations in which it would be beneficial to the economy and general welfare of the western states. To meet this need, the party states agree that a regional compact should be established for the purpose of organizing and conducting a series of demonstration programs to test the feasibility of new short-haul air transportation concepts in the West.

Article II

REGIONAL COMMISSION

A. There is hereby established an agency of the party states to be known as the Western Regional Short-Haul Air Transportation Commission (hereinafter called the "Commission").

B. The Commission shall be composed of one member from each

party state and one federal member, if authorized by federal law, who shall be the Secretary of Transportation or his designee. Each state member shall be appointed, suspended, or removed and shall serve subject to and in accordance with the laws of the state which he represents.

C. The state members shall each be entitled to one vote on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of all members representing the party states are present, and unless a majority of the total number of votes on the Commission are cast in favor thereof. The federal member shall not be entitled to a vote on the Commission unless authorized by a majority vote of the state members. The state members may provide that decisions of the Commission shall require the affirmative vote of the federal member and of a majority of the state members, if such provision is necessary in order to meet the requirements of federal law. In matters coming before the Commission, the state members shall, to the extent practicable, consult with representatives of appropriate local subdivisions within their respective states and the federal member, if any, shall consult with the federal departments and agencies having an interest in the subject matter.

D. The state members of the Commission shall elect annually, from among their number, a chairman and a vice chairman. The state members may provide that the chairman so elected shall be designated as the state cochairman and the federal member shall be designated as the federal cochairman, if such provision is necessary in order to meet the requirements of federal law.

E. Each state member shall have an alternate appointed in accordance with the laws of the state which he represents. The federal member, if any, shall have an alternate appointed in accordance with federal law. An alternate shall be entitled to vote in the event of the absence, death, disability, removal, or resignation of the state or federal member for whom he is an alternate.

Article III

FUNCTIONS OF THE COMMISSION

A. It shall be the primary function of the Commission to authorize and effect a series of demonstration programs to test the feasibility of new short-haul air transportation concepts in the West. To carry out this function, the Commission shall have power to:

- (1) Establish basic regional demonstration policy and coordinate with federal policy makers where appropriate;
- (2) Create a management plan and implement programs

- through a suitable staff;
- (3) Designate demonstration arenas and facilities;
 - (4) Select demonstration operators;
 - (5) Establish a funding plan for the demonstration programs selected; and
 - (6) Establish means of monitoring and evaluating the demonstration programs.

Article IV

ADMINISTRATIVE POWERS AND DUTIES
OF THE COMMISSION

A. The Commission shall adopt bylaws, rules, and regulations for the conduct of its business and the performance of its functions, and shall have the power to amend and rescind such bylaws, rules, and regulations. The Commission shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

B. The Commission may accept, use, and dispose of gifts or donations of services or property, real, personal, or mixed, tangible or intangible, for any of its purposes and functions under this compact.

C. The Commission may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in carrying out its functions and on such terms as it may deem appropriate, with any department, agency, or instrumentality of the United States or with any state, or any political subdivision, agency, or instrumentality thereof, or with any person, firm, association, or corporation.

D. In order to obtain information needed to carry out its duties, the Commission may hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable. The chairman of the Commission, or any member designated by the Commission for the purpose, shall have authority to administer oaths when it is determined by the Commission that testimony shall be taken or evidence received under oath.

E. The Commission may arrange for the head of any federal, state, or local department or agency to furnish to the Commission such information as may be available to or procurable by such department or agency, relating to the duties and functions of the Commission.

F. The Commission annually shall make to the Governor of each party state, a report covering the activities of the Commission for

the preceding year, and embodying such recommendations as may have been adopted by the Commission, which report shall be transmitted to the legislature of said state. The Commission may issue such additional reports as it may deem desirable.

Article V

FINANCES

A. The members of the Commission shall serve without compensation from the Commission, but the compensation and expenses of each state member in attending Commission meetings may be paid by the state he represents in accordance with the laws of that state. All other expenses incurred by the Commission shall be paid by the Commission.

B. The Commission shall submit periodically to the executive head or designated officer of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof. Each such budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The share to be paid by each party state shall be determined by a majority vote of the state members of the Commission. The federal member, if any, shall not participate or vote in such determination. The costs shall be allocated equitably among the party states in accordance with their respective interests.

C. The Commission may meet any of its obligations in whole or in part with funds available to it from the federal government or other sources under Article IV (B) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Commission makes use of funds available to it under Article IV (B) of this compact, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

Article VI

PERSONNEL

A. The Commission may appoint and fix the compensation of an Executive Director, who shall be responsible for the day-to-day management of the operations conducted by the Commission. The Executive Director shall act as secretary-treasurer for the Commission and he, together with such other personnel as the Commission may direct, shall be bonded in such amounts as the Commission may require.

B. The Executive Director shall, with the approval of the Commission, appoint and remove or discharge such technical, clerical or other personnel on a regular, part-time, or consulting basis as may be necessary for the performance of the Commission's functions.

C. Officers and employees of the Commission shall be eligible for social security coverage in respect to old age and survivors' insurance provided the Commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford the officers and employees of the Commission terms and conditions of employment similar to those enjoyed by employees of the party states generally. The Commission shall not be bound by any statute or regulation of any party state in the employment or discharge of any officer or employee.

Article VII

RECORDS AND AUDIT

A. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

B. The audit authorities of each of the party states and of the appropriate federal departments and agencies, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Commission that are pertinent.

C. The Commission shall keep books and records in compliance with federal requirements and standards where necessary to qualify for federal assistance, including records which fully disclose the amount and disposition of the proceeds of federal assistance the Commission has received, the total cost of the plan, program, or project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the plan, program, or project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Article VIII

ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

A. Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

B. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law;

provided, that it shall not become initially effective until enacted into law by 7 states.

C. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX

CONSTRUCTION AND SEVERABILITY

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate its purposes. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

NEW SECTION. Sec. 4. The director of aeronautics or his designee is hereby authorized to serve as the Washington state member to the western regional short-haul air transportation compact and to execute said compact on behalf of this state with any other state or states legally joining therein.

NEW SECTION. Sec. 5. For purposes of this act there is hereby appropriated to the state aeronautics commission from the aeronautics account of the general fund the sum of twelve thousand dollars for the period June 30, 1973.

Passed the House February 2, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 37

[Engrossed House Bill No. 199]

FIREMEN AND POLICEMEN--RESIDENCY REQUIREMENTS

AN ACT Relating to civil service for certain municipal employees; eliminating residency requirements for firemen and policemen;

amending section 7, chapter 31, Laws of 1935 as amended by section 1, chapter 95, Laws of 1963 and RCW 41.08.070; amending section 7, chapter 13, Laws of 1937 as amended by section 2, chapter 95, Laws of 1963 and RCW 41.12.070; adding new sections to chapter 41.08 RCW; adding a new section to chapter 41.12 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 41.08 RCW a new section to read as follows:

It is the purpose of this 1972 amendatory act to increase the availability of qualified applicants for employment in positions of public safety in municipal government; namely, firemen and policemen; and to eliminate present inequities that result from the application of residency requirements under existing statutes pertaining to such employment.

Sec. 2. Section 7, chapter 31, Laws of 1935 as amended by section 1, chapter 95, Laws of 1963 and RCW 41.08.070 are each amended to read as follows:

An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language. ((The commission may prescribe residence requirements for anyone appointed under this chapter.))

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

Sec. 3. Section 7, chapter 13, Laws of 1937 as amended by section 2, chapter 95, Laws of 1963 and RCW 41.12.070 are each amended to read as follows:

An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language. ((The commission may prescribe residence requirements for anyone appointed under this chapter.))

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

NEW SECTION. Sec. 4. There is added to chapter 41.08 RCW a new section to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.08.010 to reside within the

limits of such municipal corporation as a condition of employment, or to discriminate in any manner against any such person because of his residence outside of the limits of such city, town, or municipality.

NEW SECTION. Sec. 5. There is added to chapter 41.12 RCW a new section to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010 to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person because of his residence outside of the limits of such city, town, or municipality.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 29, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 38
[Engrossed House Bill No. 223]
HITCHHIKING

AN ACT Relating to pedestrians; and amending section 38, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.255.

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

Section 1. Section 38, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.255 are each amended to read as follows:

(1) No person shall (~~solicit~~ by word or sign or by any other means) stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another ((a ride)) from the occupant of any vehicle.

(2) It shall be unlawful for ~~(the driver of a vehicle to offer or give a ride to any person soliciting a ride upon or along a public highway)~~ any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not

be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6) It is the intent of the legislature that this section preempt the field of the regulation of hitchhiking in any form, and no county, city, town, municipality, or political subdivision thereof shall take any action in conflict with the provisions of this section.

Passed the House January 29, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 39

[Engrossed House Bill No. 234]

SCHOOL DISTRICTS--

CERTIFICATED EMPLOYEES, PAYROLL DEDUCTIONS

AN ACT Relating to payroll deductions for certificated employees of school districts; creating a new section; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

In addition to other deductions permitted by law, any person authorized to disburse funds in payment of salaries or wages of certificated employees of school districts, upon written request of at least ten percent (10%) of the certificated employees shall make deductions as they authorize, subject to the limitations of district equipment or personnel. Any person authorized to disburse funds shall not be required to make other deductions for certificated employees if fewer than ten percent (10%) of the certificated employees make the request for the same payee. Moneys so deducted shall be paid or applied monthly by the school district for the

purposes specified by the employee. The employer may not derive any financial benefit from such deductions.

NEW SECTION. Sec. 2. Nothing in section 1 of this 1972 act shall be construed to annul or modify any lawful agreement heretofore entered into between any school district and any representative of its employees or other existing lawful agreements and obligations in effect on the effective date of this 1972 act.

Passed the House February 11, 1972.

Passed the Senate February 9, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 40

[Engrossed House Bill No. 243]

INDUSTRIAL INSURANCE--APPLICATION TO CORRECTIONAL INMATES

AN ACT Relating to corrections; providing for industrial insurance for certain inmates; amending section 72.60.100, chapter 28, Laws of 1959 and RCW 72.60.100; adding a new section to chapter 72.60 RCW; adding a new section to chapter 72.64 RCW; and providing an effective date.

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

Section 1. Section 72.60.100, chapter 28, Laws of 1959 and RCW 72.60.100 are each amended to read as follows:

Nothing in this chapter is intended to restore, in whole or in part, the civil rights of any inmate. No inmate compensated under this chapter shall be considered as an employee or to be employed by the state or the department, nor shall any such inmate, except those provided for in sections 2 and 3 of this 1972 amendatory act, come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder whether on behalf of himself or of any other person. All moneys paid to inmates shall be considered a gratuity.

NEW SECTION. Sec. 2. There is added to chapter 72.60 RCW a new section to read as follows:

From and after the effective date of this 1972 amendatory act, any inmate employed in an industrial enterprise pursuant to the provisions of chapter 72.60 RCW, shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided.

No inmate as herein described, until released upon an order of parole by the state board of prison terms and paroles, or discharged from custody upon expiration of sentence, or discharged from custody

by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted, or to the benefits of chapter 51.36 RCW relating to medical aid.

Any and all premiums or assessments as may arise hereunder pursuant to the provisions of Title 51 RCW shall be the obligation of and be paid from the institutional industries revolving fund.

NEW SECTION. Sec. 3. There is added to chapter 72.64 RCW a new section to read as follows:

From and after the effective date of this 1972 amendatory act, any inmate working in a department of natural resources adult honor camp established and operated pursuant to RCW 72.64.050, 72.64.060, and 72.64.100 shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided.

No inmate as herein described, until released upon an order of parole by the state board of prison terms and paroles, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted, or to the benefits of chapter 51.36 RCW relating to medical aid.

Any and all premiums or assessments as may arise under this section pursuant to the provisions of Title 51 RCW shall be the obligation of and be paid by the state department of natural resources.

NEW SECTION. Sec. 4. This act shall be effective July 1, 1973.

Passed the House February 2, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 41

[House Bill No. 254]

PUBLIC UTILITY DISTRICTS--

PURCHASES, CONTRACTS, BID PROCEDURE

AN ACT Relating to public utility districts; and amending section 3, chapter 124, Laws of 1955 as amended by section 3, chapter 220, Laws of 1971 ex. sess. and RCW 54.04.080.

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

Section 1. Section 3, chapter 124, Laws of 1955 as amended by section 3, chapter 220, Laws of 1971 ex. sess. and RCW 54.04.080 are each amended to read as follows:

(The) Any notice inviting sealed bids shall state generally the work to be done, or the material to be purchased and shall call for proposals for furnishing it, to be sealed and filed with the commission on or before the time named therein. Each bid shall be accompanied by a certified or cashier's check, payable to the order of the commission, for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond unless he enters into a contract in accordance with his bid and furnishes the performance bond herein mentioned within ten days from the date on which he is notified that he is the successful bidder. At the time and place named, the bids shall be publicly opened and read, and the commission shall canvass the bids, and may let the contract to the lowest responsible bidder upon the plans and specifications on file, or to the best bidder submitting his own plans or specifications; or if the contract to be let is to construct or improve electrical facilities, the contract may be let to the lowest bidder prequalified according to the provisions of RCW 54.04.085 upon the plans and specifications on file, or to the best (~~prequalified~~) bidder submitting his own plans and specifications: PROVIDED, That no contract shall be let for more than fifteen percent in excess of the estimated cost of the materials or work. The commission may reject all bids and readvertise, and in such case all checks shall be returned to the bidders. The commission may procure materials in the open market, have its own personnel perform the work or negotiate a contract for such work to be performed by others, in lieu of readvertising, if it receives no bid. If the contract is let, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract is entered into and a bond to perform the work furnished, with sureties satisfactory to the commission, in an amount to be fixed by the commission, not less than twenty-five percent of the contract price, in accordance with the bid. If the bidder fails to enter into the contract and furnish the bond within ten days from the date at which he is notified that he is the successful bidder, his check and the amount thereof shall be forfeited to the district.

The commission shall, by resolution, define the term "same kind of materials, equipment, and supplies" with respect to purchase of items under the provisions of RCW 54.04.070.

The term "construction or improvement of any electrical facility" as used in this section and in RCW 54.04.085, shall mean the construction, the moving, maintenance, modification, or enlargement of facilities primarily used or to be used for the transmission or distribution of electricity at voltages above seven hundred fifty volts, including structures directly supporting transmission or distribution conductors but not including site preparation, housing, or protective fencing associated with but not included in a contract for such construction, moving, modification, maintenance, or enlargement of such facilities.

The commission shall be the final authority with regard to whether a bid is responsive to the call for bids and as to whether a bidder is a responsible bidder under the conditions of his bid. No award of contract shall be invalidated solely because of the failure of any prospective bidder to receive an invitation to bid.

Passed the House February 2, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 42

[House Bill No. 266]

SAVINGS AND LOAN ASSOCIATIONS--

LOANS FOR TRAINING OR EDUCATION EXPENSES

AN ACT Relating to savings and loan associations; and amending section 15, chapter 107, Laws of 1969 and RCW 33.24.290.

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

Section 1. Section 15, chapter 107, Laws of 1969 and RCW 33.24.290 are each amended to read as follows:

An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit (all of which are hereinafter referred to in this section as "loans") for the payment of expenses of vocational training, college or university education: PROVIDED, That ((no association shall have loans under this section, exclusive of any loan which is or which at the time of its making was otherwise authorized, aggregating at any one time more than five percent of its total assets.)) an association making a loan under this section may require a comaker or comakers, insurance, guaranty under a government student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full time student solely

for the payment of expenses of vocational training, college or university education. For the purpose of this section the term "college or university education" means education at an institution which provides an education program for which it awards a doctoral, master's or a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit towards such a degree. Any person under the age of twenty-one years securing an educational loan under this section or an educational loan made by a federal association shall be deemed to have full legal capacity to contract and shall have all the rights, powers, privileges and obligations of a person of full age with respect thereto.

Passed the House January 27, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 43

[Engrossed House Bill No. 277]

INDUSTRIAL INSURANCE

AN ACT Relating to industrial insurance; amending section 51.04.010, chapter 23, Laws of 1961 and RCW 51.04.010; amending section 51.04.080, chapter 23, Laws of 1961 and RCW 51.04.080; amending section 67, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.110; amending section 51.08.015, chapter 23, Laws of 1961 and RCW 51.08.015; amending section 88, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.175; amending section 51.12.010, chapter 23, Laws of 1961 as amended by section 2, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.010; amending section 51.12.020, chapter 23, Laws of 1961 as amended by section 3, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.020; amending section 51.12.050, chapter 23, Laws of 1961 and RCW 51.12.050; amending section 51.12.080, chapter 23, Laws of 1961 and RCW 51.12.080; amending section 51.12.090, chapter 23, Laws of 1961 and RCW 51.12.090; amending section 51.12.100, chapter 23, Laws of 1961 and RCW 51.12.100; amending section 82, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.120; amending section 27, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.020; amending section 51.16.120, chapter 23, Laws of 1961 and RCW 51.16.120; amending section 51.16.130, chapter 23, Laws of 1961 and RCW 51.16.130; amending section 51.16.150, chapter 23, Laws of 1961 and RCW 51.16.150; amending section 51.28.030, chapter

23, Laws of 1961 as amended by section 6, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.030; amending section 51.32.040, chapter 23, Laws of 1961 as last amended by section 43, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.040; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 7, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 8, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.060; amending section 17, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.073; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 10, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 11, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.090; amending section 12, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.095; amending section 47, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.190; amending section 51.44.040, chapter 23, Laws of 1961 and RCW 51.44.040; amending section 51.44.060, chapter 23, Laws of 1961 and RCW 51.44.060; amending section 51.44.080, chapter 23, Laws of 1961 as amended by section 57, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.080; amending section 58, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.140; amending section 51.44.090, chapter 23, Laws of 1961 and RCW 51.44.090; amending section 51.52.110, chapter 23, Laws of 1961 as last amended by section 24, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.110; adding a new section to chapter 23, Laws of 1961 and to chapter 51.08 RCW; adding new sections to chapter 23, Laws of 1961 and to chapter 51.48 RCW; repealing section 51.08.080, chapter 23, Laws of 1961 and RCW 51.08.080; repealing section 51.08.090, chapter 23, Laws of 1961 and RCW 51.08.090; repealing section 51.08.120, chapter 23, Laws of 1961 and RCW 51.08.120; repealing section 51.08.130, chapter 23, Laws of 1961 and RCW 51.08.130; repealing section 51.08.170, chapter 23, Laws of 1961 and RCW 51.08.170; repealing section 51.08.190, chapter 23, Laws of 1961 and RCW 51.08.190; repealing section 51.12.030, chapter 23, Laws of 1961 and RCW 51.12.030; repealing section 51.12.040, chapter 23, Laws of 1961 and RCW 51.12.040; repealing sections 51.20.005 through 51.20.600, chapter 23, Laws of 1961 and RCW 51.20.005 through 51.20.600; and prescribing penalties.

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

Section 1. Section 51.04.010, chapter 23, Laws of 1961 and RCW 51.04.010 are each amended to read as follows:

The common law system governing the remedy of workmen against employers for injuries received in ((hazardous work)) employment is inconsistent with modern industrial conditions. In practice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the workman and that little only at large expense to the public. The remedy of the workman has been uncertain, slow and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the state depends upon its industries, and even more upon the welfare of its wage worker. The state of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for workmen, injured in ((extrahazardous)) their work, and their families and dependents is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this title; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the state over such causes are hereby abolished, except as in this title provided.

Sec. 2. Section 51.04.080, chapter 23, Laws of 1961 and RCW 51.04.080 are each amended to read as follows:

On all claims under this title, ((the division of industrial insurance shall not forward)) claimants' written notices, orders, ((and)) or warrants shall not be forwarded to, or in care of, any representative of the claimant, but shall ((forward such notices, orders and warrants)) be forwarded directly to the claimant until such time as ((the supervisor of industrial insurance shall have)) there has been entered an order on the claim appealable to the board of industrial insurance appeals.

Sec. 3. Section 51.08.015, chapter 23, Laws of 1961 and RCW 51.08.015 are each amended to read as follows:

Wherever and whenever in any of the provisions of this title relating to any payments by an employer or workman the words "amount" and/or "amounts," "payment" and/or "payments," "premium" and/or "premiums," "contribution" and/or "contributions" and "assessment" and/or "assessments" appear said words shall be construed to mean taxes, which are the money payments by an employer or workman which are required by this title to be made to the state treasury for the accident fund ((and for)) the medical aid fund, the supplemental pension fund, or any other fund created by this title.

NEW SECTION. Sec. 4. There is added to chapter 23, Laws of 1961 and to chapter 51.08 RCW a new section to read as follows:

"Employee" shall have the same meaning as "workman" when the context would so indicate, and shall include all officers of the

state, state agencies, counties, municipal corporations, or other public corporations, or political subdivisions.

Sec. 5. Section 88, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.175 are each amended to read as follows:

Whenever the term "state fund" is used in the provisions of this 1971 amendatory act, it shall mean those funds held by the state or any agency thereof for the purposes of this title. The director shall manage the state fund and shall have such powers as are necessary to carry out its functions and may reinsure any risk insured by the state fund.

Sec. 6. Section 51.12.010, chapter 23, Laws of 1961 as amended by section 2, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.010 are each amended to read as follows:

There is a hazard in all employment and it is the purpose of this title to embrace all employments which are within the legislative jurisdiction of the state ((within the term "extrahazardous" wherever used in this title)).

This title shall be liberally construed for the purpose of reducing to a minimum the suffering and economic loss arising from injuries and/or death occurring in the course of employment.

Sec. 7. Section 51.12.020, chapter 23, Laws of 1961 as amended by section 3, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be ((deemed extrahazardous and thus not)) included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

(6) Any employee , not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid ((or payable)) by ((the)) or due from any one employer in ((any)) that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage

of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

Sec. 8. Section 51.12.050, chapter 23, Laws of 1961 and RCW 51.12.050 are each amended to read as follows:

Whenever the state, county, any municipal corporation, or other taxing district shall engage in any ((~~extrahazardous~~)) work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be entitled to the benefits of this title and shall not be included in the payroll of the municipality under this title: PROVIDED, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received ((~~from the department~~)) under this title such employee shall be entitled to the benefits of this title and may be included in the payroll of the municipality.

Sec. 9. Section 51.12.080, chapter 23, Laws of 1961 and RCW 51.12.080 are each amended to read as follows:

Inasmuch as it has proved impossible in the case of employees of common carriers by railroad, engaged in maintenance and operation of railroads doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employees with interstate or foreign commerce from their connection with intrastate commerce, and such employees have, in fact, received no compensation under this title, the provisions of this title shall not apply to work performed by such employees in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employees of such common carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the

operation of this title railroad construction work, or the employees engaged thereon: PROVIDED, That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the death of such employee, to his surviving wife and child, or children, and if no surviving wife or child or children, then to the parents, sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employees injured while engaged in interstate commerce: PROVIDED FURTHER, That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries (including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this title or bring under the foregoing proviso of this section any ((extrahazardous)) work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: PROVIDED FURTHER, That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employees in performing ((extrahazardous)) work for a common carrier by railroad, from the duty of complying with the terms of this title, nor as depriving any employee of such independent contractor of the benefits of this title.

Sec. 10. Section 51.12.090, chapter 23, Laws of 1961 and RCW 51.12.090 are each amended to read as follows:

The provisions of this title shall apply to employers and workmen (other than railways and their workmen) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workmen may and shall be clearly separable and distinguishable from the payroll of workmen engaged in interstate or foreign commerce: PROVIDED, That as to workmen whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: PROVIDED FURTHER, That nothing in this title shall be construed to exclude goods or materials and/or workmen brought into this state for the

purpose of engaging in ((extrahazardous)) work.

Sec. 11. Section 51.12.100, chapter 23, Laws of 1961 and RCW 51.12.100 are each amended to read as follows:

The provisions of this title shall apply to all employers and workmen, except a master or member of a crew of any vessel, engaged in maritime occupations for whom no right or obligation exists under the maritime laws for personal injuries or death of such workmen.

If an accurate segregation of payrolls ((covering any class or classes)) of workmen engaged in maritime occupations and working part time on shore and part time off shore cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the appropriate *[approximate] segregation of the payrolls ((of such class or classes)) of employees to cover the shore part of their work, and the employer, if not a self-insurer, shall pay ((to the accident fund)) premiums on that basis for the time such workmen are engaged in their work.

Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workmen, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

Sec. 12. Section 82, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.120 are each amended to read as follows:

(1) If a workman, while working outside the territorial limits of this state, suffers an injury on account of which he, or his beneficiaries, would have been entitled to compensation under this title had such injury occurred within this state, such workman, or his beneficiaries, shall be entitled to compensation under this title: PROVIDED, That if ((fat-)) at the time of such injury:

(a) His employment is principally localized in this state; or
(b) He is working under a contract of hire made in this state for employment not principally localized in any state; or

(c) He is working under a contract of hire made in this state for employment principally localized in another state whose workmen's compensation law is not applicable to his employer; or

(d) He is working under a contract of hire made in this state for employment outside the United States and Canada.

(2) The payment or award of compensation under the workmen's compensation law of another state, territory, province, or foreign nation to a workman or his beneficiaries otherwise entitled on account of such injury to compensation under this title shall not be a bar to a claim for compensation under this title: PROVIDED, That claim under this title is timely filed. If compensation is paid or awarded under this title, the total amount of compensation paid or

awarded the workman or beneficiary under such other workmen's compensation law shall be credited against the compensation due the workman or beneficiary under this title.

(3) If a workman or beneficiary is entitled to compensation under this title by reason of an injury sustained in this state while in the employ of an employer who is domiciled in another state and who has ((either [neither])) neither opened an account with the department nor qualified as a self-insurer under this title, such an employer or his insurance carrier shall file with the director a certificate issued by the agency which administers the workmen's compensation law in the state of the employer's domicile, certifying that such employer has secured the payment of compensation under the workmen's compensation law of such other state and that with respect to said injury such workman or beneficiary is entitled to the benefits provided under such law. In such event:

(a) The filing of such certificate shall constitute appointment by the employer or his insurance carrier of the director as its agent for acceptance of the service of process in any proceeding brought by any claimant to enforce rights under this title;

(b) The director shall send to such employer or his insurance carrier, by registered or certified mail to the address shown on such certificate, a true copy of any notice of claim or other process served on the director by the claimant in any proceeding brought to enforce rights under this title;

(c) (i) If such employer is a self-insurer under the workmen's compensation law of such other state, such employer shall, upon submission of evidence or security, satisfactory to the director, of his ability to meet his liability to such claimant under this title, be deemed to be a qualified self-insurer under this title;

(ii) If such employer's liability under the workmen's compensation law of such other state is insured, such employer's carrier, as to such claimant only, shall be deemed to be subject to this title: PROVIDED, That unless its contract with said employer requires it to pay an amount equivalent to the compensation benefits provided by this title, the insurer's liability for compensation shall not exceed its liability under the workmen's compensation law of such other state;

(d) If the total amount for which such employer's insurer is liable under (c) (ii) above is less than the total of the compensation to which such claimant is entitled under this title, the director may require the employer to file security satisfactory to the director to secure the payment of compensation under this title; and

(e) If such employer has neither qualified as a self-insurer

nor secured insurance coverage under the workmen's compensation law of another state, such claimant shall be paid compensation by the department;

(f) Any such employer shall have the same rights and obligations as other employers subject to this title and where he has not provided coverage or sufficient coverage to secure the compensation provided by this title to such claimant, the director may impose a penalty payable to the department of a sum not to exceed fifty percent of the cost to the department of any deficiency between the compensation provided by this title and that afforded such claimant by such employer or his insurance carrier if any.

(4) As used in this section:

(a) A person's employment is principally localized in this or another state when (i) his employer has a place of business in this or such other state and he regularly works at or from such place of business, or (ii) if clause (i) foregoing is not applicable, he is domiciled in and spends a substantial part of his working time in the service of his employer in this or such other state;

(b) "Workmen's compensation law" includes "occupational disease law" for the purposes of this section.

(5) A workman whose duties require him to travel regularly in the service of his employer in this and one or more other states may agree in writing with his employer that his employment is principally localized in this or another state, and, unless such other state refuses jurisdiction, such agreement shall govern as to any injury occurring after the effective date of the agreement.

(6) The director shall be authorized to enter into agreements with the appropriate agencies of other states and provinces of Canada which administer their workmen's compensation law with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the contract of employment arises in one state or province and the injury occurs in another, and when any such agreement has been executed and promulgated as a regulation of the department under chapter 34.04 RCW, it shall bind all employers and workmen subject to this title and the jurisdiction of this title shall be governed by this regulation.

Sec. 13. Section 51.16.120, chapter 23, Laws of 1961 and RCW 51.16.120 are each amended to read as follows:

Whenever a workman has sustained a previous bodily infirmity or disability from any previous injury or disease and shall suffer a further injury or disease in employment covered by this title and become totally and permanently disabled from the combined effects thereof, then the ((accident cost rate)) experience record of the employer at the time of said further injury or disease shall be charged only with the accident cost which would have resulted solely

from said further injury or disease, had there been no preexisting disability, and which accident cost shall be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to the employer at the time of said further injury or disease and the total cost of the pension reserve shall be assessed against the second injury ((~~account~~) fund).

Sec. 14. Section 51.16.130, chapter 23, Laws of 1961 and RCW 51.16.130 are each amended to read as follows:

Whenever there shall occur an accident in which three or more employees of an employer insured with the state fund are fatally injured or ((~~receive injuries consisting of loss of both eyes or sight thereof, or loss of both hands or use thereof, or loss of both feet or use thereof, or loss of one hand and one foot or use thereof~~)) sustain permanent total disability, the amount of total cost other than medical aid costs arising out of ((~~this~~)) such accident that shall be charged to ((~~the proper class of the accident fund and to~~)) the account of the employer, shall be twice the average cost of the pension claims ((~~chargeable under REW 51.16.020, and the balance of costs~~)) arising out of ((~~the~~)) such accident. The entire cost of such accident, exclusive of medical aid costs, shall be charged against and defrayed by the catastrophe injury account.

Sec. 15. Section 51.16.150, chapter 23, Laws of 1961 and RCW 51.16.150 are each amended to read as follows:

If any employer shall default in any payment to ((~~the accident~~)) any fund ((~~or the medical aid fund~~)) the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default occurs after demand, there shall also be collected a penalty equal to twenty-five percent of the amount of the defaulted payment or payments, and the director may require from the defaulting employer a bond to the state for the benefit of ((~~the accident and medical aid funds~~)) any fund, with surety to the director's satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state shall be entitled to an injunction restraining the delinquent from prosecuting an ((~~extra~~)hazardous) occupation or work until such bond is furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during such periods, and any sale, transfer, or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant, or lease thereto, shall be invalid

until all past delinquencies are made good, and such bond furnished.

Sec. 16. Section 27, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.020 are each amended to read as follows:

(1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer.

(2) A self-insurer may establish sufficient financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state filed with the department. The money, securities, or bond shall be in an amount reasonably sufficient in the director's discretion to insure payment of reasonably foreseeable compensation and assessments but not less than the employer's normal expected annual claim liabilities and in no event less than one hundred thousand dollars. In arriving at the amount of money, securities, or bond required under this subsection, the director shall take into consideration the financial ability of the employer to pay compensation and assessments and his probable continuity of operation. The money, securities, or bond so deposited shall be held by the director to secure the payment of compensation by the self-insurer and to secure payment of his assessments. The amount of security may be increased or decreased from time to time by the director. The income from any securities deposited may be distributed currently to the self-insurer.

(3) Securities or money deposited by an employer pursuant to subsection (2) of this section shall be returned to him upon his written request provided the employer files the bond required by such subsection.

(4) If the employer seeking to qualify as a self-insurer has previously insured with the state fund, the director shall require the employer to make up his proper share of any deficit or insufficiency in the ((employer's class account)) state fund as a condition to certification as a self-insurer.

(5) A self-insurer may reinsure a portion of his liability under this title with any reinsurer authorized to transact such reinsurance in this state: PROVIDED, That the reinsurer may not participate in the administration of the responsibilities of the self-insurer under this title. Such reinsurance may not exceed eighty percent of the liabilities under this title.

Sec. 17. Section 51.28.030, chapter 23, Laws of 1961 as amended by section 6, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.030 are each amended to read as follows:

Where death results from injury the parties entitled to compensation under this title, or someone in their behalf, shall make application for the same to the department or self-insurer as the case may be, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this title, certificates of attending physician, if any, and such proof as required by the rules of the department.

Upon receipt of notice of accident under RCW 51.28.010, the director shall immediately forward to the party or parties required to make application for compensation under this section, notification, in nontechnical language, of their rights under this title.

Sec. 18. Section 51.32.040, chapter 23, Laws of 1961 as last amended by section 43, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury and dies from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leaves a widow, or to his child or children if he leaves a child or children and does not leave a widow: PROVIDED FURTHER, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leaves a widow, or to his child or children, if he leaves a child or children and does not leave a widow: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of the injury, such payment shall not be made to any widow or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving

benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

Sec. 19. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 7, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed eight hundred dollars shall be paid (~~to the undertaker conducting the funeral~~).

(2) A widow or invalid widower of a deceased workman shall receive monthly throughout his or her life the following sums:

(a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars.

(b) If there is one child of the deceased workman, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars.

(c) If there are two children of the deceased workman, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars.

(d) If there are three children of the deceased workman, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars.

(e) If there are four children of the deceased workman, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars.

(f) If there are five or more children of the deceased workman, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars.

Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the portion of the monthly payment made for the benefit of the children shall not be affected by such remarriage. In no event shall the monthly payments provided in this subsection exceed seventy-five percent of the average monthly wage (~~of~~) in the state as computed

under RCW ((54-08-478)) 51.08.018.

In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving widow or invalid widower of any such deceased workman shall be forthwith paid the sum of eight hundred dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of her pension, whichever is the lesser, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If there is a child or children and no widow or widower of the deceased workman, a sum equal to thirty-five percent of the average monthly wage of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage ((of)) in the state as defined in RCW ((54-08-478)) 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the same payment as provided in subsection (3) of this section.

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage ((of)) in the state as defined in RCW ((54-08-478)) 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-one while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent

total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive benefits as if death resulted from the injury as provided in subsections (2) through (5) of this section. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Sec. 20. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 8, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent of his wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of

injury, seventy percent of his wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased by an amount equal to forty percent of the average monthly wage ((of)) in the state as computed in RCW ((54-08-178)) 51.08.018 per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(15) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage ((of)) in the state as computed under the provisions of RCW ((54-08-178)) 51.08.018.

Sec. 21. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 10, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.080 are each amended to read as follows:

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short thigh stump (3"	
or less below the tuberosity of ischium).....	\$18,000.00
Of leg at or above knee joint with functional stump.....	16,200.00
Of leg below knee joint	14,400.00
Of leg at ankle (Syme).....	12,600.00
Of foot at mid-metatarsals.....	6,300.00
Of great toe with resection of metatarsal bone.....	3,780.00
Of great toe at metatarsophalangeal joint.....	2,268.00
Of great toe at interphalangeal joint.....	1,200.00
Of lesser toe (2nd to 5th) with resection of metatarsal	
bone.....	1,380.00
Of lesser toe at metatarsophalangeal joint.....	672.00
Of lesser toe at proximal interphalangeal joint.....	498.00
Of lesser toe at distal interphalangeal joint.....	126.00
Of arm at or above the deltoid insertion or by	
disarticulation at the shoulder.....	18,000.00

Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon.....	17,100.00
Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand...	16,200.00
Of all fingers except the thumb at metacarpophalangeal joints.....	9,720.00
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone.....	6,480.00
Of thumb at interphalangeal joint.....	3,240.00
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone.....	4,050.00
Of index finger at proximal interphalangeal joint.....	3,240.00
Of index finger at distal interphalangeal joint.....	1,782.00
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone.....	3,240.00
Of middle finger at proximal interphalangeal joint.....	2,592.00
Of middle finger at distal interphalangeal joint.....	1,458.00
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone.....	1,620.00
Of ring finger at proximal interphalangeal joint.....	1,296.00
Of ring finger at distal interphalangeal joint.....	810.00
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone.....	810.00
Of little finger at proximal interphalangeal joint.....	648.00
Of little finger at distal interphalangeal joint.....	324.00
MISCELLANEOUS	
Loss of one eye by enucleation.....	7,200.00
Loss of central visual acuity in one eye.....	6,000.00
Complete loss of hearing in both ears.....	14,400.00
Complete loss of hearing in one ear.....	2,400.00

(2) Compensation for amputation of a member or part thereof at a site other than those above specified, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates. Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment: PROVIDED, That in order to reduce litigation and establish more certainty and

uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments. For purposes of calculating monetary benefits, the amount payable for total bodily impairment shall be deemed to be thirty thousand dollars: PROVIDED, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of thirty thousand dollars: PROVIDED FURTHER, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(4) When the compensation provided for in subsections (1) and (2) exceeds three times the average monthly wage (~~for all workmen entitled to compensation under this title~~) in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage (~~for all workmen entitled to compensation under this title~~) in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and

shall rest in the discretion of the department depending upon the merits of each individual application: PROVIDED FURTHER, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

Sec. 22. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 11, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.090 are each amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable (~~out of the accident fund~~) unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation (~~out of the accident fund~~) for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of fourteen consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section (~~from the accident fund~~) during the period his employer shall so pay such wages.

(6) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage (~~of~~) in the state as computed under the provisions of RCW (~~51.08.178~~) 51.08.018.

Sec. 23. Section 12, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.095 are each amended to read as follows:

One of the primary purposes of this title is the restoration

of the injured workman to gainful employment. To this end, the department shall utilize the services of individuals whose experience, training, and interests in vocational rehabilitation and retraining qualify them to lend expert assistance to the supervisor of industrial insurance in such programs of vocational rehabilitation or retraining as may be reasonable to qualify the workman for employment consistent with his physical and mental status. Where, after evaluation and recommendation by such individuals and prior to final evaluation of the workman's permanent disability and in the sole opinion of the supervisor, vocational rehabilitation or retraining is both necessary and likely to restore the injured workman to a form of gainful employment, the supervisor may, in his sole discretion, continue the temporary total disability compensation under RCW 51.32.090 while the workman is actively and successfully undergoing a formal program of vocational rehabilitation or retraining: PROVIDED, That such compensation may not be authorized for a period of more than fifty-two weeks: PROVIDED FURTHER, That such period may, in the sole discretion of the supervisor after his review, be extended for an additional fifty-two weeks or portion thereof by written order of the supervisor.

In cases where the workman is required to reside away from his customary residence, the reasonable cost of board and lodging shall also be paid. Said costs shall ~~((not))~~ be chargeable to the employer's cost experience ~~((but shall be paid out of the accident fund and charged back to each class on June 30th and December 31st of each year in proportion to its premium contribution for the preceding calendar year))~~ or shall be paid by the self-insurer for workmen to whom he is liable for compensation and benefits under the provisions of this title.

Sec. 24. Section 17, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that ~~((number of cents))~~ amount as shall be fixed from time to time by the director ~~((for each day or part thereof the workman is employed))~~ on the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund ~~((created by this 1971 amendatory act))~~. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis.

Sec. 25. Section 47, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.190 are each amended to read as follows:

(1) ((Written notice of acceptance or denial of a claim for benefits shall be mailed by a self-insurer to the claimant and the director within seven days after the self-insurer has notice of the claim.

{2}) If the self-insurer denies a claim for compensation, written notice of such denial, clearly informing the claimant of the ((right of appeal under this title)) reasons therefor and that the director will rule on the matter shall be mailed or given to the claimant and the director within seven days after the self-insurer has notice of the claim.

((3)) {2} Until such time as the department has entered an order in a disputed case acceptance of compensation by the claimant shall not be considered a binding determination of his rights under this title. Likewise the payment of compensation shall not be considered a binding determination of the obligations of the self-insurer as to future compensation payments.

((4)) {3} Upon making the first payment of income benefits, and upon stopping or changing of such benefits except where a determination of the permanent disability has been made as elsewhere provided in this title, the self-insurer shall immediately notify the director in accordance with a form to be prescribed by the director that the payment of income benefits has begun or has been stopped or changed. Where temporary disability compensation is payable, the first payment thereof shall be made within fourteen days after notice of claim and shall continue at regular semimonthly or biweekly intervals.

((5)) {4} If, after the payment of compensation without an award, the self-insurer elects to controvert the right to compensation, the payment of compensation shall not be considered a binding determination of the obligations of the self-insurer as to future compensation payments. The acceptance of compensation by the workman or his beneficiaries shall not be considered a binding determination of their rights under this title.

((6)) {5} The director (a) may, upon his own initiative at any time in a case in which payments are being made without an award, and (b) shall, upon receipt of information from any person claiming to be entitled to compensation, from the self-insurer, or otherwise that the right to compensation is controverted, or that payment of compensation has been opposed, stopped or changed, whether or not claim has been filed, promptly make such inquiry as circumstances require, cause such medical examinations to be made, hold such hearings, require the submission of further information, make such orders, decisions or awards, and take such further action as he considers will properly determine the matter and protect the rights of all parties.

((47)) [6] The director, upon his own initiative, may make such inquiry as circumstances require or is necessary to protect the rights of all the parties and he may enact rules and regulations providing for procedures to ensure fair and prompt handling by self-insurers of the claims of workmen and beneficiaries.

NEW SECTION. Sec. 26. There is added to chapter 23, Laws of 1961 and to chapter 51.32 RCW a new section to read as follows:

Claims of injured workmen of employers who have secured the payment of compensation by insuring with the department shall be promptly acted upon by the department. Where temporary disability compensation is payable, the first payment thereof shall be mailed within fourteen days after receipt of the claim at the department's offices in Olympia and shall continue at regular semimonthly intervals. The payment of this or any other benefits under this title, prior to the entry of an order by the department in accordance with RCW 51.52.050 as now or hereafter amended, shall be not considered a binding determination of the obligations of the department under this title. The acceptance of compensation by the workman or his beneficiaries prior to such order shall likewise not be considered a binding determination of their rights under this title.

Sec. 27. Section 51.44.040, chapter 23, Laws of 1961 and RCW 51.44.040 are each amended to read as follows:

[1] There shall be ((a special account within the accident)) in the office of the state treasurer, a fund to be known and designated as the "second injury ((account)) fund," which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.120. Said fund shall be administered by the director. The state treasurer shall be the custodian of the second injury fund and shall be authorized to disburse moneys from it only upon written order of the director.

((The charge to each class of the accident fund to defray charges against the second injury account shall be made on June 30th and December 31st of each year, and the total industrial insurance premium contributions of each class for the preceding calendar year shall be used in determining the proportionate charge to each class for the second injury account.)) [2] Payments to the second injury fund from the accident fund shall be made pursuant to rules and regulations promulgated by the director.

Sec. 28. Section 51.44.060, chapter 23, Laws of 1961 and RCW 51.44.060 are each amended to read as follows:

The charge to ((each class of)) the accident fund to defray charges against the catastrophe injury account shall be made ((on June 30th and December 31st of each year, and the total industrial insurance premium contributions of each class for the preceding

calendar year shall be used in determining the proportionate charge to each class for the catastrophe injury account)) pursuant to rules and regulations promulgated by the director.

Sec. 29. Section 51.44.080, chapter 23, Laws of 1961 as amended by section 57, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.080 are each amended to read as follows:

The department shall notify the state treasurer from time to time, of such transfers as a whole from the ((accident)) state fund to the reserve fund and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. ((The department shall, on June 30th of each year, apportion the interest or other earnings of the reserve fund, as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year.)) As soon as possible after June 30th of each year the state insurance commissioner shall expert the reserve fund ((of each class)) to ascertain its standing as of June 30th of that year and the relation of its outstanding annuities at their then value on the bases currently employed for new cases to the cash on hand or at interest belonging to ((that)) the fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than September 30th following. If the report shows that there was on said June 30th, in the reserve fund ((of any class)) in cash or at interest, a greater sum than the then annuity value of the outstanding pension obligations ((of that class)), the surplus shall be forthwith turned over to the ((accident)) state fund ((of that class)) but, if the report shows the contrary condition of ((any class)) the reserve fund, the deficiency shall be forthwith made good out of the ((accident)) state fund ((of that class)).

Sec. 30. Section 58, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.140 are each amended to read as follows:

Each self-insurer shall make such deposits, into the reserve fund, as the department shall require pursuant to RCW 51.44.070, as are necessary to guarantee the payments of the pensions established pursuant to RCW 51.32.050 and 51.32.060.

Each self-insurer shall have an account within the reserve fund. Each such account shall be credited with its proportionate share of interest or other earnings as determined in RCW 51.44.080.

Each such account in the reserve fund shall be experted by the insurance commissioner as required ((for each class account)) in RCW 51.44.080. Any surpluses shall be forthwith returned to the respective self-insurers, and each deficit shall forthwith be made good to the reserve fund by the self-insurer.

Sec. 31. Section 51.44.090, chapter 23, Laws of 1961 and RCW 51.44.090 are each amended to read as follows:

The state treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve fund shall at all times, as nearly as may be, be properly and fully invested and, to meet current demands for pension or lump sum payments, may, if necessary, make temporary loans to the reserve fund out of the accident fund (~~for that class~~), repaying the same from the earnings of (~~that~~) the reserve fund or from collections of its investments or, if necessary, sales of the same.

NEW SECTION. Sec. 32. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

If any employer should default in any payment due to the state fund the director or his designee may issue a notice of assessment certifying the amount due, which notice shall be served upon the employer by mailing such notice to the employer by registered mail to his last known address, accompanied by an affidavit of service by mailing, or served in the manner prescribed for the service of a summons in a civil action. Such notice shall contain the information that a petition for review must be filed with the superior court within thirty days of the date of service of the notice of assessment.

NEW SECTION. Sec. 33. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

Any employer who is served with a notice of assessment may within thirty days from the date of service upon the employer of the notice of assessment appeal such notice of assessment by serving the director by registered mail with a petition for review and file the same with the clerk of the superior court of the county wherein the work covered by the provisions of the industrial insurance act was performed. Such petition shall set forth the reasons why the tax should be reduced or abated. Within ten days after the filing of the petition for review the employer shall file with the clerk a good and sufficient surety bond in the sum of one hundred dollars, conditioned to diligently prosecute the appeal and pay all the department's costs that may be awarded if the appeal of the employer is not sustained.

The trial in the superior court on appeal shall be de novo and without the necessity of any pleading other than the petition for review, and the burden of proof shall rest upon the employer to prove that the tax assessed upon the employer in the notice of assessment is incorrect, either in whole or in part, and to establish the correct amount of the tax, if any. In such proceeding the employer shall be deemed the plaintiff and the department of labor and industries the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is relevant, competent and material to determine the correct amount of the tax. Either party shall be

allowed to appeal to the court of appeals or the supreme court in the same manner as other civil actions are appealed to those courts. No court action or proceeding shall be maintained by any employer to dispute the amount of notice of assessment except as herein provided.

NEW SECTION. Sec. 34. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

If a petition for review is not filed with the clerk of the superior court and served upon the director within thirty days from the date of service of the notice of assessment, as indicated in the affidavit of service by mailing of the department, or in the event of a final decree of any court in favor of the department in a petition for review, which is not appealed within the time allowed by law, the amount of the notice of assessment shall be deemed final and established and the director or his designee may file with the clerk of any county within the state a warrant in the amount of the notice of assessment. The clerk of the county wherein the warrant is filed shall immediately designate a superior court cause number for such warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such employer mentioned in the warrant, the amount of the taxes and penalties due thereon, and the date when such warrant was filed. The aggregate amount of such warrant as docketed shall become a lien upon the title to, and interest in all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. The sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the employer within three days of filing with the clerk.

NEW SECTION. Sec. 35. There is added to chapter 23, Laws of 1961 and to chapter 51.48 RCW a new section to read as follows:

The director or his designee is hereby authorized to issue to any person, firm, corporation, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind whatsoever when he has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or any agency of the state, property which is due, owing, or belonging to any

employer upon whom a notice of assessment has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by his deputy, or by any duly authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation or any agency of the state upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with a notice and order to withhold and deliver, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or his duly authorized representative upon demand to be held in trust by the director for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review, or in the alternative such party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. Should any party served and named in the notice to withhold and deliver fail to make answer to such notice and order to withhold and deliver, within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against the party named in the notice to withhold and deliver for the full amount claimed by the director in the notice to withhold and deliver together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, then the employer shall be entitled to assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled.

Sec. 36. Section 51.52.110, chapter 23, Laws of 1961 as last amended by section 24, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.110 are each amended to read as follows:

Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or

beneficiary, as shown by the department's records, the superior court for Thurston county, or to the superior court of the county wherein the injury occurred. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. If the case is one involving a self-insurer, a copy of the notice of appeal shall also be served by mail, or personally, on such self-insurer. The department shall, in all cases not involving a self-insurer, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. If the case is one involving a self-insurer, such self-insurer shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed to be at issue. In such cases the department may appear and take part in any proceedings. The board shall serve upon the appealing party, the director, the self-insurer if the case involves a self-insurer, and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

Sec. 37. Section 67, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.110 are each amended to read as follows:

The director shall appoint a workmen's compensation advisory committee composed of ~~((eight))~~ nine members: Three representing subject workmen, three representing subject employers, and ~~((two))~~ three ex officio members, without a vote, one of whom represents the department, who shall be chairman, ~~((and))~~ one of whom represents self-insurers, and one of whom represents employees of self-insurers. This committee shall conduct a continuing study of any aspects of workmen's compensation as the committee shall determine require their consideration. The committee shall report its findings to the

department or the board of industrial insurance appeals for such action as deemed appropriate. The members of the committee shall be appointed for a term of three years commencing on July 1, 1971 and the terms of the members representing the workmen and employers shall be staggered so that the director shall designate one member from each such group initially appointed whose term shall expire on June 30, 1972 and one member from each such group whose term shall expire on June 30, 1973. The members shall serve without compensation, but shall be entitled to expenses as provided in RCW 43.03.050 and 43.03.060. The committee may hire such experts, if any, as it shall require to discharge its duties, and may utilize such personnel and facilities of the department and board of industrial insurance appeals as it shall need without charge. All expenses of this committee shall be paid by the department.

The workmen's compensation advisory committee created by this section shall conduct a study of the advisability and necessity of deposits by self-insurers into the reserve fund to guarantee the payments of pensions established pursuant to this title, and shall report its findings and recommendations on this study to the department, and the department shall transmit said findings and recommendations to the next regular session of the legislature.

NEW SECTION. Sec. 38. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. Sections 51.20.005 through 51.20.600, chapter 23, Laws of 1961 and RCW 51.20.005 through 51.20.600 are each repealed.

NEW SECTION. Sec. 40. The following acts or parts of acts are each repealed:

(1) Section 51.08.080, chapter 23, Laws of 1961 and RCW 51.08.080;

(2) Section 51.08.090, chapter 23, Laws of 1961 and RCW 51.08.090;

(3) Section 51.08.120, chapter 23, Laws of 1961 and RCW 51.08.120;

(4) Section 51.08.130, chapter 23, Laws of 1961 and RCW 51.08.130;

(5) Section 51.08.170, chapter 23, Laws of 1961 and RCW 51.08.170;

(6) Section 51.08.190, chapter 23, Laws of 1961 and RCW 51.08.190;

(7) Section 51.12.030, chapter 23, Laws of 1961 and RCW 51.12.030; and

(8) Section 51.12.040, chapter 23, Laws of 1961 and RCW 51.12.040.

Passed the House February 1, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 44

[Engrossed House Bill No. 348]

PORT TOWNSEND-KEYSTONE FERRY

AN ACT Relating to ferry routes and operations; creating new sections.

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

NEW SECTION. Section 1. The Washington toll bridge authority and the Washington state highway commission are authorized to operate a ferry service between Port Townsend and Keystone on Admiralty Inlet in the event that the certificate of convenience and necessity for the ferry operation is theretofore surrendered, rights thereunder are abandoned, and the ferry service is discontinued. In no event shall the authority and the commission undertake such a ferry service preceding events as set forth herein or before April 1, 1973.

NEW SECTION. Sec. 2. The purpose of this act is to provide service on the ferry route between Port Townsend and Keystone to be determined by the toll bridge authority. Operation of this route is necessary for the economic health, safety and welfare of the people of the state. Additionally, state operation of this route will further benefit the people of the state by providing better access to important installations maintained by the United States Navy and the United States Coast Guard.

Passed the House February 2, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 45

[Engrossed House Bill No. 446]

POLITICAL PARTIES--STATE COMMITTEES

AN ACT Relating to political parties; and amending section 29.42.020, chapter 9, Laws of 1965 and RCW 29.42.020.

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

Section 1. Section 29.42.020, chapter 9, Laws of 1965 and RCW 29.42.020 are each amended to read as follows:

The state committee of each major political party shall consist of one committeeman and one committeewoman from each county elected by the county committee at its organization meeting. It shall have a chairman and vice chairman who must be of opposite sexes. This committee shall meet during January of each odd-numbered year for the purpose of organization at a time and place designated by a sufficient notice to all the newly elected state committeemen and committeewomen by the authorized officers of the retiring committee. For the purpose of this section a notice mailed at least one week prior to the date of the meeting shall constitute sufficient notice. At its organizational meeting it shall elect its chairman and vice chairman, and such officers as its bylaws may provide, and adopt bylaws, rules and regulations. It shall have power to:

(1) Call conventions at such time and place and under such circumstances and for such purposes as the call to convention shall designate. The manner, number and procedure for selection of state convention delegates shall be subject to the committee's rules and regulations duly adopted;

(2) Provide for the election of delegates to national conventions;

(3) Fill vacancies on the ticket for any federal or state office to be voted on by the electors of more than one county;

(4) Provide for the nomination of presidential electors; and

(5) Perform all functions inherent in such an organization.

Notwithstanding any provision of this 1972 amendatory act, the committee shall not set rules which shall govern the conduct of the actual proceedings at a party state convention.

Passed the House February 1, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 46

[Engrossed House Bill No. 468]

REPORT OF CHILD ABUSE--RECORDS, PRIVILEGE

AN ACT Relating to health and welfare of children; and amending section 6, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.070.

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

Section 1. Section 6, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available to any person or agency except law enforcement agencies as defined in this chapter and, to those professionals, defined by rules and regulations, who might be treating the child and/or family; provided, that such law enforcement agencies and professionals shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information.

Passed the House February 2, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972:

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 47

[Substitute House Bill No. 508]

RETAIL INSTALLMENT SALES--CONTRACTS

AN ACT Relating to the definition of a "retail installment contract" and to the cancellation of certain retail installment contracts; amending section 1, chapter 236, Laws of 1963 and RCW 63.14.010; amending section 4, chapter 236, Laws of 1963 as last amended by section 1, chapter 2, Laws of 1969 and RCW 63.14.040; amending section 12, chapter 236, Laws of 1963 as last amended by section 2, chapter 2, Laws of 1969 and RCW 63.14.120; amending section 12, chapter 234, Laws of 1967 and RCW 63.14.154; and providing an effective date.

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

Section 1. Section 1, chapter 236, Laws of 1963 and RCW 63.14.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real

property as to become a part thereof, whether or not severable therefrom;

(2) "Services" means work, labor or services of any kind when purchased primarily for personal, family or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair or improvement of goods and includes repairs, alterations or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer or official or either as in the case of transportation services;

(3) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(4) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(5) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract or a retail charge agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(6) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease;

(7) "Retail charge agreement," "revolving charge agreement" or "charge agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(8) "Service charge" however denominated or expressed, means

the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs or official fees;

(9) "Cash sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction, if the sale had been a sale for cash. The cash sale price may include any taxes, registration and license fees, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations or improvements;

(10) "Official fees" means the amount of the fees prescribed by law for filing, recording or otherwise perfecting, and releasing or satisfying, a retained title, lien or other security interest created by a retail installment transaction;

(11) "Time balance" means the principal balance plus the service charge;

(12) "Principal balance" means the cash sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees;

(13) "Person" means an individual, partnership, joint venture, corporation, association or any other group, however organized;

(14) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Sec. 2. Section 4, chapter 236, Laws of 1963 as last amended by section 1, chapter 2, Laws of 1969 and RCW 63.14.040 are each amended to read as follows:

(1) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or service furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

(1) (a) The cash sale price of each item of goods or services;

(2) (b) The amount of the buyer's down payment, if any, identifying the amounts paid in money and allowed for goods traded in;

(3) (c) The difference between items (1) (a) and (2) (b);

(4) (d) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;

(5) (e) The aggregate amount of official fees, if any;

(6) (f) The principal balance, which is the sum of items (3) (c), (4) (d) and (5) (e);

(7) (g) The dollar amount or rate of the service charge;

(8) (h) The amount of the time balance owed by the buyer to the seller, which is the sum of items (6) (f) and (7) (g), if (7) (g) is stated in a dollar amount; and

(9) (i) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(2) Every retail installment contract shall contain the following notice in ten point bold face type or larger directly above the space reserved in the contract for the signature of the buyer: "NOTICE TO BUYER:

(a) Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(b) You are entitled to a copy of this contract at the time you sign it.

(c) You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.

(d) The service charge does not exceed% (must be filled in) per annum computed monthly and may not lawfully exceed twelve percent per annum computed monthly.

(e) You may cancel this contract ((and return any goods received;)) if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the contract which notice shall be posted not later than ((the next)) midnight of the

third ((business)) day (excluding Sundays and holidays) following your signing this contract (PROVIDED, That at the time of sending notice of cancellation you have not received and accepted a substantial part of the goods or services which the seller is required to furnish under this contract)). If you choose to cancel this contract, you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this contract."

Clause (2) (e) needs to be included in the notice only if the contract is solicited in person by the seller or his representative, and the buyer signs it, at a place other than the seller's business address shown on the contract.

Sec. 3. Section 12, chapter 236, Laws of 1963 as last amended by section 2, chapter 2, Laws of 1969 and RCW 63.14.120 are each amended to read as follows:

(1) At or prior to the time a retail charge agreement is made the seller shall advise the buyer in writing, on the application form or otherwise, or orally that a service charge will be computed on the outstanding balance for each month (which need not be a calendar month) or other regular period agreed upon, the schedule or rate by which the service charge will be computed, and that the buyer may at any time pay his total unpaid balance: PROVIDED, That if this information is given orally, the seller shall, upon approval of the buyer's credit, deliver to the buyer or mail to him at his address, a memorandum setting forth this information.

(2) The seller or holder of a retail charge agreement shall promptly supply the buyer with a statement as of the end of each monthly period (which need not be a calendar month) or other regular period agreed upon, in which there is any unpaid balance thereunder, which statement shall set forth the following:

(a) The unpaid balance under the retail charge agreement at the beginning and at the end of the period;

(b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the cash sale price and the date of each purchase;

(c) The payments made by the buyer to the seller and any other credits to the buyer during the period;

(d) The amount, if any, of any service charge for such period;
and

(e) A legend to the effect that the buyer may at any time pay his total unpaid balance.

(3) Every retail charge agreement shall contain the following notice in ten point bold face type or larger directly above the space reserved in the charge agreement for the signature of the buyer:

NOTICE TO BUYER:

(a) Do not sign this retail charge agreement before you read it or if any spaces intended for the agreed terms are left blank.

(b) You are entitled to a copy of this charge agreement at the time you sign it.

(c) You may at any time pay off the full unpaid balance under this charge agreement.

(d) The monthly service charge may not lawfully exceed the greater of one percent of the outstanding balance (twelve percent per year computed monthly) or one dollar.

(e) You may cancel any purchases made under this charge agreement ~~((and return the goods so purchased,))~~ if the seller or his representative solicited in person such purchase, and you sign an agreement for such purchase, at a place other than the seller's business address shown on the charge agreement, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the charge agreement, which notice shall be posted not later than ~~((the next))~~ midnight of the third ~~((business))~~ day (excluding Sundays and holidays) following your signing of the purchase agreement ~~((: PROVIDED, That at the time of sending notice of rescission you have not received and accepted a substantial part of the goods or services which you agreed to purchase)).~~ If you choose to cancel this purchase, you must return or make available to seller at the place of delivery any merchandise, in its original condition, received by you under this purchase agreement.

Sec. 4. Section 12, chapter 234, Laws of 1967 and RCW 63.14.154 are each amended to read as follows:

(1) In addition to any other rights he may have, the buyer shall have the right to cancel a retail installment transaction for other than the seller's breach:

(a) ~~((If the buyer has not received and accepted a substantial part of the goods or services which the seller is required to furnish under the contract or charge agreement; and~~

~~{b}))~~ If the retail installment transaction was entered into by the buyer and solicited in person by the seller or his representative at a place other than the seller's address, which may be his main or branch office, shown on the contract; and

~~((c))~~ {b} If the buyer returns goods received or ~~((holds them at the seller's disposal))~~ makes them available to the seller as provided in clause (b) of subsection (2) of this section.

~~((d))~~ {c} By sending notice of such cancellation to the seller at his place of business as set forth in the contract or charge agreement by certified mail, return receipt requested, which shall be posted not later than ~~((the next))~~ midnight of the third

((business)) day (excluding Sundays and holidays) following the date the buyer signs the contract or charge agreement.

(2) In the event of cancellation pursuant to this section:

(a) The seller shall, without request, refund to the buyer within ten days after such cancellation ((at least ninety percent of)) all deposits, including any down payment, made under the contract or charge agreement and shall return all goods traded in to the seller on account or in contemplation of the contract less any reasonable costs actually incurred in making ready for sale the goods so traded in;

(b) The seller shall be entitled to reclaim and the buyer shall return or ((hold at the seller's disposal)) make available to the seller at the place of delivery in its original condition any goods received by the buyer under the contract or charge agreement;

(c) The buyer shall incur no additional liability for such cancellation.

NEW SECTION. Sec. 5. This 1972 amendatory act shall take effect on January 1, 1973.

Passed the House February 2, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 48

[Engrossed House Bill No. 5]

SHERIFFS--CONTRACTS TO PERFORM MUNICIPAL POLICE FUNCTIONS--
PERSONNEL TRANSFERS

AN ACT Relating to local government; adding new sections to chapter 41.14 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 41.14 RCW a new section to read as follows:

When any city or town shall contract with the county sheriff's office to obtain law enforcement services to the city or town, any employee of the police department of such city or town who (1) was at the time such contract was entered into employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the county sheriff's office under such contract (2) will, as a direct consequence of such contract, be separated from the employ of the city or town, and (3) meets the minimum standards and qualifications of the county sheriff's office, then such employee may transfer his employment to the county sheriff's office as

provided for in sections 2 and 3 of this 1972 act.

NEW SECTION. Sec. 2. There is added to chapter 41.14 RCW a new section to read as follows:

(1) An eligible employee may transfer into the county civil service system for the sheriff's office by filing a written request with the county civil service commission and by giving written notice thereof to the legislative authority of the city or town. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (1) be on probation for the same period as are new employees of the sheriff's office, (2) be eligible for promotion after completion of the probationary period as completed, (3) receive a salary at least equal to that of other new employees of the sheriff's office, and (4) in all other matters, such as retirement, vacation, etc., have, within the county civil service system, all the rights, benefits, and privileges that he would have been entitled to had he been a member of the county sheriff's office from the beginning of his employment with the city or town police department. The city or town shall, upon receipt of such notice, transmit to the county civil service commission a record of the employee's service with the city or town which shall be credited to such member as a part of his period of employment in the county sheriff's office. The sheriff may appoint the transferring employee to whatever duties he feels are in the best interest of the department and the individual.

(2) If in the process of contracting for law enforcement services economies or efficiencies are achieved or if the city or town intends by such contract to curtail expenditures and the level of services to the city or town, then only so many of the transferring employees shall be placed upon the payroll of the sheriff's office as the sheriff determines are needed to provide the contracted services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in sections 1, 2, and 3 of this 1972 act shall head the list of their respective class or job listing in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the county sheriff's office when appropriate positions become available.

NEW SECTION. Sec. 3. There is added to chapter 41.14 RCW a new section to read as follows:

When a city or town shall contract with the county sheriff's office for law enforcement services and as a result thereof lays off any employee who is eligible to transfer to the county sheriff's office pursuant to sections 1 and 2 of this 1972 act, the city or town shall notify such employee of his right to so transfer and such employee shall have ninety days to transfer his employment to the

county sheriff's office: PROVIDED, That any employee laid off during the year prior to the effective date of this 1972 act shall have ninety days after the effective date to transfer his employment.

NEW SECTION. Sec. 4. There is added to chapter 41.14 RCW a new section to read as follows:

In addition to its other duties prescribed by law, the civil service commission shall make such rules and regulations as may be necessary to provide for the orderly integration of employees of a city or town who shall transfer to the county sheriff's office pursuant to sections 1, 2, and 3 of this 1972 act.

NEW SECTION. Sec. 5. This 1972 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 2, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 49

[House Bill No. 17]

SPECIAL FUEL TAX--

EXEMPTIONS, URBAN PASSENGER TRANSPORTATION SYSTEMS

AN ACT Relating to the taxation of special fuel; and amending section 9, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.080.

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

Section 1. Section 9, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.080 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for (1) street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality, (2) publicly owned fire fighting equipment, (3) special mobile equipment as defined in RCW 46.04.552, (4) power pumping units or other power-take-off equipment of any motor vehicle which is accurately measured by metering devices or such other methods that have been specifically approved by the department, (5) motor vehicles owned and operated by the United States government, and (6) notwithstanding any provision of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system,

publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding ((fifteen)) twenty-five road miles beyond the corporate limits of the ((city)) county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than ((fifteen)) twenty-five road miles beyond the corporate limits of the ((city)) county in which said trip originated.

Passed the House January 27, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 50

[Engrossed House Bill No. 20]

INDUSTRIAL INSURANCE--COURT APPEAL

AN ACT Relating to industrial insurance; amending section 51.52.110, chapter 23, Laws of 1961 as last amended by section 24, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.110.

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

Section 1. Section 51.52.110, chapter 23, Laws of 1961 as last amended by section 24, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.110 are each amended to read as follows:

Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or beneficiary, as shown by the department's records, ((the superior

court for Thurston county,)) or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. The department shall, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. The board shall serve upon the appealing party, the director and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by an *[the] employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

Passed the House February 2, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 51

[House Bill No. 34]

LAND RECLAMATION BY THE STATE

AN ACT Relating to land reclamation by the state; amending section 2, chapter 158, Laws of 1919 and RCW 89.16.010; amending section 2, chapter 104, Laws of 1959 and RCW 89.16.020; amending section 4, chapter 104, Laws of 1959 and RCW 89.16.040; amending section 1, chapter 181, Laws of 1967 and RCW 89.16.045; amending section 5, chapter 158, Laws of 1919 as

last amended by section 1, chapter 279, Laws of 1943 and RCW 89.16.050; amending section 6, chapter 158, Laws of 1919 and RCW 89.16.060; amending section 8, chapter 158, Laws of 1919 and RCW 89.16.080; repealing section 3, chapter 104, Laws of 1959 and RCW 89.16.030; repealing section 9, chapter 158, Laws of 1919 and RCW 89.16.090; repealing section 10, chapter 158, Laws of 1919 and RCW 89.16.100; and repealing section 11, chapter 158, Laws of 1919 and RCW 89.16.110.

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

Section 1. Section 2, chapter 158, Laws of 1919 and RCW 89.16.010 are each amended to read as follows:

The object of this chapter is to provide for the reclamation and development of such ((of the acid, swamp, overflow, and logged-off)) lands in the state of Washington as shall be determined to be suitable and economically available for reclamation and development as agricultural lands, and the state of Washington in the exercise of its sovereign and police powers declares the reclamation of such lands to be a state purpose and necessary to the public health, safety and welfare of its people. ((For that purpose there shall be and hereby is established a department of state government to be known as "The state reclamation service of Washington", which shall consist of the state reclamation board and such field experts, and other assistants and employees, as the board shall from time to time deem necessary.))

Sec. 2. Section 2, chapter 104, Laws of 1959 and RCW 89.16.020 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the state reclamation revolving ((fund)) account, heretofore established and hereinafter called the reclamation ((fund)) account, shall consist of all sums appropriated thereto by the legislature; all gifts made to the state therefor and the proceeds of the sale thereof; the proceeds of the sale or redemption of and the interest earned by securities acquired with the moneys thereof; all reimbursements for moneys advanced for the payment of assessments upon public lands of the state for the improvement thereof; and all taxes received under levies authorized therefor.

Sec. 3. Section 4, chapter 104, Laws of 1959 and RCW 89.16.040 are each amended to read as follows:

From the moneys appropriated from the reclamation ((fund)) account there shall be paid, upon vouchers approved by the director of ((conservation)) ecology, the administrative expenses of the director under this chapter and such amounts as are found necessary for the investigation and survey of reclamation projects proposed to be financed in whole or in part by the director, and such amounts as may be authorized by him for the reclamation of ((logged-off lands

and of) lands ((of)) in diking, diking improvement, drainage, drainage improvement, diking and drainage, diking and drainage improvement, irrigation and irrigation improvement districts, and such other districts as are authorized by law for the reclamation or development of waste or undeveloped lands, and all such districts and improvement districts shall, for the purposes of this chapter be known as reclamation districts.

Sec. 4. Section 1, chapter 181, Laws of 1967 and RCW 89.16.045 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, the director of ((conservation)) ecology may, by written contract with a reclamation district, loan moneys from the reclamation ((fund)) account to said district for use in financing a project of construction, reconstruction or improvement of district facilities, or a project of additions to such facilities. No such contract shall exceed fifty thousand dollars per project or a term of ten years, or provide for an interest rate of more than eight percent per annum. The director shall not execute any contract as provided in this section until he determines that the project for which the moneys are furnished is within the scope of the district's powers to undertake, that the project is feasible, that its construction is in the best interest of the state and the district, and that the district proposing the project is in a sound financial condition and capable of repaying the loan with interest in not more than ten annual payments. Any district is empowered to enter into a contract, as provided for in this section, and to levy assessments based on the special benefits accruing to lands within the district as are necessary to satisfy the contract, when a resolution of the governing body of the reclamation district authorizing its execution is approved by the body: PROVIDED, That no district shall be empowered to execute with the director any such contract during the term of any previously executed contract authorized by this section.

Sec. 5. Section 5, chapter 158, Laws of 1919 as last amended by section 1, chapter 279, Laws of 1943 and RCW 89.16.050 are each amended to read as follows:

In carrying out the purposes of this chapter, the director of the department of ((conservation and development)) ecology of the state of Washington shall be authorized and empowered:

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be

deemed advisable, and the director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

To purchase the bonds of any reclamation district whose project is approved by the director and which is found to be upon a sound financial basis, to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money to the credit of the district for any or all of such purposes, and to accept the bonds, coupon notes or coupon warrants of such district in payment therefor, and to expend the moneys appropriated from the reclamation ((fund)) account in the purchase of such bonds, notes or warrants or in carrying out such contracts: PROVIDED, That interest not to exceed the annual rate provided for in the bonds, notes or warrants agreed to be purchased, shall be charged and received for all moneys advanced to the district prior to the delivery of the bonds, notes or warrants and the amount of such interest shall be included in the purchase price of such bonds, notes or warrants: PROVIDED FURTHER, That no district, the bonds, notes or warrants of which have been purchased by the state under the provisions of the state reclamation act, shall thereafter during the life of said bonds, notes or warrants make expenditures of any kind from the bond or coupon warrant funds of the district or incur obligations chargeable against such funds or issue any additional coupon notes without previous written approval of the director of ((conservation and development)) ecology of the state of Washington, and any obligations incurred without such approval shall be void;

To sell and dispose of any reclamation district bonds acquired by the director, at public or private sale, and to pay the proceeds of such sale into the reclamation ((fund)) account: PROVIDED, That such bonds shall not be sold for less than the purchase price plus accrued interest, except in case of a sale to ((the Reconstruction Finance Corporation, its successor, or any other)) an agency supplied with money by the United States of America, or to the United States of America in furtherance of refunding operations of any irrigation district, diking or drainage district, or diking or drainage improvement district, now pending or hereafter carried on by such district, in which case the director shall have authority to sell any bonds of such district owned by the state of Washington under the provisions of the state reclamation act, to the United States of America, ((the Reconstruction Finance Corporation, its successor,)) or other federal agency on such terms as said United States of America, ((the Reconstruction Finance Corporation, its successor,)) or other federal agency shall prescribe for bonds of the same issue

of such district as that held by the state of Washington in connection with such refunding operations;

To borrow money upon the security of any bonds, including refunding bonds, of any reclamation district, acquired by the director, on such terms and rate of interest and over such period of time as the director may see fit, and to hypothecate and pledge reclamation district bonds or refunding bonds acquired by the director as security for such loan. Such loans shall have, as their sole security, the bonds so pledged and the revenues therefrom, and the director shall not have authority to pledge the general credit of the state of Washington: PROVIDED, That in reloading any money so borrowed, or obtained from a sale of bonds it shall be the duty of the director to fix such rates of interest as will prevent impairment of the reclamation revolving ((fund)) account;

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the state reclamation act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands: PROVIDED, That the director shall be entitled to a delinquent tax certificate upon application to the proper county treasurer therefor without the necessity of a resolution of the board of county commissioners authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers;

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the director shall determine;

To, whenever the director shall deem it advisable, require any district with which he may contract, to provide such safeguards as he may deem necessary to assure bona fide settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

((To clear and reclaim logged-off lands in the manner hereinafter in this chapter provided;))

To employ all necessary experts, assistants and employees and fix their compensation and to enter into any and all contracts and agreements necessary to carry out the purposes of this chapter;

To have the assistance, cooperation and services of, and the

use of the records and files in, all the departments and institutions of the state, particularly the office of the commissioner of public lands, the state department of agriculture, ((the bureau of farm development; the bureau of statistics; agriculture and immigration; the State College of Washington;)) Washington State University, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized and directed to cooperate with the director in furthering the purpose of this chapter;

To cooperate with the United States in any plan of land reclamation ((or)) land settlement or agricultural development which the congress of the United States may provide and which may effect the development of agricultural resources within the state of Washington ((or the settlement of soldiers; sailors; and other worthy persons; on the agricultural lands within this state;)) and the director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States.

The director shall prepare and report to the legislature, at the commencement of each biennial session, a full statement of his operations and recommendations.

Sec. 6. Section 6, chapter 158, Laws of 1919 and RCW 89.16.060 are each amended to read as follows:

The ((board)) department of ecology shall have the power to cooperate and to contract with the United States for the reclamation of ((arid; swamp; overflow; or logged-off)) lands in this state by ((the board or by)) the United States, and shall have the power to contract with the United States for the handling of such reclamation work by the United States and for the repayment of such moneys as the ((board)) department of ecology shall invest from the reclamation ((fund)) account, under such terms and conditions as the United States laws and the regulations of the interior department shall provide for the repayment of reclamation costs by the lands reclaimed.

Sec. 7. Section 8, chapter 158, Laws of 1919 and RCW 89.16.080 are each amended to read as follows:

Whenever in the judgment of the ((commissioner of public lands)) department of natural resources any state, school, granted, or other public lands of the state will be specially benefited by any proposed reclamation project approved by the ((board)) department of ecology, ((he)) it may consent that such lands be included in any reclamation district organized for the purpose of carrying out such reclamation project, and in that event the ((reclamation board)) department of natural resources shall be authorized to pay, out of ((the)) current appropriations ((from the reclamation fund)), the

district assessments levied as provided by law against such lands, and any such assessments paid shall be made a charge against the lands upon which they were levied, and the amount thereof, but without interest, shall be ((added to)) included in the appraised value ((and included in the sale price)) of such lands when sold((, and the state treasurer shall; upon the certificate of the state land commissioner; credit such amount of the proceeds of the sale; when received; to the reclamation fund)) or leased.

NEW SECTION. Sec 8. If any provision of this 1972 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. 9. The following acts or parts of acts are each hereby repealed:

- (1) Section 3, chapter 104, Laws of 1959 and RCW 89.16.030;
 - (2) Section 9, chapter 158, Laws of 1919 and RCW 89.16.090;
 - (3) Section 10, chapter 158, Laws of 1919 and RCW 89.16.100;
- and
- (4) Section 11, chapter 158, Laws of 1919 and RCW 89.16.110.

Passed the House January 25, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 52
[House Bill No. 35]
LAND SETTLEMENT

AN ACT Relating to land settlement; repealing section 1, chapter 188, Laws of 1919 and RCW 89.04.005; repealing section 2, chapter 188, Laws of 1919 and RCW 89.04.010; repealing section 3, chapter 188, Laws of 1919 and RCW 89.04.030; repealing section 4, chapter 188, Laws of 1919, section 1, chapter 90, Laws of 1921 and RCW 89.04.040; repealing section 7, chapter 188, Laws of 1919 and RCW 89.04.070; repealing section 5, chapter 188, Laws of 1919 and RCW 89.04.080; repealing section 1, chapter 112, Laws of 1923 and RCW 89.04.090; repealing section 6, chapter 188, Laws of 1919, section 1, chapter 34, Laws of 1923 and RCW 89.04.100; repealing section 2, chapter 90, Laws of 1921 and RCW 89.04.105; repealing section 1, chapter 67, Laws of 1931 and RCW 89.04.110; repealing section 2, chapter 67, Laws of 1931 and RCW 89.04.115; and creating new sections.

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

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

- (1) Section 1, chapter 188, Laws of 1919 and RCW 89.04.005;
- (2) Section 2, chapter 188, Laws of 1919 and RCW 89.04.010;
- (3) Section 3, chapter 188, Laws of 1919 and RCW 89.04.030;
- (4) Section 4, chapter 188, Laws of 1919, section 1, chapter 90, Laws of 1921 and RCW 89.04.040;
- (5) Section 7, chapter 188, Laws of 1919 and RCW 89.04.070;
- (6) Section 5, chapter 188, Laws of 1919 and RCW 89.04.080;
- (7) Section 1, chapter 112, Laws of 1923 and RCW 89.04.090;
- (8) Section 6, chapter 188, Laws of 1919, section 1, chapter 34, Laws of 1923 and RCW 89.04.100;
- (9) Section 2, chapter 90, Laws of 1921 and RCW 89.04.105;
- (10) Section 1, chapter 67, Laws of 1931 and RCW 89.04.110;

and

- (11) Section 2, chapter 67, Laws of 1931 and RCW 89.04.115.

NEW SECTION. Sec. 2. All existing contracts and obligations of the board abolished by this act, shall remain in full force and effect, and shall be performed by the department of ecology.

NEW SECTION. Sec. 3. This act shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect, but such actions or proceedings may be prosecuted and continued by the department of ecology.

Passed the House January 25, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 53

[House Bill No. 244]

SHORELINE MANAGEMENT

AN ACT Relating to the Shoreline Management Act of 1971; and amending section 24, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.240.

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

Section 1. Section 24, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.240 are each amended to read as follows:

In addition to any other powers granted hereunder, the department and local governments may:

- (1) Acquire lands and easements within shorelines of the state by purchase, lease, or gift, (~~or eminent domain;~~) either alone or

in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder;

(2) Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of this chapter;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services required by it which cannot be performed by its employees.

Passed the House January 30, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 54

[Engrossed House Bill No. 257]

POLLUTION CONTROL FACILITIES

AN ACT Relating to environmental quality; providing for construction of new facilities for the control of pollution; furthering the economic development of the state; amending section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967 and RCW 53.08.040; adding new sections to chapter 65, Laws of 1955 and to chapter 53.08 RCW; creating new sections; and declaring an emergency.

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

Section 1. Section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967 and RCW 53.08.040 are each amended to read as follows:

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for sale or lease for industrial and commercial purposes. ((Where)) A district may also acquire, construct, install, improve, and operate sewer and water utilities ((are constructed and operated by the port as an incident to servicing port lands;)) to serve its own property and other property owners ((in areas adjacent to such system may be permitted to connect thereto)) under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others

under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such ((utilities)) other pollution control facilities: PROVIDED, That no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port: AND PROVIDED FURTHER, That no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available ((to such adjacent property owners)) from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities: PROVIDED, HOWEVER, That where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

NEW SECTION. Sec. 2. The department of ecology may determine that any item of property forming part of an industrial, commercial, manufacturing, electric generating or other building or group of buildings which is used partly for pollution control purposes and partly for other purposes is a pollution control facility to the extent that such item of property is attributable to pollution control purposes and not to other purposes; in making such determination the department shall consider the incremental cost of such item of property attributable solely to pollution control purposes and such other factors as the department may deem relevant.

NEW SECTION. Sec. 3. There is added to chapter 65, Laws of 1955 and to chapter 53.08 RCW a new section to read as follows:

Facilities constructed by a port district under authority of this chapter will be subject to taxation of leasehold interest

pursuant to applicable laws as now or hereafter enacted.

NEW SECTION. Sec. 4. There is added to chapter 65, Laws of 1955 and to chapter 53.08 RCW a new section to read as follows:

Neither this chapter nor anything herein contained shall be construed as a restriction or limitation upon any powers which a district might otherwise have under any laws of this state, but shall be construed as cumulative.

NEW SECTION. Sec. 5. If any provision of this 1972 amendatory 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 1972 amendatory act are declared to be severable.

NEW SECTION. Sec. 6. This 1972 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 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 55

[Substitute House Bill NO. 426]

LITTER ASSESSMENT

AN ACT Relating to annual litter assessments.

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

NEW SECTION. Section 1. During the 1972 calendar year until the date on which the secretary of state certifies the election results on chapter 307, Laws of 1971 ex. sess., as provided in RCW 70.93.910, the annual litter assessment provided for in RCW 70.93.120 shall accrue monthly and shall be payable and collected by the department of revenue in the manner provided by RCW 82.04.490. This section shall cease to be effective upon certification by the secretary of state of the election results on chapter 307, Laws of 1971 ex. sess., as provided in RCW 70.93.910. Assessments which accrue for any complete months in calendar year 1972 prior to such certification and which have not theretofore been paid, shall be payable and may be collected by the department of revenue after the date of such certification.

NEW SECTION. Sec. 2. No provision of this act shall be included in the alternative to Initiative 40 approved by the

legislature in 1971 to be placed on the ballot in conjunction with Initiative 40 at the next general election.

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

Passed the House February 1, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 56

[Engrossed Senate Bill No. 3]

OUTDOOR RECREATION--"PUBLIC BODY", INDIAN TRIBES

AN ACT Relating to outdoor recreation; and amending section 2, chapter 5, Laws of 1965 and RCW 43.99.020; adding new sections and declaring an emergency.

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

Section 1. Section 2, chapter 5, Laws of 1965 and RCW 43.99.020 are each amended to read as follows:

Definitions: As used in this chapter:

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

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of motor vehicles with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

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

(5) "Committee" means the interagency committee for outdoor

recreation.

NEW SECTION. Sec. 2. The provisions of this 1972 amendatory act are intended to be remedial and procedural and shall be construed to apply retroactively.

NEW SECTION. Sec. 3. This 1972 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 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 57

[Senate Bill No. 56]

JURIES--COMPOSITION, VERDICTS, FEES, PROCEDURE

AN ACT Relating to juries; amending section 4, chapter 48, Laws of 1891, and RCW 2.36.050; amending section 1, chapter 43, Laws of 1903 as last amended by section 2, chapter 304, Laws of 1961 and RCW 4.44.100; amending section 185, page 164, Laws of 1854 as last amended by section 206, Code of 1881 and RCW 4.44.120; amending section 1, chapter 36, Laws of 1895 and RCW 4.44.380; amending section 2, chapter 36, Laws of 1895 and RCW 4.44.390; and amending section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 32, Laws of 1970 ex. sess. and RCW 36.18.020.

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

Section 1. Section 4, chapter 48, Laws of 1891 and RCW 2.36.050 are each amended to read as follows:

A petit jury is a body of men twelve or less in number in the superior court and six in number in courts of justices of the peace; drawn in the superior court by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact; but in a justice's court the jury is drawn according to the mode specially provided for such court

Sec. 2. Section 1, chapter 43, Laws of 1903 as last amended by section 2, chapter 304, Laws of 1961 and RCW 4.44.100 are each amended to read as follows:

In all civil actions triable by a jury in the superior court any party to the action may, at or prior to the time the case is called to be set for trial, serve upon the opposite party or his attorney, and file with the clerk of the court a statement of

himself, or attorney, that he elects to have such case tried by jury. If such a statement is served and filed, any party may likewise state that he elects to have a jury of twelve persons. Unless such statement is filed and a jury fee paid as provided by law, the parties shall be deemed to have waived trial by jury, and ~~((consented to a trial by the court))~~ if such a statement is served and filed, unless a jury of twelve persons is so requested and such additional fee as may be required by law therefor is paid by the party requesting same, the parties shall be deemed to have waived a trial by a jury of twelve persons and the jury shall consist of six persons: PROVIDED, That, in the superior courts of counties of the first class such parties shall serve and file such statement, in manner herein provided, at any time not later than two days before the time the case is called to be set for trial.

Sec. 3. Section 185, page 164, Laws of 1854 as last amended by section 206, Code of 1881 and RCW 4.44.120 are each amended to read as follows:

When the action is called for trial, the clerk shall prepare separate ballots, containing the names of the jurors summoned, who have appeared and not been excused, and deposit them in a box. He shall ~~((then))~~ draw ~~((from the box twelve names, and the persons whose names are drawn shall constitute the jury. If the ballots become exhausted, before the jury is complete, or if from any cause, a juror or jurors be excused or discharged, the sheriff, under the direction of the court, shall summon from the bystanders, citizens of the county, as many qualified persons as may be necessary to complete the jury. Whenever it shall be requisite for the sheriff to summon more than one person at a time from the bystanders or body of the county, the names of the talesmen shall be returned to))~~ the required number of names for purposes of voir dire examination. Any necessary additions to the panel shall be drawn from the clerk's list of qualified jurors. The clerk ~~((, who))~~ shall thereupon ~~((write the names upon))~~ prepare separate ballots and deposit ~~((the same))~~ them in the trial jury box, and draw such ballots separately therefrom, as in the case of the regular panel. The jury shall consist of ~~((twelve))~~ six persons, unless the parties in their written demand for jury demand that the jury be twelve in number or consent to a less number. The parties may consent to ~~((any number))~~ a jury less than six in number but not less than three, and such consent shall be entered by the clerk on the minutes of the trial.

Sec. 4. Section 1, chapter 36, Laws of 1895 and RCW 4.44.380 are each amended to read as follows:

In all trials by juries of ~~((twelve))~~ six in the superior court, except criminal trials, when ~~((ten))~~ five of the jurors agree upon a verdict, the verdict so agreed upon shall be signed by the

foreman, and the verdict shall stand as the verdict of the whole jury, and have all the force and effect of a verdict agreed to by ~~((twelve))~~ six jurors. In cases where the jury is twelve in number, a verdict reached by ten shall have the same force and effect as described above, and the same procedures shall be followed.

Sec. 5. Section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 32, Laws of 1970 ex. sess. 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 twenty-five dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of 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 department of revenue of the state of Washington, a fee of five dollars shall be paid.

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

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

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

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

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

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

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of 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 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 twenty-five dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1970, shall be completed and governed by the fee schedule in effect as of January 1, 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.

Sec. 6. Section 2, chapter 36, Laws of 1895 and RCW 4.44.390 are each amended to read as follows:

When the verdict is returned into court either party may poll the jury, and if ((ten of the jurors) the number of jurors required for verdict answer that it is the verdict said verdict shall stand. In case ((ten of the jurors) the number of jurors required for verdict do not answer in the affirmative the jury shall be returned to the jury room for further deliberation.

Passed the Senate January 28, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 58
[Senate Bill No. 68]
OATHS AND ACKNOWLEDGMENTS--CORRECTIONAL OFFICERS

AN ACT Relating to acknowledgments and oaths; and adding a new section to chapter 64.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 64.08 RCW a new section to read as follows:

The superintendents, associate and assistant superintendents, business managers, records officers and camp superintendents of any correctional institution or facility operated by the state of Washington are hereby authorized and empowered to take acknowledgments on any instruments of writing, and certify the same in the manner required by law, and to administer all oaths required by law to be administered, all of the foregoing acts to have the same effect as if performed by a notary public: PROVIDED, That such authority shall only extend to taking acknowledgments for and administering oaths to officers, employees and residents of such institutions and facilities. None of the individuals herein empowered to take acknowledgments and administer oaths shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or acknowledgment under the authority conferred by this act.

In certifying any oath or in signing any instrument officially, an individual empowered to do so under this act shall, in addition to his name, state in writing his place of residence, the date of his action, and affix the seal of the institution where he is employed: PROVIDED, That in certifying any oath to be used in any of the courts of this state, it shall not be necessary to append an impression of the official seal of the institution.

Passed the Senate February 15, 1972.
Passed the House February 12, 1972.
Approved by the Governor February 20, 1972.
Filed in Office of Secretary of State February 21, 1972.

CHAPTER 59
[Senate Bill No. 82]
CORRECTIONS--MENTAL ILLNESS--
INTERINSTITUTIONAL TRANSFERS

AN ACT Relating to institutions; adding new sections to chapter 72.68

RCW; and repealing section 72.68.030, chapter 28, Laws of 1959 and RCW 72.68.03C.

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

NEW SECTION. Section 1. There is added to chapter 72.68 RCW a new section to read as follows:

When, in the judgment of the secretary of the department of social and health services, the welfare of any person committed to or confined in any state correctional institution or facility necessitates that such person be transferred or moved for observation, diagnosis or treatment to any state institution or facility for the care of the mentally ill, the secretary is authorized to order and effect such move or transfer: PROVIDED, That the sentence of such person shall continue to run as if he remained confined in a correctional institution or facility, and that such person shall not continue so detained or confined beyond the maximum term to which he was sentenced: PROVIDED, FURTHER, That the secretary and the board of prison terms and paroles shall adopt and implement procedures to assure that persons so transferred shall, while detained or confined at such institution or facility for the care of the mentally ill, be provided with substantially similar opportunities for parole or early release evaluation and determination as persons detained or confined in the state correctional institutions or facilities.

NEW SECTION. Sec. 2. There is added to chapter 72.68 RCW a new section to read as follows:

When, in the judgment of the secretary of the department of social and health services, the welfare of any person committed to or confined in any state institution or facility for the care of the mentally ill necessitates that such person be transferred or moved for observation, diagnosis, or treatment, or for different security status while being observed, diagnosed or treated to any other state institution or facility for the care of the mentally ill, the secretary is authorized to order and effect such move or transfer.

NEW SECTION. Sec. 3. There is added to chapter 72.68 RCW a new section to read as follows:

As used in sections 1 and 2 of this 1972 act, the phrase "state institution or facility for the care of the mentally ill" shall mean any hospital, institution or facility operated and maintained by the state of Washington which has as its principal purpose the care of the mentally ill, whether such hospital, institution or facility is physically located within or outside the geographical or structural confines of a state correctional institution or facility: PROVIDED, That whether a state institution or facility for the care of the mentally ill be physically located within or outside the geographical or structural confines of a state

correctional institution or facility, it shall be administered separately from the state correctional institution or facility, and in conformity with its principal purpose.

NEW SECTION. Sec. 4. There is added to chapter 72.68 RCW a new section to read as follows:

Whenever a move or transfer is made pursuant to sections 1 or 2 of this 1972 act, a record shall be made and the relatives, attorney, if any, and guardian, if any, of the person moved shall be notified of the move or transfer.

NEW SECTION. Sec. 5. Section 72.68.030, chapter 28, Laws of 1959 and RCW 72.68.030 are each hereby repealed.

Passed the Senate February 1, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 60

[Senate Bill No. 84]

MOTOR VEHICLE LICENSES--BLIND VETERANS

AN ACT Relating to disabled veterans; and amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 193, Laws of 1971 ex. sess. and RCW 73.04.110.

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

Section 1. Section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 193, Laws of 1971 ex. sess. and RCW 73.04.110 are each amended to read as follows:

Any veteran who is a veteran of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, who shall submit to the director of motor vehicles satisfactory proof that he has lost the use of one or both of his arms or legs or that he has become blind in both eyes as the result of his military service in such war or military campaign, shall be entitled to have issued to him by the director of motor vehicles an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon.

For the purposes of this section, "blind" shall mean that definition of "blind" utilized by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Passed the Senate January 29, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 61

[Senate Bill No. 98]

NONPARTISAN PRIMARIES AND ELECTIONS

AN ACT Relating to elections; and adding new sections to chapter 9, Laws of 1965 and to chapter 29.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

Filings for a nonpartisan office shall be opened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

(1) A void in candidacy occurs;

(2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or

(3) A nominee for judge of the court of appeals or of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

NEW SECTION. Sec. 3. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election; or

(2) A nominee for judge of the court of appeals or of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period when a petition for write-in candidacy may be received.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

NEW SECTION. Sec. 4. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the fourth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in section 3 of this act, a nominee for judge of the court of appeals or of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the fourth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs on or after the fourth Tuesday prior to an election.

NEW SECTION. Sec. 5. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

The election officer with whom declarations of candidacy are filed shall give notice of a void in candidacy for a nonpartisan office, by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law. The notice shall state the office, and the time and place for filing declarations of candidacy.

NEW SECTION. Sec. 6. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

Filings to fill a void in candidacy for nonpartisan office

shall be made in the same manner and with the same official as required during the regular filing period for such office: PROVIDED, That nominating signature petitions which may be required of candidates filing for certain district offices during the normal filing period shall not be required of candidates filing during the special three day filing period.

NEW SECTION. Sec. 7. There is added to chapter 9, Laws of 1965 and to chapter 29.21 RCW a new section to read as follows:

Whenever it shall be necessary to hold a special election to fill an unexpired term of an elective office of any city, town, or district, such special election shall be held in concert with the next general election which is to be held by the respective city, town, or district concerned for the purpose of electing officers to full terms: PROVIDED, That this section shall not apply to any city of the first class whose charter provision relating to elections to fill unexpired terms are inconsistent herewith.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 2, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 62

[Engrossed Senate Bill No. 102]

MOSQUITO CONTROL DISTRICTS--ASSESSMENT ROLL, NOTICE

AN ACT Relating to mosquito control districts; and amending section 36.88.090, chapter 4, Laws of 1963 and RCW 36.88.090.

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

Section 1. Section 36.88.090, chapter 4, Laws of 1963 and RCW 36.88.090 are each amended to read as follows:

Whenever the assessment roll for any county road improvement district shall have been prepared such roll shall be filed with the clerk of the board. The board shall thereupon by resolution set the date for hearing upon such roll before the board and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll and shall notify all persons who may desire to object thereto to make such objection in writing and to file the same with such clerk at or prior to the date fixed for such hearing; and that

at the time and place fixed and at such other times as the hearing may be continued to, the board will sit as a board of equalization for the purpose of considering such roll and at such hearing will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such roll or any part thereof, or set aside such roll in order that such assessment be made de novo as to such body shall appear just and equitable and then proceed to confirm the same by resolution.

Notice of the time and place of hearing under such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon, by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer; and in addition thereto such notice shall be published at least two times in a newspaper of general circulation in the county if the newspaper is published weekly, but shall be published at least five times in such newspaper if said newspaper is published daily. At least fifteen days must elapse between the date of last publication thereof and the date fixed for such hearing; PROVIDED, That mosquito control districts shall only be required to give notice by publication. The time and place of hearing under such assessment roll shall be published in two consecutive issues of a newspaper of general circulation in the county if the newspaper is published weekly, but shall be published in at least five consecutive issues of such newspaper if said newspaper is published daily. At least fifteen days must elapse between the date of last publication thereof and the date fixed for such hearing.

The board, at the time fixed for hearing objections to the confirmation of said roll, or at such time or times as said hearing may be adjourned to, shall have power to correct, revise, raise, lower, change or modify such roll or any part thereof, and to set aside such roll in order that such assessment be made de novo as to the board shall appear equitable and just, and then shall confirm the same by resolution. All objections shall be in writing and filed with the board and shall state clearly the grounds objected to, and objections not made within the time and in the manner herein described shall be conclusively presumed to have been waived.

Whenever any such roll shall be amended so as to raise any assessments appearing thereon, or to include property subject to assessment which has been omitted from the assessment roll for any reason a new hearing, and a new notice of hearing upon such roll, as amended, shall be given as in the case of an original hearing and at the conclusion of such hearing the board may confirm the same or any portion thereof by resolution and certify the same to the treasurer for collection. Whenever any property shall have been entered

originally on such roll, and the assessment upon such property shall not be raised, no objections thereto shall be considered by the board or by any court on appeal, unless such objections be made in writing at or prior to the date fixed for the original hearing upon such roll.

Passed the Senate January 24, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 63

[Engrossed Senate Bill No. 163]

SCHOOL DISTRICTS SERVING RESIDENTS OF MILITARY RESERVATIONS

AN ACT Relating to school districts serving residents of certain U.S. military reservations; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

Notwithstanding other provisions of this chapter or any other provision of law and except as otherwise provided in section 2 of this 1972 act, as of July 1, 1972, any United States military reservation in the state of Washington with more than two thousand five hundred common school age children in public schools resident thereon shall be included wholly within the boundaries of a single school district. Such single school district shall be one of the school districts presently having boundary lines within such military reservation and serving pupils thereon. The procedure for achieving such single school districts where they do not now exist, or in any year in the future when there are more than two thousand five hundred common school age children on such a military reservation resident therein, shall be as prescribed in section 2 of this 1972 act.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

On or before June 1, 1972, or in any year in the future when there are more than two thousand five hundred common school age children on a military reservation as referred to in section 1 of this 1972 act resident therein, whichever is the case, and notwithstanding other provisions of this chapter or any other

provision of law, the county committee on school district organization of each county in which such a United States military reservation is located, or in the case such military reservation is located in two counties, the joint county committee established pursuant to RCW 28A.57.240, shall order effective July 1 of the then calendar year the annexation of portions of reservation territory not currently within the single school district, as required by section 1 of this 1972 act, to one of the school districts encompassing a portion of the military reservation: PROVIDED, That notwithstanding any other provision of this act the annexation order shall not include territory of school districts on such military reservations in which none or less than a majority of the pupils residing within that portion of the district within such military reservation have one or more parents serving in the military and under such military command. Notwithstanding any other provision of law, the decision as to which school district shall serve the pupils residing within such military reservation shall rest solely with the county committee on school district organization of the county in which the affected military reservation is located. The county committee on school district organization shall order such equitable transfer of assets and liabilities as is deemed necessary for the orderly transfer of the territory in accordance with transfers in other annexation proceedings authorized under this chapter.

NEW SECTION. Sec. 3. This 1972 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 16, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 64

[Senate Bill No. 181]

STATE BUILDING AUTHORITY PROJECTS--FUND TRANSFERS

AN ACT Relating to state building authority projects; authorizing transfer of funds between projects of the same institution; and adding a new section to chapter 162, Laws of 1967, and to chapter 43.75 RCW.

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

NEW SECTION. Section 1. There is added to chapter 162, Laws of 1967, and to chapter 43.75 RCW a new section to read as follows:

The governor, through the director of program planning and fiscal management and with the concurrence of the state building authority may authorize a transfer of funds authorized for a capital project which are in excess of the amount required for the completion of such project, to other building authority capital projects for which the authorization is insufficient: PROVIDED, That no such transfer shall be used to expand the capacity of any facility beyond that anticipated by the legislature in making the authorization: PROVIDED FURTHER, That such transfers shall not be made between the respective institutions of higher education. A report of any transfer affected under this section shall be filed with the legislative auditor for transmittal to the legislative budget committee by the director of the office of program planning and fiscal management within thirty days of the date the transfer is effected.

Passed the Senate February 1, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 65

[Senate Bill No. 246]

INDUSTRIAL INSURANCE--"CHILD" DEFINED

AN ACT Relating to industrial insurance; amending section 51.08.030, chapter 23, Laws of 1961, as amended by section 1, chapter 77, Laws of 1969 ex. sess. and RCW 51.08.030.

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

Section 1. Section 51.08.030, chapter 23, Laws of 1961 as amended by section 1, chapter 77, Laws of 1969 ex. sess. and RCW 51.08.030 are each amended to read as follows:

"Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, dependent child in the legal custody and control of the claimant, and illegitimate child legitimated prior to the injury, all while under the age of eighteen years, or under the age of twenty-one years while permanently enrolled at a full time course in an accredited school, and over the age of eighteen years if the child is a dependent invalid child.

Passed the Senate February 1, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 66

[Engrossed Senate Bill No. 253]

WASHINGTON STATE BAR ASSOCIATION--PRESIDENT AND BOARD OF GOVERNORS--
ELECTION, COMPOSITION, TERMS

AN ACT Relating to the state bar act; and amending section 5, chapter 94, Laws of 1933 and RCW 2.48.030.

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

Section 1. Section 5, chapter 94, Laws of 1933 and RCW 2.48.030 are each amended to read as follows:

There is hereby constituted a board of governors of the state bar ((7)) which shall consist of not more than fifteen members, to include: the president of the state bar ((as an ex officio member; and of)) elected as provided by the bylaws of the association, one member from each congressional district now or hereafter existing in the state elected by secret ballot by mail by the active members residing ((in each congressional district now or hereafter existing in the state)) therein, and such additional members elected as provided by the bylaws of the association. The members of the board of governors shall hold office for three years and until their successors are elected and qualified: PROVIDED, HOWEVER, That the present members of the board of governors ((elected to constitute the first board shall; at their first meeting so classify themselves by lot that two members thereof)) in office on the effective date of this 1972 amendatory act shall hold office for ((one year only and two others for two years only)) their remaining terms and until their successors are elected and qualified. Any vacancies in ((said) the board of governors shall be filled by the continuing members of the board until the next ((district)) election, held in accordance with the ((rules hereinafter provided for)) bylaws of the association.

Passed the Senate February 2, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 67

[Senate Bill No. 276]

PRISON TERMS AND PAROLES--

REVIEW OF PROSPECTS FOR REHABILITATION--MINIMUM TERM, REDETERMINATION

AN ACT Relating to crimes and punishments; adding a new section to chapter 9.95 RCW; and repealing section 6, chapter 133, Laws of 1955 and RCW 9.95.050.

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

NEW SECTION. Section 1. There is added to chapter 9.95 RCW A new section to read as follows:

At any time after the board of prison terms and paroles has determined the minimum term of confinement of any person subject to confinement in a state correctional institution, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate the board may redetermine and refix such convicted person's minimum term of confinement.

NEW SECTION. Sec. 2. Section 6, chapter 133, Laws of 1955 and RCW 9.95.050 are each repealed.

Passed the Senate January 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 68

[Senate Bill No. 312]

PRISON TERMS AND PAROLES--REVOCATION AND REDETERMINATION
OF MINIMUM FOR INFRACTIONS

AN ACT Relating to crimes and punishments; and amending section 9, chapter 133, Laws of 1955 as amended by section 1, chapter 106, Laws of 1961 and RCW 9.95.080.

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

Section 1. Section 9, chapter 133, Laws of 1955 as amended by section 1, chapter 106, Laws of 1961 and RCW 9.95.080 are each amended to read as follows:

In case any convicted person undergoing sentence in the penitentiary, reformatory, or ((such)) other state ((penal)) correctional institution ((as may hereafter be established)), commits

any infractions of the rules and regulations of the institution, ((or based upon a thorough analysis and report of the director of institutions indicating unsatisfactory prospects for rehabilitation of such convicted person;)) the board of prison terms and paroles may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, including the forfeiture of all or a portion of credits earned or to be earned, pursuant to the provisions of RCW 9.95.11C, and make a new order determining the length of time he shall serve, not exceeding the maximum penalty provided by law for the crime for which he was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing before the board of prison terms and paroles. At such hearing the convicted person((; unless outside the walls of the penitentiary or the reformatory; as an escape and fugitive from justice;)) shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Passed the Senate January 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 20, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 69

[Senate Bill No. 23]

HARBOR LINES--RELOCATION--
PORT ORCHARD (SINCLAIR INLET)

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified), as last amended by section 1, chapter 158, Laws of 1971 ex. sess. (uncodified).

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

Section 1. Section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 158, Laws of 1971 ex. sess. (uncodified) is hereby amended to read as follows:

The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county; in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in front of the city of Renton, King county; Commencement Bay in front of the city of

Tacoma, Pierce county, and within one mile of the limits of such city; Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet in front of the city of Port Orchard, Kitsap county.

Passed the Senate February 1, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 70

[Engrossed Senate Bill No. 42]

SCHOOLS--FIRE PREVENTION AND SAFETY CODES--
PLAN REVIEWS, CONSTRUCTION INSPECTION

AN ACT Relating to education; establishing a fire prevention and safety code for the common schools; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.48 RCW.

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

NEW SECTION. Section 1. There is added to chapter 79, Laws of 1947 and to chapter 48.48 RCW a new section to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire marshal, who shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, and review by the advisory board for school building systems established in RCW 28A.04.310, the fire marshal shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those by the state fire marshal as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 71

[Engrossed Senate Bill No. 63]

MOTOR VEHICLE DRIVERS' LICENSES--MINORS--
DRIVER EDUCATION COURSE REQUIREMENT, WAIVER

AN ACT Relating to motor vehicles; amending section 46.20.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.100; and declaring an emergency.

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

Section 1. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.100 are each amended to read as follows:

The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father of the applicant if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That ((until July 1, 1969)) the director may upon a showing that ((a traffic safety education course

was not available to the minor) an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction.

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

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 72

[Reengrossed Senate Bill No. 71]

CLAIMS AGAINST STATE--

DAMAGE BY CRIMINAL CONDUCT OF FURLOUGHED PRISONER

AN ACT Relating to liability for damages; and adding a new section to chapter 58, Laws of 1971 ex. sess. and to chapter 72.66 RCW.

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

NEW SECTION. Section 1. There is added to chapter 58, Laws of 1971 ex. sess. and to chapter 72.66 RCW a new section to read as follows:

The state of Washington shall be liable pursuant to the provisions of chapter 4.92 RCW for damages to person or property caused by criminal conduct of a prisoner while on furlough or while at large after having failed to return from furlough: PROVIDED, HOWEVER, That the amount recoverable by any one person shall in no event exceed the sum of twenty-five thousand dollars: PROVIDED FURTHER: (1) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any action under this 1972 act as evidence of the noncriminal character of the acts giving rise to such action; (2) that evidence of a criminal conviction arising from acts which are the basis for an action under this 1972 act shall be admissible in such action for the limited purpose of proving the criminal character of the acts; (3) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be

criminal conduct within the meaning of this section; (4) that the liability of the state of Washington under this 1972 act shall extend to damage caused by acts occurring prior to the effective date of this 1972 act.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 73

[Engrossed Senate Bill No. 74]

INHERITANCE TAXES--ALLOWABLE DEDUCTIONS

AN ACT Relating to inheritance taxes; and adding a new section to chapter 292, Laws of 1961 and to chapter 83.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 292, Laws of 1961 and to chapter 83.24 RCW a new section to read as follows:

There shall be allowable as deductions from the gross value of the entire property of the estate in determining the amount of tax without administration as provided for in RCW 83.24.010, the local and state taxes due from the decedent prior to his death; a reasonable sum for funeral expenses, monument or crypt; the cost of appraisement made for purposes of determining the inheritance tax, the amount of said deduction as to each appraisement not to exceed one-tenth of one percent of the gross value of the assets appraised; reasonable attorney's fees; and all debts owing by the decedent at the time of his death; and no other sum, but said debts shall not be deducted unless at the time of decedent's death the amount was justly due, that no payments had been made thereon, and that there were no offsets to the same.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 74

[Senate Bill No. 89]

LOST OR DESTROYED STATE WARRANTS, ETC.--
CONDITIONS ON ISSUE OF DUPLICATE

AN ACT Relating to the state treasurer; making a change in the law relating to lost instruments; and amending section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1971 ex. sess. and RCW 43.08.066.

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

Section 1. Section 43.08.066, chapter 8, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1971 ex. sess. and RCW 43.08.066 are each amended to read as follows:

Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue:

(1) To file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him;

(2) To give a bond, in twice the face amount of the original instrument, with one or more sufficient sureties, conditioned to save harmless the state, its paying agent or any trustee under the terms of the instrument from the payment of the original instrument, and the payment of all costs and charges on account thereof: PROVIDED, That the proper owner, payee, or legal representative thereof and sureties shall not be liable where the payment of the original warrant resulted from forgery or fraud by others, not aided or abetted by such proper owner, payee or legal representative thereof or sureties, or occurred as a result of their negligence; PROVIDED FURTHER, That this subsection shall not apply to instruments received by virtue of or under the public assistance laws or employment security laws: PROVIDED FURTHER, That in the event that an original and its duplicate instrument issued without bond under this proviso are both presented for payment as a result of forgery or fraud, the department of social and health services or the department of employment security, as the case may be, shall be the state agency responsible for endeavoring to recover any losses suffered by the state.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 75

[Engrossed Substitute Senate Bill No. 100]

FRAUD IN OBTAINING TELEPHONE OR TELEGRAPH SERVICE--
PENALTIES-- SEARCH AND SEIZURE

AN ACT Relating to crimes and punishment; amending section 1, chapter 114, Laws of 1955 and RCW 9.45.240; amending section 2, page 101, Laws of 1854 as last amended by section 1, chapter 83, Laws of 1969 and RCW 10.79.015; defining crimes and providing penalties.

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

Section 1. Section 1, chapter 114, Laws of 1955 and RCW 9.45.240 are each amended to read as follows:

Every person who, with intent to evade the provisions of any order of the Washington public service commission or of any tariff, rule or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit or fraudulent device, shall be guilty of a misdemeanor; PROVIDED, HOWEVER, That if the value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor; PROVIDED FURTHER, That as to any act which constitutes a violation of both this 1972 act and RCW 9.26A.050 the provisions of RCW 9.26A.050 shall be exclusive.

Sec. 2. Section 2, page 101, Laws of 1854 as last amended by section 1, chapter 83, Laws of 1969 and RCW 10.79.015 are each amended to read as follows:

Any such magistrate, when satisfied that there is reasonable cause, may also, upon like complaint made on oath, issue search warrant in the following cases, to wit:

(1) To search for and seize any counterfeit or spurious coin, or forged instruments, or tools, machines or materials, prepared or provided for making either of them.

(2) To search for and seize any gaming apparatus used or kept, and to be used in any unlawful gaming house, or in any building,

apartment or place, resorted to for the purpose of unlawful gaming.

(3) To search for and seize any evidence material to the investigation or prosecution of any homicide or any felony.

(4) To search for and seize any instrument, apparatus or device used to obtain telephone or telegraph service in violation of RCW 9.45.240.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 76

[Engrossed Senate Bill No. 149]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

AN ACT Relating to state government; creating a new chapter in Title 43 RCW; and making an appropriation.

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

NEW SECTION. Section 1. (1) There is hereby created the American revolution bicentennial commission composed of:

(a) The director of the Washington state historical society or his designee, who shall serve as chairman of the commission;

(b) The director of the department of commerce and economic development or his designee;

(c) The secretary of state or his designee;

(d) The director of the state parks and recreation commission or his designee;

(e) The state librarian or his designee;

(f) The executive coordinator of the council on higher education or his designee;

(g) The superintendent of public instruction or his designee;

(h) Two members of the senate, not of the same political party, appointed by the president of the senate;

(i) Two members of the house of representatives, not of the same political party, to be selected by the speaker of the house;

(j) Fourteen citizens of the state, to be appointed by the governor; and

(k) Any additional persons recommended by the commission to assist in its work and appointed by the governor, and any others he deems necessary, to serve as honorary members.

(2) The members of the commission shall serve without compensation: PROVIDED, That each member designated in subsection (1) (j) may receive as compensation twenty-five dollars for each day

or portion thereof that he is engaged in official business of the commission, and in addition thereto may be reimbursed for necessary expenses incurred while on official business of the commission in accordance with the provisions of RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. (1) The commission shall prepare a comprehensive program for commemorating the bicentennial of the American revolution in Washington state and plan, encourage, develop, and coordinate observances and activities commemorating the historic events that are associated with the American revolution.

(2) In preparing its plans and program, the commission shall consider any related plans and programs developed by the national American revolution bicentennial commission and local and private groups, and it may designate special committees with representatives from such bodies to plan, develop, and coordinate such activities.

(3) In all planning, the commission shall give special emphasis to the ideas associated with the American revolution and to the involvement of local citizens, communities and areas so that the people of the state may, to the greatest practical extent, serve as participants in, rather than merely as observers of the commemoration.

(4) The commission shall submit an annual report to the governor on the 1st of January incorporating its specific recommendations for the commemoration of the American revolution bicentennial and related events. The report may recommend activities including, but not limited to:

(a) The production, publication and distribution of books, pamphlets, films, and other educational materials on the history, culture, and political thought of the period of the American revolution;

(b) Bibliographical and documentary projects and publications;

(c) Conferences, convocations, lectures, seminars, and other programs;

(d) The development of libraries, museums, historic sites, and exhibits, including mobile exhibits;

(e) Ceremonies and celebrations commemorating specific events; and

(f) Programs and activities on the national and international significance of the American revolution and its implications for present and future generations.

(5) The annual report of the commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the commission. The report shall also include proposals for such legislation and administrative action as the commission considers necessary to carry

out its recommendations. The governor shall transmit the commission's report to the legislature, together with any comments and recommendations for legislation and a report of such administrative actions as may be taken by him.

NEW SECTION. Sec. 3. (1) In fulfilling its responsibilities, the commission shall consult, cooperate with, and seek advice from appropriate state departments and agencies, local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. State departments and agencies may cooperate with the commission in planning, encouraging, developing, and coordinating appropriate commemorative activities.

(2) The commission shall determine if there are any sites within the state which are appropriate for preservation or development in such a manner as to ensure that fitting observances and exhibits commemorating the American revolution may be held at such sites during the bicentennial celebration.

(3) The president of each state college and university shall cooperate with the commission, especially in the encouragement, coordination, and publicity of scholarly works and presentations on the history, culture, political thought, and commemoration of the American revolution.

(4) The state librarian, the director of the state historical society, the director of the eastern Washington historical society, the director of the state capitol historical association, the executive director of the arts commission, and the director of the department of general administration shall cooperate with the commission, especially in the development and display of exhibits and collections and in the development of bibliographies, catalogs, and other materials relevant to the period of the American revolution.

NEW SECTION. Sec. 4. (1) The commission is authorized to provide for the striking of an official Washington state medal in commemoration of the two hundredth anniversary of American independence. Such medal shall have suitable emblems, devices, and inscriptions and be in such size and metals as the commission may determine, in consultation with the national American revolution bicentennial commission in order to assure that the Washington state medal conforms with the medals of the other states and will result in an official matching set of such state medals according to criteria set by the national American revolution bicentennial commission.

(2) The commission shall determine the quantity of medals to be produced, including reorders as deemed necessary. The commission shall also arrange for the sale of the medals and their sales price. Receipts in excess of production and distribution costs shall be exclusively available to the commission for its general purposes.

NEW SECTION. Sec. 5. (1) The commission may accept donations

of money, personal property, or personal services.

(2) All property acquired by the commission shall be deposited for preservation in federal, state, or local libraries or museums or otherwise disposed of in consultation with the state librarian, the director of the Washington state historical society, the director of the eastern Washington state historical society, the director of the state capitol historical association, and the director of the department of general administration.

(3) All money donated to the commission shall be deposited with the state treasurer and shall be exclusively available to the commission. All expenditures of the commission shall be by warrant of the state treasurer on vouchers of the chairman of the commission in accordance with budgets approved by the office of program planning and fiscal management.

NEW SECTION. Sec. 6. There is hereby appropriated to the commission the sum of three thousand dollars from the general fund for the period ending June 30, 1973.

NEW SECTION. Sec. 7. The commission shall be abolished on January 1, 1984.

NEW SECTION. Sec. 8. This act shall constitute a new chapter in Title 43 RCW.

Passed the Senate January 28, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 77

[Engrossed Senate Bill No. 298]

ALCOHOLISM--TREATMENT PROGRAMS AND FACILITIES--
INTERLOCAL COOPERATION-- CONTRIBUTION CONDITION TO SHARE IN LIQUOR
RECEIPTS

AN ACT Relating to alcoholism; and adding new sections to chapter 70.96 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.96 RCW a new section to read as follows:

Any city, town or county not having its own facility or program for the treatment and rehabilitation of alcoholics may share in the use of a facility or program maintained by another city or county so long as it contributes no less than two percent of its share of liquor taxes and profits to the support of the same.

NEW SECTION. Sec. 2. There is added to chapter 70.96 RCW a

new section to read as follows:

In order to be eligible to receive its share of liquor taxes and profits, each city and county shall be required to devote no less than two percent of such share of liquor taxes and profits to the support of an alcoholism program approved by the secretary of the state department of social and health services.

Passed the Senate February 1, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 78

[Engrossed Senate Bill No. 393]

INDUSTRIAL INSURANCE--PENALTIES--DEFERRAL

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.48 RCW.

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

NEW SECTION. Section 1. There is added to chapter 51.48 RCW a new section to read as follows:

The penalties provided under this title for failure to apply for coverage for employees as required by the provisions of Title 51 RCW, the workmen's compensation law, shall not be applicable prior to March 1, 1972, as to any employer whose work first became subject to this title on or after January 1, 1972.

Passed the Senate February 2, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 79

[Substitute Senate Bill No. 403]

SECURITIES--EXEMPT TRANSACTIONS--

ASSOCIATIONS, PATRONAGE DIVIDENDS, CONTRIBUTIONS TO CAPITAL

AN ACT Relating to security transactions; and amending section 32, chapter 282, Laws of 1959 as amended by section 8, chapter 37, Laws of 1961 and RCW 21.20.320.

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

Section 1. Section 32, chapter 282, Laws of 1959 as amended by section 8, chapter 37, Laws of 1961 and RCW 21.20.320 are each

amended to read as follows:

Except as hereinafter in this section expressly provided, RCW 21.20.040 through 21.20.300, inclusive, shall not apply to any of the following transactions:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offer directed by the offerer to not more than twenty persons (other than those designated in subsection (8) of this section) in this state during any period of

twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if (a) the seller reasonably believes that all the buyers are purchasing for investment, and (b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of [the] transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the securities act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

(15) The offer or sale by a registered broker-dealer, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics:

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such

broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness or stock for a patronage dividend, or for contributions to capital by such patrons in the association provided that any such receipt, written notice or certificate made pursuant to this paragraph shall be nontransferable except in the case of death or by operation of law and shall so state conspicuously on its face.

The director may by order deny or revoke the exemption specified in subsection (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of an opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 80

[Senate Bill No. 417]

PROBATE--HOMESTEAD, IN LIEU AND ADDITIONAL AWARDS

AN ACT Relating to probate; amending section 11.52.016, chapter 145, Laws of 1965 and RCW 11.52.016; amending section 11.52.024, chapter 145, Laws of 1965 and RCW 11.52.024; and declaring an emergency.

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

Section 1. Section 11.52.016, chapter 145, Laws of 1965 and RCW 11.52.016 are each amended to read as follows:

The order of judgment of the court making the award or awards provided for in RCW 11.52.010 through 11.52.024 shall be conclusive and final, except on appeal and except for fraud. The awards in RCW 11.52.010 through 11.52.024 provided shall be in lieu of all homestead provisions of the law and of exemptions. The said property, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of the deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community. Under RCW 11.52.010 through 11.52.024, the court shall not award more property than could be awarded under the law in effect at the time of the ((death of the deceased spouse)) granting of the award.

Sec. 2. Section 11.52.024, chapter 145, Laws of 1965 and RCW 11.52.024 are each amended to read as follows:

Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions. The property in addition to the homestead, when set aside as herein provided, shall be exempt from all claims for the payment of any debt of deceased or of the surviving spouse existing at the time of death, whether such debt be individual or community. Under RCW 11.52.010 through 11.52.024, the court shall not award more property than could be awarded under the law in effect at the time of the ((death of the deceased spouse)) granting of the award.

NEW SECTION. Sec. 3. This 1972 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 24, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 81
[Senate Bill No. 423]
INTERLOCAL COOPERATION--NONPROFIT CORPORATIONS--
JOINT BOARD OPERATING FUND

AN ACT Relating to interlocal cooperation; and amending section 4, chapter 239, Laws of 1967 and RCW 39.34.030; and declaring an emergency.

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

Section 1. Section 4, chapter 239, Laws of 1967 and RCW 39.34.030 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation whose membership is limited solely to the participating public agencies and

the funds of any such corporation shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of joint board".

(5) No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

NEW SECTION. Sec. 2. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 82

[Engrossed Substitute House Bill No. 341]

LEGISLATIVE LOBBYING

AN ACT Relating to legislative lobbying; providing for the registration and regulation of lobbyists; amending section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030; amending section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010; amending section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020; amending section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030; amending section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040; amending section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060; adding new sections to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64. RCW; repealing section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050; and providing for a referendum.

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

Section 1. Section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010 are each amended to read as follows:

When used in this chapter:

(1) (~~The term "contribution" includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution, given with the intent of influencing the passage or defeat of any pending or proposed legislation;~~

~~(2))~~ The term "expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure(~~(+)~~) ;

(~~(3)~~) (2) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. The term does not include a member or member-elect of either house of the state legislature(~~(+)~~), an elected state officer nor a gubernatorial appointee to a position requiring confirmation by the senate;

(~~(4)~~) (3) The term "legislation" means bills, resolutions, amendments, motions, nominations, and other matters pending or proposed in either house or any committee of the legislature;

(4) The terms "lobby" and "lobbying" each mean attempting to influence, through direct contact with any legislator or legislators, the passage or defeat of any legislation by the legislature;

(5) The term "lobbyist" means any person, including any public employee, who shall lobby either on his own or another's behalf;

(6) The term "lobbyist's employer" means the person or persons

by whom or on whose behalf the lobbyist is employed, and all persons by whom he is compensated for acting as a lobbyist;

(7) The term "code reviser" means the person so designated under the provisions of chapter 1.08 RCW;

(8) The terms "senate board of ethics" and "house board of ethics" mean the boards designated and defined in RCW 44.60.010;

(9) The term "prescribed form" means a form prescribed by the joint board of ethics.

Sec. 2. Section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020 are each amended to read as follows:

(1) ((Any person who shall be engaged for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington or the approval or veto of any legislation by the governor of the state of Washington shall register with the president of the senate and the speaker of the house before doing anything in furtherance of such object and shall give to such officers in writing and under oath a statement)) Before doing any lobbying a lobbyist shall register by filing with the code reviser a lobbyist registration statement executed under oath on a prescribed form, for each of his employers, showing:

(a) Name ((and)), permanent business address, and business address during the legislative session;

(b) Name and address of the ((person or persons by whom he is employed and in whose interest he appears or works and by whom he is compensated)) lobbyist's employer;

(c) The duration of such employment;

(d) If employed as a lobbyist, whether he is paid on a permanent basis with a lobbying assignment as a partial, temporary or incidental part of his duties, or whether his compensated employment is solely for lobbying purposes;

(e) A written authorization from ((each person by whom he is so employed)) the lobbyist's employer confirming such employment;

(f) Name and address of the person, if other than the lobbyist or his employer, who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept by section 7 of this 1972 amendatory act;

(g) The general area or areas of his legislative interest.

(2) ((In addition, any person as described in subsection (1) above shall similarly file not later than sixty days after the adjournment of each regular and extraordinary session of the legislature a statement which shall contain the total of all contributions and expenditures made, incurred, or expended for the purposes described in this section exclusive of personal living and travel expenses: PROVIDED, HOWEVER, That when an extraordinary

session follows immediately after a regular session such statement shall be filed not later than sixty days after the adjournment of the extraordinary session:

(3) Each statement required by this section shall be made on forms agreed upon by the president of the senate and the speaker of the house, a duplicate copy of which shall be filed with and preserved by the secretary of state for a period of three years as a public record open to public inspection.) On each Friday that the legislature is in session, the code reviser shall publish a list of the names of all lobbyists whose registration is then in effect and the names and addresses of the lobbyists' employers, and shall deliver a copy of this list to the governor, the president of the senate, the speaker of the house, the attorney general, the secretary of state, and the president of the capital correspondents' association.

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

(4) The registration of all lobbyists shall terminate with the adjournment of the legislative session for which the lobbyist has registered: PROVIDED, HOWEVER, That the registration of all lobbyists shall continue in effect through the duration of any regular or extraordinary session convened not more than ten days following the adjournment of any regular or extraordinary session of the legislature.

Sec. 3. Section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030 are each amended to read as follows:

The following activities shall not be deemed to require compliance with ((RCW 44-64-020)) sections 2, or 7(1) of this 1972 amendatory act:

(1) ((The activities or appearance of a person promoting or opposing the passage of any legislation or its approval or veto by the governor, in his own behalf and not as a representative, agent or employee of another person)) Lobbying without compensation or other consideration by a person in his own personal behalf, or as a member of a business, profession, occupation, or other group where no different benefit or detriment will accrue to that person because of his membership than will accrue to any other member of such business, profession, occupation, or group:

(2) Providing professional services in the drafting of legislative measures or in advising ((clients)) and rendering opinions to clients as to the construction and effect of proposed or pending legislation((, or in communicating with members of the

legislature or the governor in connection therewith));

(3) Appearing or testifying ((before a)) at a meeting of any committee of the legislature in support of or in opposition to any legislation;

(4) ((Giving testimony at committee hearings upon the request of the legislature or a committee or a member thereof;

(5) Giving testimony or contacting legislators by government employees as a part of their official duties;

or

(6)) News or feature reporting activities by working members of the press, radio, or television; PROVIDED, HOWEVER, That any member of the press, radio, or television who shall lobby shall register and be subject to all provisions of this chapter; or

(5) Communication, orally or in writing, to a legislator in response to an inquiry received from such legislator.

Sec. 4. Section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040 are each amended to read as follows:

No agreement to ((accomplish any purpose set forth in RCW 44.64.020)) lobby shall be enforceable and no action shall be brought thereon where payment of all or any part of the compensation under said agreement depends in any manner upon the passage or defeat or executive approval or veto of any legislation, or upon any other contingency in connection with legislation: PROVIDED, That this section shall not apply to those agreements made between attorney and client in connection with claims against the state of Washington.

Sec. 5. Section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060 are each amended to read as follows:

The ((attorney general)) senate board of ethics and house board of ethics shall enforce the provisions of this chapter ((and shall prosecute, or may delegate to the appropriate prosecuting attorney the prosecution of all violations of this chapter: PROVIDED, That this section shall not preclude actions for the recovery of damages)). Each board shall have the following powers, duties, and functions:

(1) The boards jointly, shall adopt procedural rules and guidelines for processing complaints and notifications of violations including, but not limited to, rules for the preservation of confidentiality when necessary and in the public interest.

(2) Upon the written complaint of any person who has reason to believe that there is or has been a violation of this 1972 amendatory act, or whenever in the board's judgment the public interest requires, either board may cause the attorney general to investigate the activities of any lobbyist or other person when there is reason to believe he is or has been acting in violation of this 1972 amendatory act.

(3) When the attorney general investigates any lobbyist or other person as directed by either the senate board of ethics or house board of ethics he may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated by the attorney general in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents related to the expenditures statement required by section 7 of this 1972 amendatory act. When the attorney general requires the attendance of any person to obtain such lobbying information or the production of the lobbyist's accounts, bills, receipts, books, papers, and documents required to be preserved by section 7 of this 1972 amendatory act, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) As soon as practical, the attorney general shall submit his report and recommendations to the joint board of ethics as to whether in his opinion the preponderance of evidence is that a lobbyist has violated or is violating any provisions of this 1972 amendatory act.

(5) The joint board of ethics may revoke or suspend the registration of any lobbyist who, it finds has violated or is violating any provision of this 1972 amendatory act. Before revoking or suspending any registration under this subsection, the joint board shall give the lobbyist reasonable notice of its intention regarding his registration, and shall, if requested by him, conduct a hearing on the issue of the revocation or suspension of his registration.

(6) When the joint board of ethics has reason to believe that a lobbyist has violated or is violating any provision of this 1972 amendatory act, it may direct the attorney general to bring a civil action to revoke such lobbyists' registration and enjoin his lobbying

activities. A lobbyist whose registration is revoked shall be enjoined from all lobbying activities for a period of not less than two years: PROVIDED, HOWEVER, That revocation of a lobbyist's registration does not excuse said lobbyist from filing the statements required under section 7 of this 1972 amendatory act.

(7) When the joint board of ethics has reason to believe that a lobbyist, without good cause, has failed to file any statement required by section 7 of this 1972 amendatory act, or has filed any such statement reporting less than the amount required to be reported, it may direct the attorney general to bring an action in the name of the state to require the filing of the required statement or information. If the state prevails in such action and the court finds that the lobbyist wilfully and knowingly violated the provisions of said section 7 then there may be awarded as a judgment to the state for its general fund an amount not more than treble the amount the lobbyist failed to report in violation of this 1972 amendatory act. In the event the lobbyist reported less than the amount required under the provisions of this 1972 amendatory act, then the amount he "failed to report", for purposes of computing damages, shall be the difference between the amount required to be reported and the actual amount reported. The court may, in addition, award to the state all costs of investigating and trial, including a reasonable attorney's fee to be fixed by the court. The registration of any lobbyist may be revoked under subsection (6) of this section if his violation of section 7 is found to have been intentional. If damages are awarded in such action, the judgment may be awarded against the lobbyist, the lobbyist's employer or employers joined as defendants, jointly, severally, or both.

(8) The senate board of ethics or house board of ethics may by general rule authorize the attorney general to serve written notice upon any person whenever the attorney general has reason to believe that person is or has been violating section 2 of this 1972 amendatory act by carrying on lobbying activities without having registered, which notice shall direct such person to respond within twenty-four hours of receipt of such notice and show cause why he should not register or be enjoined from all lobbying activities. An action to enjoin such person's lobbying activities may be brought by the attorney general at the direction of the joint board of ethics if the person does not register or the attorney general does not receive a satisfactory response as directed.

(9) The senate board of ethics, the house board of ethics, and the joint board of ethics may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section.

NEW SECTION. Sec. 6. There is added to chapter 131, Laws of

1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

The powers and duties of the attorney general pursuant to this 1972 amendatory act shall not be construed to limit or restrict the exercise of his power or the performance of his duties under any other provision of law.

NEW SECTION. Sec. 7. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

(1) Each lobbyist registered according to section 2 of this 1972 amendatory act shall file with the code reviser not later than sixty days after the expiration of his lobbyist registration, whether by termination of employment or adjournment of any session of the legislature, a complete and detailed statement upon a prescribed form showing:

The totals of all expenditures made or incurred by or on behalf of such lobbyist during the legislative session, which totals shall be segregated according to financial category, including but not limited to the following: (a) Entertainment, including food and refreshments; (b) advertising; (c) contributions; and (d) other expenses or services: PROVIDED, HOWEVER, That a lobbyist's personal living and travel expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities need not be reported, and no expenditure which is properly reported as a campaign contribution under any other law of this state enacted after January 1, 1972, shall be reported under this 1972 amendatory act: PROVIDED, FURTHER, That all contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by, each such contribution. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

The reporting period of the statement required by this subsection shall be the duration of each legislative session: PROVIDED, HOWEVER, That when a regular or extraordinary session convenes not more than ten days following the adjournment of any regular or extraordinary session, the reporting period of the statement required by this subsection shall be the combined duration of such sessions.

(2) Within ninety days after the termination of all lobbyist registrations by the adjournment of the legislature, the code reviser shall publish a report showing each person who has registered as a

lobbyist since the last such report, and shall deliver a copy of such report to the governor, the president of the senate, the speaker of the house, the president of the capitol correspondents' association, the attorney general and the secretary of state. The report shall contain:

- (a) The lobbyist's name and permanent address;
- (b) The name and address of all employers listed by such lobbyist;
- (c) The total of all expenditures by category reported by such lobbyist.

The secretary of state shall file and preserve such report for a period of three years as a public record open to public inspection.

NEW SECTION. Sec. 8. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

Any employee of the governor's office or of any other state funded activity, agency, or department engaged in lobbying activities shall be registered with the code reviser's office.

A list of such people shall be provided each legislator showing the name, age, address, salary, agency represented, education, previous employment, and areas they claim expertise in.

NEW SECTION. Sec. 9. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

Each lobbyist's registration form, following the first publication thereof as required in section 2 (2) of this 1972 amendatory act, and each lobbyist's statement of expenditures, following publication as required in section 7 (2) of this 1972 amendatory act, shall be delivered by the code reviser to the secretary of state who shall file and preserve such documents for a period of three years as a public record open to public inspection.

NEW SECTION. Sec. 10. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

A lobbyist has the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject the lobbyist, and the lobbyist's employer if such employer aids, abets, ratifies, or confirms any such act of the lobbyist, to other civil liabilities, as provided by this 1972 amendatory act.

A lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this 1972 amendatory act for a period of at least two years from the date of the filing of the statement containing such items: PROVIDED, That if the lobbyist is

required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

In addition, a lobbyist shall not:

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

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

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

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

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

Sec. 11. Section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030 are each amended to read as follows:

The jurisdiction of the respective boards of ethics created by this chapter shall be strictly limited to the consideration of the conduct of the members of its own house ~~((and))~~, the conduct of employees of its own house, and the activities of legislative lobbying regulated under chapter 44.64 RCW.

NEW SECTION. Sec. 12. Section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050 are each repealed.

NEW SECTION Sec. 13. Any person damaged by reason of any violation of the provisions of this 1972 amendatory act by any person may maintain an action against such person. If damages are awarded in such action a reasonable attorney's fee may also be allowed by the court.

NEW SECTION. Sec. 14. The enactment of this 1972 amendatory act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this act becomes effective. Nothing in this 1972 amendatory act shall be construed to in any way limit the power of the senate and house of representatives, or either of them, to adopt additional or supplementary rules regarding lobbying activities nor limit the right of any person to recover damages from any other person on account of any violation of this 1972 amendatory act.

NEW SECTION. Sec. 15. If any provision of this 1972 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. The rule of strict construction shall not be applied to the operation of this act, and this act shall be liberally construed to carry out the purposes hereof.

NEW SECTION. Sec. 17. This 1972 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, 1972, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House February 20, 1972.

Passed the Senate February 19, 1972.

Filed in Office of Secretary of State February 22, 1972.

CHAPTER 83

[Engrossed House Bill No. 9]

ESTATES OF ABSENTEES

AN ACT Relating to estates of absentees; amending section 11.80.010, chapter 145, Laws of 1965 and RCW 11.80.010; and adding new sections to chapter 11.80 RCW.

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

Section 1. Section 11.80.010, chapter 145, Laws of 1965 and RCW 11.80.010 are each amended to read as follows:

Whenever it shall be made to appear by petition to any judge of the superior court of any county that there is property in such county, either real or personal, that requires care and attention, or is in such a condition that it is a menace to the public health, safety or welfare, or that the custodian of such property appointed by the owner thereof is either unable or unwilling to continue longer in the care and custody thereof, and that the owner of such property has absented himself from the county and that his whereabouts is unknown and cannot with reasonable diligence be ascertained, or that the absentee owner is a person defined in section 2 of this 1972 amendatory act, which petition shall state the name of the absent owner, his approximate age, his last known place of residence, the circumstances under which he left and the place to which he was going, if known, his business or occupation and his physical appearance and habits so far as known, the judge to whom such petition is presented shall set a time for hearing such petition not less than six weeks from the date of filing, and shall by order direct that a notice of such hearing be published for three

successive weeks in a legal newspaper published in the county where such petition is filed and in such other counties and states as will in the judgment of the court be most likely to come to the attention of the absentee or of persons who may know his whereabouts, which notice shall state the object of the petition and the date of hearing, and set forth such facts and circumstances as in the judgment of the court will aid in identifying the absentee, and shall contain a request that all persons having knowledge concerning the absentee shall advise the court of the facts: PROVIDED, HOWEVER, That the court may, upon the filing of said petition, appoint a temporary trustee, who shall have the powers, duties and qualifications of a special administrator.

If it shall appear at such hearing that the whereabouts of the absentee is unknown, but there is reason to believe that upon further investigation and inquiry he may be found, the judge may continue the hearing and order such inquiry and advertisement as will in his discretion be liable to disclose the whereabouts of the absentee, but when it shall appear to the judge at such hearing or any adjournment thereof that the whereabouts of the absentee cannot be ascertained, he shall appoint a suitable person resident of the county as trustee of such property, taking into consideration the character of the property and the fitness of such trustee to care for the same, preferring in such appointment the husband or wife of the absentee to his presumptive heirs, the presumptive heirs to kin more remote, the kin to strangers, and creditors to those who are not otherwise interested, provided they are fit persons to have the care and custody of the particular property in question and will accept the appointment and qualify as hereinafter provided.

NEW SECTION. Sec. 2. There is added to chapter 11.80 RCW a new section to read as follows:

Any person serving in or with the armed forces of the United States, in or with the Red Cross, or in or with the merchant marine or otherwise, during any period of time when a state of hostilities exists between the United States and any other power and for one year thereafter, who has been reported or listed as missing in action, or interned in a neutral country, or captured by the enemy, shall be an "absentee" within the meaning of this chapter.

NEW SECTION. Sec. 3. There is added to chapter 11.80 RCW a new section to read as follows:

(1) If the spouse of any absentee owner, or his next of kin, if said absentee has no spouse, shall wish to sell or transfer any property of the absentee which has a gross value of less than five thousand dollars, or shall require the consent of the absentee in any matter regarding the absentee's children, or any other matter in which the gross value of the subject matter is less than five

thousand dollars, such spouse or next of kin may apply to the superior court for an order authorizing said sale, transfer, or consent without opening a full trustee proceeding as provided in this chapter. The applicant may make the application without the assistance of an attorney. Said application shall be made by petition on the following form, which form shall be made readily available to the applicant by the clerk of the superior court.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF

.....,)
Plaintiff,) NO.
)
vs.) PETITION FOR SUMMARY RELIEF
)
.....,)
Defendant.)
.....)

Petitioner,, whose residence is, and, Washington, and who is the of the absentee,, states that the absentee has been since, when Petitioner desires to sell/transfer of the value of, because The terms of the sale/transfer are Petitioner requires the consent of the absentee for the purpose of

.....
Petitioner

(Affidavit of Acknowledgment)

(2) The court may, without notice, enter an order on said petition if it deems the relief requested in said petition necessary to protect the best interests of the absentee or his dependents.

(3) Such order shall be prima facie evidence of the validity of the proceedings and the authority of the petitioner to make a conveyance or transfer of the property or to give the absentee's consent in any manner described by subsection (1) of this section.

Passed the House February 19, 1972.
Passed the Senate February 19, 1972.
Approved by the Governor February 22, 1972.
Filed in Office of Secretary of State February 23, 1972.

CHAPTER 84

[Substitute House Bill No. 13]

TAX FORECLOSURE AND SALE PROCEDURE--NOTICE--
TITLE SEARCH--ERRONEOUS SALES

AN ACT Relating to property taxes; amending section 84.64.030, chapter 15, Laws of 1961 and RCW 84.64.030; amending section 84.64.050, chapter 15, Laws of 1961 and RCW 84.64.050; amending section 84.68.010, chapter 15, Laws of 1961 and RCW 84.68.010 and adding a new section to chapter 15, Laws of 1961 and to chapter 84.64 RCW.

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

Section 1. Section 84.64.030, chapter 15, Laws of 1961 and RCW 84.64.030 are each amended to read as follows:

Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of any certificate of delinquency may give notice and summons to the owner of the property described in such certificate that he will apply to the superior court of the county in which such property is situated for a judgment foreclosing the lien against the property mentioned therein. Such notice and summons shall contain:

(1) The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof, and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amount.

(2) A direction to the owner summoning him to appear within sixty days after service of the notice and summons, exclusive of the day of service, and defend the action or pay the amount due, and when service is made by publication a direction to the owner, summoning him to appear within sixty days after the date of the first publication of the notice and summons, exclusive of the day of said first publication, and defend the action or pay the amount due.

(3) A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien of such taxes and costs against the land and premises named.

The notice and summons shall be subscribed by the holder of the certificate of delinquency, or by someone in his behalf, and residing within the state of Washington, and upon whom all process may be served.

A copy of said notice and summons shall be delivered to the county treasurer. Thereafter when any owner of real property or person interested therein seeks to redeem as provided in RCW

84.64.070, the treasurer shall ascertain the amount of costs accrued in foreclosing said certificate and include said costs as a part of the redemption required to be paid. Cost incurred for a title search required by RCW 84.64.050 shall be included.

The notice and summons shall be served in the same manner as a summons in a civil action is served in the superior court.

Sec. 2. Section 84.64.050, chapter 15, Laws of 1961 and RCW 84.64.050 are each amended to read as follows:

After the expiration of five years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county, and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county commissioners shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons ((may) must be served or notice given ((exclusively by publication in one general notice,) in a manner reasonably calculated to inform the owner or owners of the foreclosure action. Either (1) personal service upon the owner or owners or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to describing the property as the same is described on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons

whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder; PROVIDED, That, at least thirty days prior to the sale of the property, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section. ((The publication of the notice and summons required by this section shall be made by the county treasurer in the official newspaper of the county and shall be paid for by the board of county commissioners out of a special appropriation made for that purpose: PROVIDED, The price charged by any such newspaper for such publication, for the whole number of issues, shall not exceed in any case the price stated in the contract of the county with such newspaper for county printing, and that, if such publication cannot be made in said newspaper at said price, the county treasurer may cause such publication to be made in any other newspaper printed, published and of general circulation in the county, at a cost for the whole number of issues not to exceed in any case the maximum rate for county printing fixed by contract for such year.))

Sec. 3. Section 84.68.010, chapter 15, Laws of 1961 and RCW 84.68.010 are each amended to read as follows:

Injunctions and restraining orders shall not be issued or granted to restrain the collection of any tax or any part thereof, or the sale of any property for the nonpayment of any tax or part thereof, except in the following cases:

(1) Where the law under which the tax is imposed is void;
(and)

(2) Where the property upon which the tax is imposed is exempt from taxation; or

(3) Where the sale is a result of an error made by an officer or employee of the county, and the board of county commissioners or other legislative authority of the county has issued an order pursuant to the provisions of section 4 of this 1972 amendatory act.

NEW SECTION. Section 4. There is added to chapter 15, Laws of 1961 and to chapter 84.64 RCW a new section to read as follows:

On order of the board of county commissioners or other legislative authority of any county, property sold or in the process of being sold to satisfy a tax lien against such property where such lien resulted from an error made by an officer or employee of the county, shall be returned to the rightful owner thereof: PROVIDED, That no order shall be issued more than one year following the date of issuance of the tax deed. If the property has already been sold, the county shall:

- (1) Commence an action for the recovery of the property;
- (2) Refund to the buyer the purchase price plus the reasonable value of all improvements to the property made in good faith by the buyer and less the value of the use thereof, and
- (3) Require the rightful owner to pay the reasonable value of all improvements to the property made in good faith by the buyer less the value of the use thereof.

If the property is in the process of being sold, the county shall take immediate steps to halt such sale and shall declare the title of the rightful owner clear, free of such tax lien.

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 85

[Engrossed House Bill No. 33]

SCHOOL DISTRICTS--REIMBURSEMENT FOR TRANSPORTATION COSTS

AN ACT Relating to the establishment of reserve funds by school districts for equipment depreciation reimbursement; and amending section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 48, Laws of 1971 and RCW 28A.41.160.

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

Section 1. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 48, Laws of 1971 and RCW 28A.41.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to state assistance based upon weighted enrollment. Transportation costs shall be reimbursed as follows:

- (1) Operational reimbursement shall be limited to ninety percent of the service costs on routes recommended by the

intermediate school district transportation commission, and as approved by the state superintendent, or shall be limited to ninety percent of the average state cost per vehicle mile for the class of vehicle approved for operation as determined by the state superintendent, whichever is the smaller; and

(2) Costs of acquisition of approved transportation equipment shall be limited to ninety percent to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent; PROVIDED, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future purpose of approved transportation equipment and major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW 28A.41.170, 28A.65.050, and 28A.65.180.

Passed the House February 15, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 86

[House Bill No. 79]

PRESSURE SYSTEMS--RULES AND REGULATIONS, ADOPTION,
PRIMA FACIE COMPLIANCE--EXEMPTIONS, HOT WATER HEATERS

AN ACT Relating to pressure systems; amending section 3, chapter 32, Laws of 1951 and RCW 70.79.030; and amending section 9, chapter 32, Laws of 1951 and RCW 70.79.090.

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

Section 1. Section 3, chapter 32, Laws of 1951 and RCW 70.79.030 are each amended to read as follows:

The board shall formulate definitions, rules, and regulations for the safe and proper construction, installation, repair, use, and operation of boilers and for the safe and proper construction, installation, and repair of unfired pressure vessels in this state. The definitions, rules, and regulations so formulated shall be based upon, and, at all times, follow the generally accepted nationwide engineering standards, formulae, and practices established and pertaining to boiler and unfired pressure vessel construction and safety, and the board may by resolution adopt an existing published codification thereof, known as "The Boiler Construction Code of the American Society of Mechanical Engineers", with the amendments and interpretations thereto made and approved by the council of the society, and may likewise adopt the amendments and interpretations

subsequently made and published by the same authority; and when so adopted the same shall be deemed incorporated into, and to constitute a part or the whole of the definitions, rules, and regulations of the board. Amendments and interpretations to the code so adopted shall be adopted immediately upon being promulgated, to the end that the definitions, rules, and regulations shall at all times follow the generally accepted nationwide engineering standards; PROVIDED, HOWEVER, That all rules and regulations promulgated by the board, including any or all of the boiler construction code of the American society of mechanical engineers with amendments and interpretations thereof, shall be adopted in compliance with the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended. All boilers and unfired pressure vessels subject to the jurisdiction of the board, which have been constructed or installed in accordance with the code of the American society of mechanical engineers shall be prima facie evidence of compliance with those provisions of this chapter and the rules of the board.

Sec. 2. Section 9, chapter 32, Laws of 1951 and RCW 70.79.090 are each amended to read as follows:

The following boilers and unfired pressure vessels shall be exempt from the requirements of RCW 70.79.220, and 70.79.240 through 70.79.340:

(1) Boilers or unfired pressure vessels located on farms and used solely for agricultural purposes;

(2) Steam boilers used exclusively for heating purposes carrying a pressure of not more than fifteen pounds per square inch gauge and which are located in private residences or in apartment houses of less than six families;

(3) Hot water heating boilers carrying a pressure of not more than thirty pounds per square inch and which are located in private residences or in apartment houses of less than six families;

(4) Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including a pressure relief valve, with a nominal water containing capacity of one hundred twenty gallons or less having a heat input of two hundred thousand b.t.u.'s per hour or less, used for hot water supply at pressure of one hundred sixty pounds per square inch or less, and at temperatures of two hundred degrees Fahrenheit or less; PROVIDED, HOWEVER, That such pressure vessels are not installed in schools, child care centers, public and private hospitals, nursing and boarding homes, churches, public buildings owned or leased and maintained by the state or any political subdivision thereof, and assembly halls;

(5) Unfired pressure vessels containing only water under pressure for domestic supply purposes, including those containing

air, the compression of which serves only as a cushion or airlift pumping systems, when located in private residences or in apartment houses of less than six families;

((5)) (6) Unfired pressure vessels containing liquefied petroleum gases.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 87

[House Bill No. 86]

MOTOR VEHICLE EXCISE TAXES--

CODE CORRECTIONS

AN ACT Relating to motor vehicle excise taxes; reenacting section 82.44.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1971 ex. sess. and by section 2, chapter 199, Laws of 1971 ex. sess. and RCW 82.44.150; and declaring an emergency.

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

Section 1. Section 82.44.150, chapter 15, Laws of 1961 as last amended by section 1, chapter 80, Laws of 1971 ex. sess. and by section 2, chapter 199, Laws of 1971 ex. sess. and RCW 82.44.150 are each reenacted to read as follows:

(1) The director of motor vehicles shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of motor vehicles during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under RCW 82.44.030 and RCW 82.44.070, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof.

Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of program planning and fiscal management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer shall make the following apportionment and distribution of all moneys remaining in the motor vehicle excise fund: PROVIDED, That the July apportionment shall be credited to the fiscal year in which the collections are made: A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to eighty-one and thirty-four one hundredths percent of all motor vehicle excise tax receipts including those levied and collected on behalf of a municipality imposing a tax authorized by RCW 35.56.273, shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount, not less than \$2,250,000 required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds issued pursuant to chapter 234, Laws of 1957 in the ensuing twelve months and any additional amount required by the covenants of such bonds shall be transferred to the 1957 public school building bond redemption fund.

(b) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by chapter 26, Laws of 1963 extraordinary session in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred to the 1963 public school building bond retirement fund.

(c) The amount required to remit to a municipality the proceeds of the tax authorized under RCW 35.58.273 shall be remitted to the municipality levying such tax.

(d) Any remaining amounts from the motor vehicle excise taxes not required for debt service on the above bond issues or to be remitted to a municipality as required under subsection (c) of this subsection shall be transferred and credited to the general fund.

(3) Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection (2) of this section shall be transferred to the general fund.

(4) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state

ratably, on the basis of the population as last determined by the board.

(5) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(6) The amount required under subsection (2)(c) of this section to be remitted by the state treasurer to the treasurer of any municipality levying such tax shall not exceed in any one calendar year the amount of locally generated tax revenues other than the excise tax imposed under RCW 35.58.273, which shall have been budgeted by such municipality to be collected in such year for any public transportation purposes including but not limited to operating costs, capital costs and debt service on general obligation or revenue bonds issued for such purposes.

NEW SECTION. Sec. 2. This 1972 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

RCW 82.44.150 was amended twice during the 1971 extraordinary session, each without reference to the other.

(a) Section 1, chapter 80, Laws of 1971 ex. sess. added a proviso to the first sentence of subsection (2) as follows "PROVIDED, That the July apportionment shall be credited to the fiscal year in which the collections are made".

(b) Section 2, chapter 199, Laws of 1971 ex. sess. amended subsection (1) as follows:

"(1) The director of motor vehicles shall on the twenty-fifth day of February, May, August and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of motor vehicles during the preceding calendar quarter ending on the last day of March, June, September and December, respectively, except for those payable under RCW 82.44.030 and RCW 82.44.070, from motor vehicle

owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of program planning and fiscal management, who shall adjust the fraction annually."

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

Passed the House January 25, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

Chapter 88

[Engrossed House Bill No. 159]

EXPLOSIVES

AN ACT Relating to the use, storage, and purchase of explosives; providing for fees for user's and purchaser's licenses; amending section 1, chapter 111, Laws of 1931 as last amended by section 1, chapter 72, Laws of 1970 ex. sess. and RCW 70.74.010; amending section 2, chapter 111, Laws of 1931 as last amended by section 4, chapter 137, Laws of 1969 ex. sess.

and RCW 70.74.020; amending section 5 [4], chapter 111, Laws of 1931 as amended by section 10, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.030; amending section 5, chapter 111, Laws of 1931 and RCW 70.74.050; and adding new sections to chapter 111, Laws of 1931 and to chapter 70.74 RCW; and providing penalties.

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

NEW SECTION. Section 1. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Every person applying for a user's license, or renewal thereof, under this chapter shall pay an annual license fee of three dollars. Said license fee shall accompany the application, and be turned over by the department to the state treasurer: PROVIDED, That if the applicant is denied a user's license the license fee shall be returned to said applicant by registered mail.

NEW SECTION. Sec. 2. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Every person applying for a purchaser's license, or renewal thereof, shall pay an annual license fee of two dollars. Said license fee shall accompany the application, and be by the department turned over to the state treasurer: PROVIDED, That if the applicant is denied a purchaser's license the license fee shall be returned to said applicant by registered mail.

NEW SECTION. Sec. 3. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

It shall be unlawful for any person to abandon explosives or explosive substances.

NEW SECTION. Sec. 4. Any two components which, when mixed, become capable of detonation by a No. 6 cap must be stored in separate locked containers or in a licensed, approved magazine.

Sec. 5. Section 1, chapter 111, Laws of 1931 as last amended by section 1, chapter 72, Laws of 1970 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 chapter 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 in quantities of 1001 or more, 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) blasting caps in quantities of 1000 or less.

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, 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. 6. Section 2, chapter 111, Laws of 1931 as last amended

by section 4, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.020 are each amended to read as follows:

No person shall manufacture, possess, store, sell, purchase, transport, or use explosives or blasting agents except in compliance with this chapter.

The director of the department of labor and industries shall make and promulgate rules and regulations concerning qualifications of users of explosives and shall have the authority to issue licenses for users of explosives to effectuate the purpose of this chapter: PROVIDED, That where there is a finding by the director that the use or disposition of explosives in any class of industry presents no unusual hazard to the safety of life or limb of persons employed therewith, and where the users are supervised by a superior in an employment relationship who is sufficiently experienced in the use of explosives, and who possesses a license for such use under this chapter, the director in his discretion may exclude said users in those classes of industry from individual licensing.

The director of the department of labor and industries shall make and promulgate rules and regulations concerning the manufacture, sale, purchase, use, transportation, storage, and disposal of explosives, and shall have the authority to issue licenses for the manufacture, purchase, sale, use, transportation, and storage of explosives to effectuate the purpose of this chapter. The director of the department of labor and industries is hereby delegated the authority to grant written waiver of this chapter whenever it can be shown that the manufacturing, handling, or storing of explosives are in compliance with applicable national or federal explosive safety standards: PROVIDED, That any resident of this state who is qualified to purchase explosives in this state and who has complied with the provisions of this chapter applicable to him may purchase explosives from an authorized dealer of a bordering state and may transport said explosives into this state for use herein: PROVIDED FURTHER, That residents of this state shall, within ten days of the date of purchase, present to the department of labor and industries a report signed by both vendor and vendee of every purchase from an out of state dealer, said report indicating the date of purchase, name of vendor, vendor's license number, vendor's business address, amount and kind of explosives purchased, the name of the purchaser, the purchaser's license number, and the name of receiver if different than purchaser.

It shall be unlawful to sell, give away or otherwise dispose of, or deliver to any person under twenty-one years of age any explosives other than small arms ammunition and handloader components, whether said person is acting for himself or for any other person: PROVIDED, That if there is a finding by the director

that said use or disposition of explosives poses no unusual hazard to the safety of life or limb in any class of industry, where persons eighteen years of age or older are employed as users, and where said persons are adequately trained and adequately supervised by a superior in an employment relationship who is sufficiently experienced in the use of explosives, and who possesses a valid license for such use under this chapter, the director in his discretion may exclude said persons in that class of industry from said minimum age requirement.

All persons engaged in keeping, using or storing any compound, mixture or material, in wet condition, or otherwise, which upon drying out or undergoing other physical changes, may become an explosive within the definition of RCW 70.74.010, shall report in writing subscribed to by such person or his agent, to the department of labor and industries, report blanks to be furnished by such department, and such reports to require:

- (1) The kind of compound, mixture or material kept or stored, and maximum quantity thereof.
- (2) Condition or state of compound, mixture or material.
- (3) Place where kept or stored.

The department of labor and industries may at any time cause an inspection to be made to determine whether the condition of the compound, mixture or material is as reported.

Sec. 7. Section 5 [4], chapter 111, Laws of 1931 as amended by section 10, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.030 are each amended to read as follows:

All explosive manufacturing buildings and magazines in which explosives or blasting agents except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. All distances prescribed in the ((table below)) following quantity and distance tables are unbarricaded, and, if there is an efficient artificial barricade or a natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway, or public utility transmission system, the distance prescribed in the ((table below)) following quantity and distance tables may be reduced by one-half. Blasting and electric blasting caps in strength through No. 8 must be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than No. 8 must be computed on the combined weight of

explosives.

The quantity and distance table governing the manufacture, keeping and storage of explosives to be as follows:

QUANTITY AND DISTANCE TABLE

Column 1 Quantity that may be had, kept or stored EXPLOSIVES		Column 2 Distance from Nearest Inhabited Building	Column 3 Distance from Nearest Railroad	Column 4 Distance from Nearest Highway and Public Utility Transmission System
Pounds Over	Pounds Not over	Feet	Feet	Feet
2	5	140	60	60
5	10	180	70	70
10	20	220	90	90
20	30	250	100	100
30	40	280	110	110
40	50	300	120	120
50	75	340	140	140
75	100	380	150	150
100	125	400	160	160
125	150	430	170	170
150	200	470	190	190
200	250	510	210	210
250	300	540	220	220
300	400	590	240	240
400	500	640	260	260
500	600	680	270	270
600	700	710	290	290
700	800	750	300	300
800	900	780	310	310
900	1,000	800	320	320
1,000	1,200	850	340	330
1,200	1,400	900	360	340
1,400	1,600	940	380	350
1,600	1,800	980	390	360
1,800	2,000	1,010	410	370
2,000	2,500	1,090	440	380
2,500	3,000	1,160	470	390
3,000	4,000	1,270	510	420
4,000	5,000	1,370	550	450

5,000	6,000	1,460	590	470
6,000	7,000	1,540	620	490
7,000	8,000	1,600	640	500
8,000	9,000	1,670	670	510
9,000	10,000	1,730	690	520
10,000	12,000	1,750	740	540
12,000	14,000	1,770	780	550
14,000	16,000	1,800	810	560
16,000	18,000	1,880	840	570
18,000	20,000	1,950	870	580
20,000	25,000	2,110	940	630
25,000	30,000	2,260	1,000	680
30,000	35,000	2,410	1,050	720
35,000	40,000	2,550	1,100	760
40,000	45,000	2,680	1,140	800
45,000	50,000	2,800	1,180	840
50,000	55,000	2,920	1,220	880
55,000	60,000	3,030	1,260	910
60,000	65,000	3,130	1,290	940
65,000	70,000	3,220	1,320	970
70,000	75,000	3,310	1,350	1,000
75,000	80,000	3,390	1,380	1,020
80,000	85,000	3,460	1,410	1,040
85,000	90,000	3,520	1,440	1,060
90,000	95,000	3,580	1,460	1,080
95,000	100,000	3,630	1,490	1,090
100,000	110,000	3,670	1,540	1,100
110,000	120,000	3,710	1,580	1,110
120,000	130,000	3,750	1,620	1,120
130,000	140,000	3,780	1,670	1,130
140,000	150,000	3,800	1,700	1,140
150,000	160,000	3,870	1,740	1,160
160,000	170,000	3,930	1,780	1,180
170,000	180,000	3,980	1,810	1,200
180,000	190,000	4,020	1,840	1,210
190,000	200,000	4,060	1,870	1,220
200,000	210,000	4,110	1,910	1,240
210,000	230,000	4,200	1,960	1,270
230,000	250,000	4,310	2,020	1,300
250,000	275,000	4,430	2,080	1,340
275,000	300,000	4,550	2,150	1,380

Sec. 8. Section 5, chapter 111, Laws of 1931 and RCW 70.74.050 are each amended to read as follows:

All ((factory)) explosives manufacturing buildings shall be located one from the other and from other buildings on explosives

manufacturing plants in which persons are regularly employed, and all magazines shall be located from factory buildings and buildings on explosives plants in which persons are regularly employed, in conformity with the intraexplosives plant quantity and distance table below set forth:

EXPLOSIVES		
Pounds Over	Pounds Not Over	Distance Feet
		Separate Building or Within Substantial Dividing Walls
.....	10	
10	25	40
25	50	60
50	100	80
100	200	100
200	300	120
300	400	130
400	500	140
500	750	160
750	1,000	180
1,000	1,500	210
1,500	2,000	230
2,000	3,000	260
3,000	4,000	280
4,000	5,000	300
5,000	6,000	320
6,000	7,000	340
7,000	8,000	360
8,000	9,000	380
9,000	10,000	400
10,000	12,500	420
12,500	15,000	450
15,000	17,500	470
17,500	20,000	490
20,000	25,000	530
25,000	30,000	560
30,000	35,000	590
35,000	40,000	620
40,000	45,000	640
45,000	50,000	660
50,000	55,000	680
55,000	60,000	700

60,000	65,000	720
65,000	70,000	740
70,000	75,000	770
75,000	80,000	780
80,000	85,000	790
85,000	90,000	800
90,000	95,000	820
95,000	100,000	830
100,000	125,000	900
125,000	150,000	950
150,000	175,000	1,000
175,000	200,000	1,050
200,000	225,000	1,100
225,000	250,000	1,150

Passed the House February 16, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 89

[House Bill No. 210]

COUNTIES--AMBULANCE SERVICE

AN ACT Relating to counties; and adding a new section to Title 36 RCW.

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

NEW SECTION. Section 1. There is added to Title 36 RCW a new section to read as follows:

The legislative authority of any county may by appropriate legislation provide for the establishment of a system of ambulance service for the entire county or for portions thereof, and award contracts for ambulance service: PROVIDED, That such legislation may not provide for the establishment of any system which would compete with any existing private system.

Passed the House February 15, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 90
[House Bill No. 237]
PUBLIC LIBRARIES--SALE OF LIBRARY MATERIALS

AN ACT Relating to public libraries; and adding a new section to chapter 27.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 27.12 RCW a new section to read as follows:

Any public library, including the state library created pursuant to chapter 27.04 RCW, shall have the authority to provide for the sale of library materials developed by the library staff for its use but which are of value to others such as book catalogs, books published by the library, indexes, films, slides, book lists, and similar materials.

The library commission, board of library trustees, or other governing authority charged with the direct control of a public library shall determine the prices and quantities of materials to be prepared and offered for sale. Prices shall be limited to the publishing and preparation costs, exclusive of staff salaries and overhead. Any moneys received from the sales of such materials shall be placed in the appropriate library fund.

Nothing in this section shall be construed to authorize any library to charge any resident for a library service nor to authorize any library to sell materials to a branch library or library which is part of a depository library system when such materials may be distributed free of cost to such library nor shall this section be construed to prevent, curtail, or inhibit any free distribution programs or exchange programs between libraries or between libraries and other agencies.

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 91
[Engrossed House Bill No. 240]
PUBLIC WORKS--PREVAILING WAGES--
EXCEPTIONS, VOCATIONALLY HANDICAPPED

AN ACT Relating to the vocationally handicapped; providing for specific exemptions from prevailing rate of wages on public works; and adding a new section to chapter 39.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 39.12 RCW a new section to read as follows:

The director of the department of labor and industries, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations provide for the employment of individuals whose earning capacity is impaired by physical or mental deficiency or injury, under special certificates issued by the director, at such wages lower than the prevailing rate applicable under RCW 39.12.020 and for such period as shall be fixed in such certificates.

Passed the House February 16, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 92

[Engrossed Substitute House Bill No. 272]

INDUSTRIAL INSURANCE--FUND INVESTMENT--
VOCATIONAL TRAINING OR REEDUCATION LOANS

AN ACT Relating to the investment of accident, medical aid, and reserve funds; amending section 51.44.100, chapter 23, Laws of 1961 as last amended by section 1, chapter 41, Laws of 1965 ex. sess. and RCW 51.44.100; and creating a new section.

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

NEW SECTION. Section 1. The legislature finds that the accident fund, medical aid fund and reserve funds could be invested in such a manner as to promote vocational training and retraining or reeducation among the workers of this state. The legislature recognizes that federally insured student loans are already available to students at institutions of higher education. The legislature declares that the purpose of this 1972 amendatory act is to encourage the state finance committee to consider making some investment funds available for investment in federally insured student loans made to persons enrolled in vocational training and retraining or reeducation programs.

Sec. 2. Section 51.44.100, chapter 23, Laws of 1961 as last amended by section 1, chapter 41, Laws of 1965 ex. sess. and RCW 51.44.100 are each amended to read as follows:

Whenever, in the judgment of the state finance committee, there shall be in the accident fund, medical aid fund, or in the reserve fund, funds in excess of that amount deemed by such committee

to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest such excess funds in national, state, county, municipal, or school district bonds, and shall exercise the same discretion and have the same authority with respect to the investment of such excess funds as is provided by law with respect to the investment of the state employees' retirement funds. The committee may, in addition, invest such excess funds in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction.

The state finance committee may from time to time inquire of savings and loan associations, commercial banks, mutual savings banks, credit unions and other institutions authorized to be lenders under the federally insured student loan act of the amount of loans each has outstanding to Washington state residents for the specific purpose of pursuing vocational training or retraining or reeducation. Upon such notification the state finance committee may, in addition to other investments authorized by this section, give consideration to the investment of excess funds in federally insured student loans made to persons in vocational training or retraining or reeducation programs. The state finance committee may make such investments by purchasing from savings and loan associations, commercial banks, mutual savings banks, credit unions and other institutions authorized to be lenders under the federally insured student loan act, organized under federal or state law and operating in this state loans made by such institutions to residents of the state of Washington particularly for the purpose of vocational training or reeducation: PROVIDED, That the state finance committee shall purchase only that portion of any loan which is guaranteed or insured by the United States of America, or by any agency or instrumentality of the United States of America: PROVIDED FURTHER, That the state finance committee is authorized to enter into contracts with such savings and loan associations, commercial banks, mutual savings banks, credit unions, and other institutions authorized to be lenders under the federally insured student loan act to service loans purchased pursuant to this section at an agreed upon contract price.

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 93

[House Bill No. 275]

INTERFUND TRANSFERS--STATE TRADE FAIR FUND,
STATE GENERAL FUND

AN ACT Relating to revenue and the state trade fair fund; and creating new sections.

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

NEW SECTION. Section 1. The sum of one hundred twenty-seven thousand dollars shall be transferred from the state trade fair fund to the general fund on a date to be agreed upon by the director of the department of commerce and economic development and the state treasurer which date shall, in no event, be later than June 30, 1973.

NEW SECTION. Sec. 2. In addition to the sum transferred in section 1 of this act, additional funds determined to be surplus funds by the director of the department of commerce and economic development may be transferred from the state trade fair fund to the general fund upon the recommendation of the director of the department of commerce and economic development and the state treasurer.

NEW SECTION. Sec. 3. This act shall not be construed to interfere with the state financial aid made available under the provisions of RCW 43.31.790 through 43.31.860 regardless of whether such aid was made available before or after the effective date of this act.

NEW SECTION. Sec. 4. This act shall be construed to supersede any provision of existing law to the contrary.

Passed the House February 2, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 94

[Senate Bill No. 263]

PARK AND RECREATION DISTRICTS--
RECREATIONAL FACILITIES--REVENUE BONDS

AN ACT Relating to park and recreation districts; amending section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 26, Laws of 1969 and RCW 36.69.010; amending section 36.69.130, chapter 4, Laws of 1963 as last amended by section 4, chapter 26, Laws of 1969 and RCW 36.69.130; and adding new sections to chapter 4, Laws of 1963 and to chapter

36.69 RCW.

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

Section 1. Section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 26, Laws of 1969 and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed in each and every class of county as municipal corporations for the purpose of providing leisure time activities and facilities (~~(7 including swimming pools)~~) and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, and other recreational facilities.

Sec. 2. Section 36.69.130, chapter 4, Laws of 1963 as last amended by section 4, chapter 26, Laws of 1969 and RCW 36.69.130 are each amended to read as follows:

Park and recreation districts shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make or establish charges, fees, rates, rentals and the like for the use of facilities (including recreational facilities) or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; (13) to acquire, construct, reconstruct, maintain, repair, add to, and operate recreational facilities; and, ~~((13))~~ (14) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: PROVIDED, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation

district.

NEW SECTION. Sec. 3. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

The board of parks and recreation commissioners is hereby authorized for the purpose of carrying out the lawful powers granted to park and recreation districts by the laws of the state to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this chapter.

NEW SECTION. Sec. 4. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

All such revenue bonds authorized under the terms of this chapter may be issued and sold by the district from time to time and in such amounts as is deemed necessary by the board of park and recreation commissioners of each district to provide sufficient funds for the carrying out of all district powers, without limiting the generality thereof, including the following: Acquisition; construction; reconstruction; maintenance; repair; additions; operations of recreational facilities; parking facilities as a part of a recreational facility; and any other district purpose from which revenues can be derived. Included in the costs thereof shall be any necessary engineering, inspection, accounting, fiscal, and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, and the proceeds of such bond issue are hereby made available for all such purposes.

NEW SECTION. Sec. 5. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section 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 park and recreation commissioners of the district; shall bear interest payable semiannually and evidenced to maturity by coupons attached to said bonds bearing a coupon interest rate or rates as authorized by the board of park and recreation commissioners; shall be executed by the chairman of the board of park and recreation commissioners, and attested by the secretary 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 secretary imprinted on the interest coupons in lieu of original signatures.

NEW SECTION. Sec. 6. There is added to chapter 4, Laws of

1963 and to chapter 36.69 RCW a new section to read as follows:

Bonds issued under the provisions of this chapter shall be payable solely out of the operating revenues of the park and recreation district. Such bonds shall be authorized by resolution adopted by the board of park and recreation commissioners, which resolution shall create a special fund or funds into which the board of park and recreation commissioners may obligate and bind the district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or fixed amounts of gross revenue received by the district from moneys for services or activities as stated in the resolution, for the purpose of paying the principal of and interest on such bonds as the same shall become due, and if deemed necessary to maintain adequate reserves therefor. Such fund or funds shall be drawn upon solely for the purpose of paying the principal and interest upon the bonds issued pursuant to this chapter.

The bonds shall be negotiable instruments within the provision and intent of the negotiable instruments law of this state, even though they shall be payable solely from such special fund or funds, and the tax revenue of the district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds. The bonds and the coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the county fails to set aside and pay into such fund or funds, the payments provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the provisions of the resolution.

NEW SECTION. Sec. 7. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

The board of park and recreation commissioners may provide covenants as it may deem necessary to secure the payment of the principal of and interest on such bonds and may, but shall not be required to, include covenants to create a reserve fund or account and to authorize the payment or deposit of certain moneys therein for the purpose of securing the payment of such principal and interest; to establish, maintain, and collect rates, charges, fees, rentals, and the like on the facilities and service the income of which is pledged for the payment of such bonds, sufficient to pay or secure the payment of such principal and interest and to maintain an adequate coverage over annual debt service; and to make any and all other covenants not inconsistent with the provisions of this chapter which will increase the marketability of such bonds. The board may also provide that revenue bonds payable out of the same source or sources may later be sold on a parity with any revenue bonds being issued and sold. The provisions of this chapter and any resolution

or resolutions providing for the authorization, issuance, and sale of such bonds shall constitute a contract with the holder of such bonds, and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction.

NEW SECTION. Sec. 8. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

The board of parks and recreation commissioners of any 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 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 board shall obligate and bind the 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 revenue of the recreational facility of the 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 district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds.

The district 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, at such price and at such rate or rates of interest as the board 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.

NEW SECTION. Sec. 9. There is added to chapter 4, Laws of 1963 and to chapter 36.69 RCW a new section to read as follows:

This chapter shall be complete authority for the issuance of the revenue bonds hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or

regulations relative to the issuance of such revenue bonds contained in any other act shall not apply to the bonds issued under this chapter. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this chapter for the purpose of this chapter only.

Passed the Senate January 31, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 95

[Substitute Senate Bill No. 272]

INTERGOVERNMENTAL DISPOSITION OF PROPERTY

AN ACT Relating to the intergovernmental disposition of property; and amending section 1, chapter 133, Laws of 1953, and RCW 39.33.010.

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

Section 1. Section 1, chapter 133, Laws of 1953 and RCW 39.33.010 are each amended to read as follows:

~~((Notwithstanding any provision of law to the contrary,))~~ (1) The state or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof on such terms and conditions as may be mutually agreed upon by the proper authorities of the state and/or the subdivisions concerned: PROVIDED, That such property is determined by decree of the superior court in the county where such property is located, after publication of notice of hearing is given as fixed and directed by such court, to be either necessary, or surplus or excess to the future foreseeable needs of the state or of such municipality or any political subdivision thereof concerned, which requests authority to transfer such property.

(2) This section shall be deemed to provide an alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of any other powers vested in the state, municipalities or political subdivisions.

(3) No intergovernmental transfer, lease, or other disposition of property made pursuant to any other provision of law prior to the

effective date of this 1972 amendatory act shall be construed to be invalid solely because the parties thereto did not comply with the procedures of this section.

Passed the Senate February 2, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 23, 1972.

CHAPTER 96

[Substitute Senate Bill No. 96]

STATE SCHOOL FOR THE DEAF--BOARD OF TRUSTEES

AN ACT Relating to state institutions; adding a new chapter to Title 72 RCW; and creating a new section.

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

NEW SECTION. Section 1. It is the intention of the legislature, in creating a board of trustees for the state school for the deaf to perform the duties set forth in this chapter, that the board of trustees perform needed services to the secretary of the department of social and health services, hereinafter denominated the "secretary", in the development of programs for the deaf, and in the operation of the Washington state school for the deaf.

NEW SECTION. Sec. 2. There is hereby created a board of trustees for the state school for the deaf to be composed of ten trustees, of whom seven shall be appointed by the governor from a list of nominees to be submitted by the nominating committee in accordance with section 9 of this 1972 act. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in each of the state's congressional districts. The president of the parent-teachers house organization of the deaf school, the vice president of the parent-teachers house organization of the deaf school, and the president of the Washington state association for the deaf shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

The initial appointees to the board of trustees shall draw lots at the first meeting thereof to determine their respective initial terms. One trustee shall serve for one year, one for two years, two for three years, one for four years, and two for five years.

Thereafter the successors of the trustees initially appointed

shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term.

One trustee shall be a resident and qualified elector from each of the state's seven congressional districts. No trustee may be an employee of the state school for the deaf, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

The board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules, and regulations as it deems necessary for its own government. Four members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The superintendent of the state school for the deaf shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

NEW SECTION. Sec. 3. Within thirty days of their appointment or July 1, 1972, whichever is sooner, the board of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified.

NEW SECTION. Sec. 4. Subject to the direction and control of the secretary of the department of social and health services, the board of trustees of the state school for the deaf:

(1) Shall monitor and inspect all existing facilities of the state school for the deaf, and report its findings to the secretary;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the secretary;

(3) Shall advise the secretary in selection of qualified candidates for superintendent, members of the faculty and such other administrative officers and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. All employees and personnel classified under chapter 41.06 RCW shall continue, after the effective date of this chapter, to perform their usual duties

upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law;

(4) May recommend to the secretary the establishment of new facilities as needs demand;

(5) May recommend to the secretary rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

(6) May make recommendations to the secretary concerning classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for the school for the deaf;

(7) May make recommendations to the secretary for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the deaf;

(8) Shall recommend to the secretary, with the assistance of the faculty, the course of study including vocational training in the school for the deaf, in accordance with other applicable provisions of law and rules and regulations;

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

(10) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the deaf;

(11) Shall perform any other duties and responsibilities prescribed by the secretary.

NEW SECTION. Sec. 5. The board of trustees shall recommend rules and regulations determining eligibility for and certification of teachers in the state school for the deaf, including certification for emergency or temporary, substitute or provisional duty.

NEW SECTION. Sec. 6. Each member of the board of trustees shall receive per diem as provided in RCW 43.03.050, and necessary expenses and other actual mileage or transportation costs as provided in RCW 43.03.060, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the state school for the deaf.

NEW SECTION. Sec. 7. The board of trustees shall meet at least six times each year.

NEW SECTION. Sec. 8. The board of trustees shall appoint a local advisory committee consisting of five or more persons from the local community and surrounding areas to advise the board on any matter relating to the development of programs for the deaf or relating to the operation of the state school for the deaf.

V- NEW SECTION. Sec. 9. There is hereby created a nominating committee to select no less than seven nominees for consideration by the governor for initial trustees of the state school for the deaf. The nominating committee shall be composed of the superintendent of the state school for the deaf, the secretary of the department of social and health services, and the president of the parent-teachers house organization of the deaf school. The members of the nominating committee shall be entitled to per diem and expenses as provided in RCW 43.03.050 and 43.03.060 and such payments shall be a proper charge to the board of trustees of the state school for the deaf.

NEW SECTION. Sec. 10. Sections 1 through 8 shall constitute a new chapter in Title 72 RCW.

Passed the Senate January 28, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 19, 1972 with the exception of one item in section 2 and all of section 9 which are vetoed.

Filed in Office of Secretary of State February 23, 1972.

Note: Governor's explanation of partial veto is as follows:

"...Substitute Senate Bill 96 creates a Board of Trustees for the State School for the Deaf. The Board will be able to provide useful assistance to the School for the Deaf and to the Department of Social and Health Services in improving the overall program for the students at the school.

Veto
Message

The bill provides for a board of seven members appointed by the Governor and three ex-officio members. The members appointed by the Governor must be selected from a list of nominees submitted by a nominating committee in accordance with section 9 of the bill.

The nominating committee created by section 9 includes the Superintendent of the State School for the Deaf, the Secretary of the Department of Social and Health Services and the President of the parent-teachers house organization of the Deaf School. There is no requirement that more than seven nominees be submitted for the Governor's consideration.

This mechanism for the selection of members of the Board of Trustees is excessively restrictive and does not assure that there will be an opportunity for adequate

representation of those interested in the needs of the students at the School for the Deaf and the interest of the general public. Veto
Message

Accordingly, I have determined to veto Section 9 of the bill and that item in section 2 of the bill which makes reference to the list of nominees submitted in accordance with section 9. With the exception of section 9 and the item in section 2, I have approved the remainder of Substitute Senate Bill 96."

CHAPTER 97

[Senate Bill No. 104]

COUNTIES--OFFICIALS, SALARIES

AN ACT Relating to county government; providing for salaries for officials thereof; amending section 36.16.032, chapter 4, Laws of 1963 as last amended by section 1, chapter 77, Laws of 1967 ex. sess. and RCW 36.16.032; amending section 36.27.060, chapter 4, Laws of 1963 as last amended by section 2, chapter 237, Laws of 1971 ex. sess. and RCW 36.27.060; and declaring an emergency.

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

Section 1. Section 36.16.032, chapter 4, Laws of 1963 as last amended by section 1, chapter 77, Laws of 1967 ex. sess. and RCW 36.16.032 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in counties of the eighth class by unanimous resolution of the board of county commissioners passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor shall be ((six thousand eight hundred dollars)) nine thousand four hundred dollars.

Sec. 2. Section 36.27.060, chapter 4, Laws of 1963 as last amended by section 2, chapter 237, Laws of 1971 ex. sess., and RCW 36.27.060 are each amended to read as follows:

The prosecuting attorneys and their deputies of class three counties and counties with population larger than class three counties shall serve full time and shall not engage in the private practice of law: PROVIDED, That deputy prosecuting attorneys in counties of the second class and third class may serve part time and engage in the private practice of law if the board of county commissioners so provides: PROVIDED, FURTHER, That the board of

V- county commissioners of a fourth class county may, in its discretion, require a prosecuting attorney to serve full time at a salary of twenty thousand dollars.

NEW SECTION. Sec. 3. This 1972 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 9, 1972.

Passed the House February 8, 1972.

Approved by the Governor February 19, 1972 with the exception of section 2 which is vetoed.

Filed in Office of Secretary of State February 23, 1972.

Note: Governor's explanation of partial veto is as follows:

"...Section 2 amends RCW 36.27.060 to provide that 'the Board of County Commissioners of a fourth class county may, in its discretion, require a prosecuting attorney to serve full-time at a salary of twenty thousand dollars.' At the present time prosecutors in fourth class counties serve on a part-time basis.

Veto
Message

While the use of full-time prosecutors is generally desirable, the procedure for accomplishing that result contained in section 2 of Senate Bill 104 is not. County commissioners and prosecutors are independently elected officials. Granting to the county commissioners in a fourth class county the power to determine whether the prosecutor must serve full-time or part-time, will tend to place the prosecutor under the influence of the county commissioners and as a result may tend to reduce the capacity of the prosecutor to act independently. Because of the clear constitutional separation of powers between county commissioners and prosecutors, the potential consequences of section 2 are not desirable. In addition, section 2 describes no procedure to carry out the provisions of the act. The change in status of the prosecutor apparently could be made in the middle of a term or could be applied to a prosecutor-elect.

It may be appropriate for prosecutors in fourth class counties to serve on a full-time basis. This should be an issue for consideration at the 1973 legislative session.

For the above reasons, I have vetoed section 2 of Senate Bill 104. The remainder of the bill is approved." Veto
Message

CHAPTER 98

[Engrossed House Bill No. 248]

CAMPAIGN REPORTING ACT OF 1972

AN ACT Relating to the regulation and reporting of campaign contributions and expenditures; establishing an elections commission; adding a new chapter to Title 29 RCW; creating new sections; repealing section 29.18.14C, chapter 9, Laws of 1965, section 9, chapter 150, Laws of 1965 ex. sess. and RCW 29.18.14C; repealing section 29.85.27C, chapter 9, Laws of 1965 and RCW 29.85.27C; prescribing penalties; and providing for submission of this act to a vote by the people.

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

NEW SECTION. Section 1. There is added to Title 29 RCW a new chapter to read as set forth in sections 2 through 24 of this act.

NEW SECTION. Sec. 2. DECLARATION OF LEGISLATIVE PURPOSE. It is hereby declared to be the public policy of the state of Washington that:

(1) The legislature recognizes that requiring an individual contributor of a campaign contribution to be identified may very well, especially in the case of small contributors, seem to be a distasteful invasion of the right of privacy. Such a requirement would mean that each individual contributor would have to publicly declare his politics and that his personal philosophic leanings, which hitherto he may only have shared with his family and intimates, would now be subject to public scrutiny and be recorded in government offices and computers. It is the finding of the legislature that requiring disclosure of the identity of these contributors would effectively cause many small contributors to cease making contributions. For this reason and for reasons of privacy the legislature declares that the identity of minor contributors to political parties or political organizations having the interest of electing numerous candidates should not be required to be disclosed.

(2) The Legislature further finds that the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, there is a need for legislation on the state level for implementing legislation.

(3) The legislature further declares that the public interest

is sufficient to require that contributors in amounts in excess of one hundred dollars to the campaigns of individual candidates should be identified, notwithstanding the loss of privacy involved. It is the feeling of the legislature that to require the disclosure of contributors to ideological political parties and like organizations would constitute an extreme invasion of the right of privacy.

(4) Major political campaign contributions and expenditures be fully disclosed to the public and that secrecy be avoided.

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

(6) The people further have the right to be assured to the fullest extent possible that the private financial dealings of their governmental representatives, and of candidates for those offices, present no conflict of interest between the public trust and private interests.

(7) Public confidence in government at all levels can be sustained by assuring the people of the impartiality and honesty of the officials in all governmental transactions and decisions.

NEW SECTION. Sec. 3. APPLICABILITY. The provisions of this chapter shall apply to all election campaigns other than campaigns for:

- (1) President and vice president of the United States;
- (2) United States congress;
- (3) Offices of any municipal corporation of the fourth class;
- (4) Directors of any school district;
- (5) Offices of any district which does not encompass a whole county, and which contains less than five thousand registered voters according to the most recent general election of such district and/or officers of any district which requires ownership of property as a prerequisite to voting;
- (6) Precinct committeemen.

NEW SECTION. Sec. 4. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Campaign depository" means a bank designated by a candidate or campaign or proposition committee pursuant to section 6 of this act.

(2) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or campaign or proposition committee, pursuant to section 6 of this act to perform the duties specified in sections 7 through 12 of this act.

(3) "Candidate" means any individual who seeks nomination for, or election to, public office. For purposes of this chapter, an individual shall be deemed to seek nomination or election when he

files for office.

(4) "Campaign committee" means any person, except an individual dealing with his own funds or property, receiving contributions or making expenditures solely in support of, or in opposition to, a particular candidate.

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

(6) "Contribute" or "contribution" means any monetary advance, conveyance, deposit, distribution, gift, loan, payment, pledge or subscription of money, the aggregate of which is in excess of one hundred dollars and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a monetary contribution in support of or in opposition to any candidate, campaign committee or proposition; but do not include:

(a) Services of the sort commonly performed by volunteer workers and for which no compensation is asked or given.

(b) Incidental expenses personally paid for by volunteer campaign workers.

(7) "Election" includes primary, general, and special elections for a public office to be filled by the voters and any election in which a proposition is submitted to the voters.

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

(9) "Expend" or "expenditure" means any advance, conveyance, payment or transfer of money or any other thing of value, and any contract, agreement, promise or other obligation to make an expenditure, whether or not legally enforceable, in support of or in opposition to any candidate, campaign committee or proposition.

(10) "Final report" means the report described and designated as such in section 9 of this act.

(11) "Person" includes an individual, partnership, joint venture, corporation, association, governmental entity or agency, candidate, proposition committee, campaign committee, or any other organization or group of persons, however organized. PROVIDED, HOWEVER, That political committees and political parties and their executive committees thereof are specifically excluded from the scope of this definition.

(12) "Political advertising" means any advertising displays, newspaper advertisements, billboards, signs, tabloids, radio or

television presentations, handbills, letters, envelopes and postage, used for the purpose of appealing directly or indirectly, for votes or for financial or other support in any election campaign.

(13) "Political committee" means any committee, association, or organization (whether or not incorporated) organized and operated for the purpose of influencing, or attempting to influence, the nomination or election of two or more individuals who are candidates for nomination or election to any state, or local elective public office.

(14) "Proposition committee" means any person, except an individual dealing with his own funds or property, receiving contributions or making expenditures in support of, or in opposition to, a proposition.

(15) "Proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of any specific constituency when that proposition is filed with the appropriate election officer of that constituency.

(16) Supervisory authority means:

(A) in the case of an election involving cities of the first class the city clerk thereof;

(B) in the case of an election involving cities, other than first class cities, the county auditor;

(C) in the case of an election involving any other political subdivision of the state of Washington located in one county, the county auditor;

(D) in the case of an election involving any other political subdivision of the state of Washington located in two or more counties, the secretary of state;

(E) in the case of an election involving a state-wide issue or candidate, excepting legislative positions, the secretary of state;

(F) in the case of an election involving legislative positions, the respective board of legislative ethics, created pursuant to RCW 44.60.020.

(17) When consistent with the context, words in the masculine, feminine or neuter genders shall be construed to be interchangeable with and to include such other genders; and words in the singular number shall be construed to include the plural, and in the plural to include the singular, and each shall be construed to be interchangeable with the other.

NEW SECTION. Sec. 5. OBLIGATION OF COMMITTEES TO FILE STATEMENT OF ORGANIZATION. (1) Every committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in

any election campaign, whichever is earlier, shall file with the supervisory authority a statement of organization. Each committee in existence on the effective date of this act shall file a statement of organization with the supervisory authority within ninety days after such effective date.

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

(a) The name and address of the committee;

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

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders, and the persons that will have custody of its book of accounts;

(e) The name and address of its campaign treasurer and campaign depository, if any;

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

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

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

(3) Any material change in information previously submitted in a statement of organization shall be reported to the supervisory authority within the ten days following the change.

NEW SECTION. Sec. 6. CAMPAIGN TREASURER AND DEPOSITORIES.

(1) Each candidate, at or before the time he announces publicly or files for office, whichever occurs later and each campaign or proposition committee, at or before the time it files a statement of organization, shall designate and file with the supervisory authority the names and addresses of:

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

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

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

(3) (a) A candidate, or campaign or proposition committee may at any time remove a campaign treasurer or deputy treasurer or change

a designated campaign depository.

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

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be qualified until his name and address is filed with the supervisory authority.

NEW SECTION. Sec. 7. DEPOSIT OF CONTRIBUTIONS--STATEMENT OF CAMPAIGN TREASURER--ANONYMOUS CONTRIBUTIONS. (1) All monetary contributions received by a candidate or campaign or proposition committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or committee) no later than the fifth regular day of business of such depository after the day of receipt.

(2) Each deposit made by a campaign treasurer or deputy campaign treasurer shall be documented by a statement containing the amount of the deposit and the name of each person contributing the funds so deposited and the amount contributed by each person, in excess of one hundred dollars which statement shall be retained by the campaign treasurer. The statement shall be upon a form prescribed by the supervisory authority and shall be sworn to as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Anonymous contributions by a single contributor in excess of an aggregate amount of ten dollars received by a candidate or campaign or proposition committee shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor's identity cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

NEW SECTION. Sec. 8. AUTHORIZATION OF EXPENDITURES AND RESTRICTIONS THEREON. From the time the campaign treasurer is appointed, until a final report is filed, no expenditures shall be made or incurred by any candidate or campaign or proposition committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

NEW SECTION. Sec. 9. REPORTS OF CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND COMMITTEES. (1) Within seven days after the day the campaign treasurer is designated each candidate or campaign or proposition committee shall file with the supervisory

authority a report of contributions and expenditures made in the election campaign: PROVIDED, That the initial report of a campaign or proposition committee in existence on the effective date of this act and not established in anticipation of any specific election campaign shall be filed with the supervisory authority within ten days after such effective date and shall include:

(a) A statement of the funds on hand at the time of such report;

(b) Such other information as the supervisory authority may by regulation prescribe in furtherance of and consistent with the policy and purpose of this act.

(2) Reports of contributions and expenditures shall also be filed by each candidate and campaign or proposition committee with the supervisory authority:

(a) As to contributions and expenditures made in or on account of the election campaign of a candidate for nomination for, or election to, public office:

(i) On or before twenty days prior to the primary election; and

(ii) Within ten days after the primary election; and

(iii) Within ten days after the general election.

(3) As to contributions and expenditures made in or on account of an election campaign in support of, or in opposition to, a proposition:

(a) On or before the last day of each month prior to the date of the election; and

(b) Within ten days after the date of the election.

If after filing the last report as provided in this section, the candidate or committee has any outstanding debts or obligations for expenditures incurred in or on account of the election campaign, or if the committee continues in existence, supplemental reports of all contributions and expenditures made since the date of the last report shall be filed quarterly until the obligation or indebtedness is entirely satisfied or the committee dissolved as the case may be, and the last such report shall be the final report: PROVIDED, That when the campaign fund has been closed, the campaign has been concluded in all respects, there are no outstanding debts or obligations incurred in or on account of the election campaign, and in the case of a committee, such committee has ceased to function and has dissolved, a report filed at any time thereafter shall be the final report and the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

NEW SECTION. Sec. 10. CONTENTS OF REPORTS. All reports filed pursuant to section 9 of this act shall be duly sworn to as to

correctness by the candidate or by the campaign treasurer of a committee and shall disclose for the period covered:

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

(2) The name and address of each person who has made one or more contributions during the period for which the report is filed, together with the amount of such contributions;

(3) The sum of contributions not reported under subsection (2) above;

(4) Each loan, promissory note or security instrument to be used by or for the benefit of the candidate or committee made by any person in furtherance of the election campaign together with the names and addresses of the maker of such loan, note or instrument, the date and amount thereof, and the names and addresses of any endorsers;

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

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

(7) The sum of expenditures required to be reported above.

NEW SECTION. Sec. 11. Every candidate for an elective office in this state including state, county, city, town and district offices whether such election is partisan or nonpartisan, except a candidate for precinct committeeman, shall simultaneously with filing a declaration of candidacy file with the same officer at the same time a signed copy of the following code of fair campaign practices.

"CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate for public office in the United States and the State of Washington has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country and this state.

Therefore:

I shall conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I shall defend and uphold the right of every qualified

American voter to full and equal participation in the electoral process.

I shall condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.

I shall condemn the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts, without justification, as to his loyalty and patriotism.

I shall condemn any appeal to prejudice based on race or national origin.

I shall condemn any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

I, the undersigned, candidate for election to public office in the United States of America and the State of Washington, hereby endorse, subscribe to, and solemnly pledge myself to conduct my campaigns in accordance with the above principles and practices, so help me God.

Date

Signature"

NEW SECTION. Sec. 12. CAMPAIGN EXPENDITURE LIMITATIONS.

From the time the campaign treasurer is appointed, until a final report is filed.

The total of expenditures made by, for, or on behalf of any candidate in relation to any campaign shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered;

or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected; or

(d) With respect to candidates for the office of governor and lieutenant governor of the state of Washington only, a sum equal to the public salary which will be paid the governor during the term sought, multiplied by two.

Any candidate who knowingly, intentionally and wilfully violates the provisions of this section, and any person who aids or abets such a violation, shall be subject to the provisions and penalties of section 18 of this act.

The total of expenditures made by, for or on behalf of any

ballot proposition shall not exceed one hundred thousand dollars.

NEW SECTION. Sec. 13. COMMERCIAL ADVERTISERS' DUTY TO REPORT. (1) Within fifteen days after an election each commercial advertiser who has accepted and displayed or communicated political advertising to the public during the election campaign shall file a report with the supervisory authority which shall be certified as correct and shall specify:

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

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

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

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

(2) No report shall be required from any printing company as to any single candidate or campaign or proposition committee when the total consideration received therefrom does not exceed fifty dollars.

NEW SECTION. Sec. 14. DUTY TO PRESERVE STATEMENTS AND REPORTS. Persons with whom statements or reports or copies of statements or reports are required to be filed under this act shall preserve them for two years. The supervisory authority, however, shall preserve such statements or reports for a period of five years.

NEW SECTION. Sec. 15. IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICATIONS. No contribution in excess of one hundred dollars shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution, in any election campaign.

NEW SECTION. Sec. 16. POLITICAL ADVERTISING --IDENTIFICATION OF SPONSORS. All political advertising, whether relating to candidates or propositions, however proposed, promulgated or disseminated, shall identify the sponsors thereof by listing the name and address of the sponsor or sponsors on the material or in connection with its presentation. If a candidate or candidates run for partisan political office, they and their sponsors shall also designate on all such political advertising clearly in connection with each such candidate the party to which each such candidate belongs: PROVIDED, That licensees of the federal communications commission shall identify political advertisers in compliance with FCC regulations.

NEW SECTION. Sec. 17. SUPERVISORY AUTHORITY DUTIES. The supervisory authority shall:

(1) Develop and distribute prescribed forms for the filing of the reports and statements required by this chapter;

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

(3) Make each report and statement filed with it available during regular office hours for public inspection and for copying at cost to any person requesting copies of the same;

(4) Preserve such reports and statements as required by section 14 hereof;

(5) Compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(6) Determine whether the required reports and statements have been filed and, if so, whether they conform with the requirements of this chapter; and

(7) Report apparent criminal acts in violation of law, as provided in section 18 of this act, to the appropriate law enforcement authorities.

NEW SECTION. Sec. 18. CRIMINAL PENALTIES; LIMITATIONS ON ACTIONS. (1) Any person who knowingly and wilfully violates a provision of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars. Violations include, but are not limited to:

(a) Filing a statement or report containing any intentionally false or misleading information;

(b) Making or receiving a contribution in contravention of this chapter;

(c) Making or receiving an expenditure in contravention of this chapter;

(d) Failing to return a contribution in excess of ten dollars allegedly made anonymously to the known donor or failing to send any contribution whose donor is actually unknown to the state treasurer;

(e) Paying funds from a campaign fund contrary to the provisions of this chapter;

(f) Failing to preserve statements or reports for the required period of time;

(g) Failing to maintain accounts of political advertising as required by this chapter.

(2) Any action for the enforcement of the provisions of this chapter must be commenced within one year after the date of the election to which the violation is reasonably related.

(3) In addition, any office holder, not subject to impeachment, who, after exhausting his rights of appeal, is convicted of violating any provisions of this chapter shall forfeit his office

and its rights and privileges, and the office shall be vacant and shall be filled in the manner prescribed by law; or, if subject to impeachment, such violation shall constitute a ground for impeachment of such office holder in the manner provided by law.

(4) The prosecuting attorneys of political subdivisions of this state shall enforce this section by filing criminal complaints in courts of appropriate jurisdiction.

NEW SECTION. Sec. 19. DATE OF MAILING DEEMED DATE OF RECEIPT. When any application, report, notice, or payment required to be made to any person or supervisory authority under the provisions of this chapter has been deposited postpaid in the United States mail addressed to such person or supervisory authority, it shall be deemed to have been received by him on the date of mailing. It shall be presumed that a date shown by the post office cancellation mark on the envelope is the date of mailing.

NEW SECTION. Sec. 20. REPEALS. The following acts or parts of acts are each hereby repealed:

(1) Section 29.18.140, chapter 9, Laws of 1965, section 9, chapter 150, Laws of 1965 ex. sess. and RCW 29.18.140; and

(2) Section 29.85.270, chapter 9, Laws of 1965 and RCW 29.85.270.

NEW SECTION. Sec. 21. PENALTY. Any person, partnership, association or corporation that knowingly divides a campaign contribution so as to avoid the necessity of reporting under this act, or any candidate who knowingly accepts a contribution which has been divided so as to avoid reporting under this act, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 22. TITLE. This act shall be known and cited as the "Campaign Reporting Act of 1972."

NEW SECTION. Sec. 23. SECTION HEADINGS ARE NOT PART OF LAW. Section captions or headings, used in this act, do not constitute any part of the law.

NEW SECTION. Sec. 24. SEVERABILITY. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. EFFECTIVE DATE. The effective date of sections 9 through 25 of this act shall be January 30, 1973 if passed by a vote of the people.

NEW SECTION. Sec. 26. REFERENDUM. 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, 1972, in accordance with the provisions of section 1, Article II of the state

Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House February 22, 1972.

Passed the Senate February 19, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 99

[Engrossed Senate Bill No. 13]

MOTOR VEHICLES--TRANSFERS, ODOMETER READINGS--
DEALER LICENSE PLATES, MOTOR HOME DEALERS

AN ACT Relating to motor vehicles; amending section 7, chapter 140, Laws of 1967 as last amended by section 38, chapter 281, Laws of 1969 ex. sess. and RCW 46.12.101; amending section 46.12.030, chapter 12, Laws of 1961 as amended by section 8, chapter 32, Laws of 1967 and RCW 46.12.030; amending section 46.12.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 140, Laws of 1967 and RCW 46.12.120; amending section 46.70.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.060; and adding a new section to chapter 46.12 RCW.

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

Section 1. Section 7, chapter 140, Laws of 1967 as last amended by section 38, chapter 281, Laws of 1969 ex. sess. and RCW 46.12.101 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and inscribe in ink the number of miles indicated on the odometer in the respective spaces provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

(2) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the

transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(5) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: PROVIDED, That such failure or neglect to transfer within forty-five days after date of delivery of said vehicle shall be a misdemeanor.

(6) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

Sec. 2. Section 46.12.030, chapter 12, Laws of 1961 as amended by section 8, chapter 32, Laws of 1967 and RCW 46.12.030 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the director and shall contain:

(1) A full description of the vehicle, which said description shall contain the manufacturer's serial number if it be a trailer, the motor number or proper identification number if it be a motor vehicle, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director may require: PROVIDED, That the director may in any instance, in addition to the

information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application.

Sec. 3. Section 46.12.120, [chapter 12, Laws of 1961] as last amended by section 2, chapter 140, Laws of 1967 and RCW 46.12.120 are each amended to read as follows:

If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, including recording on the application the odometer reading as recorded by the previous owner on the title at the time the dealer obtained the vehicle or, if the previous owner failed to record the mileage on the title, the dealer shall attach a signed statement attesting to the odometer reading as it appeared on the vehicle at the time the vehicle was obtained by the dealer. (and showing) Such assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale and the date of his security agreement, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration: PROVIDED, That the title certificate issued for a motor vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department: AND PROVIDED FURTHER, That failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

NEW SECTION. Sec. 4. There is added to chapter 46.12 RCW a new section to read as follows:

In any case in which the transferor to the dealer is from out of state and has not recorded the mileage at the time of transfer, or a car was in inventory prior to the effective date of this act, the dealer, when mailing or delivering the assigned certificates of ownership and license registration to the department, shall attach a

certificate indicating to the best of his knowledge or belief the mileage on the vehicle at the time it was placed into inventory.

Sec. 5. Section 46.70.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.060 are each amended to read as follows:

The fee for original dealer license for each calendar year or fraction thereof shall be as follows: Motor vehicle dealers, fifty dollars; subagencies, five dollars; which shall include one set of dealer license plates. The annual renewal fee for motor vehicle dealers shall be twenty-five dollars, and five dollars for each subagency. Additional sets of the dealer license plates, bearing the same license number, may be obtained for three dollars per set: PROVIDED, HOWEVER, That the maximum number of sets of dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sales were unnaturally low for reasons beyond his control: PROVIDED FURTHER, That the department may, in its discretion, issue a reasonable number of additional sets in those cases where a dealer sells motor homes: AND PROVIDED FURTHER, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated by subsections (1), (3) or (4) of RCW 46.70.090. If any dealer shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director, in which case the dealer will be required to apply for an original license and pay the fee required for such original license. The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 100
[Engrossed Senate Bill No. 27]
JUDICIAL SALARIES

AN ACT Relating to the salaries of supreme court justices, court of

appeals judges, superior court judges, and district judges; amending section 1, chapter 144, Laws of 1953 as last amended by section 1, chapter 127, Laws of 1965 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.060; and amending section 2, chapter 144, Laws of 1953 as last amended by section 1, chapter 65, Laws of 1967 and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 1, chapter 52, Laws of 1969 and RCW 3.58.010; making appropriations; and declaring an effective date.

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

Section 1. Section 1, chapter 144, Laws of 1953 as last amended by section 1, chapter 127, Laws of 1965 ex. sess. and RCW 2.04.090 are each amended to read as follows:

Each (~~(judge)~~) justice of the supreme court shall receive an annual salary of (~~(twenty-seven thousand five hundred)~~) thirty-three thousand dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state auditor an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 2. Section 6, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.060 are each amended to read as follows:

Each judge of the court shall receive an annual salary of (~~(twenty-five)~~) thirty thousand dollars (~~(until subsequently increased by the legislature)~~), but no salary warrant shall be issued to any judge until he shall have made and filed with the state auditor an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 3. Section 2, chapter 144, Laws of 1953 as last amended by section 1, chapter 65, Laws of 1967 and RCW 2.08.090 are each amended to read as follows:

Each judge of the superior court shall receive an annual salary of (~~(twenty two thousand five hundred)~~) twenty-seven thousand dollars.

Sec. 4. Section 100, chapter 299, Laws of 1961 as last amended by section 1, chapter 52, Laws of 1969 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time justice of the peace shall be (~~(twenty)~~) twenty-two thousand dollars: PROVIDED, That in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall (~~(receive any~~

fees or emoluments for the solemnization of) perform any civil marriage((s . during courthouse hours or during scheduled sessions of the court)) between 8:00 a.m. and 5:00 p.m. Monday through Friday.

NEW SECTION. Sec. 5. There is hereby appropriated from the state ,general fund to carry out the purposes of this act for the fiscal year commencing July 1, 1972 and ending June 30, 1973 the following amounts:

- FOR THE SUPREME COURT.....\$55,440
- FOR THE COURT OF APPEALS.....\$67,200
- FOR THE COURT ADMINISTRATOR
- for Superior Court Judges.....\$231,840

NEW SECTION. Sec. 6. This act shall take effect on July 1, 1972.

- Passed the Senate February 18, 1972.
- Passed the House February 18, 1972.
- Approved by the Governor February 23, 1972.
- Filed in Office of Secretary of State February 24, 1972.

CHAPTER 101
[Senate Bill No. 173]
FIRE PROTECTION DISTRICTS--STATEMENT OF CANDIDACY--CONTRACTS, BIDS

AN ACT Relating to fire districts; amending section 25, chapter 34, Laws of 1939 as amended by section 7, chapter 254, Laws of 1947 and RCW 52.12.040; amending section 1, chapter 76 *[176], Laws of 1953 and RCW 52.12.110.

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

Section 1. Section 25, chapter 34, Laws of 1939 as last amended by section 7, chapter 254, Laws of 1947 and RCW 52.12.040 are each amended to read as follows:

Not ((later than fifteen)) more than sixty nor less than forty-six days prior to the day of election any resident elector of the district, desiring to become a candidate for office of fire commissioner, shall file with the county auditor of his county a statement of his candidacy, for which no fee shall be charged. Such resident electors so filing shall be entitled to have their names appear as candidates on the ballot for said election.

Sec. 2. Section 1, chapter 176, Laws of 1953 and RCW 52.12.110 are each amended to read as follows:

Whenever the cost of any work to be done or the purchase of any materials, supplies, or equipment, will exceed the sum of ((one thousand)) twenty-five hundred dollars, the same shall be done by contract after a call for bids which shall be awarded to the lowest

responsible bidder, in accordance with the terms of RCW 39.24.010: PROVIDED, That where the cost of work to be done or materials, supplies, or equipment to be purchased involves the construction or improvement of any fire station or other buildings the same shall be done by contract after call for bids whenever the estimated cost exceeds one thousand dollars. Notice of the call for bids shall be given by posting notice thereof in three public places in the district and by publication once each week for two consecutive weeks, said posting and first publication to be at least two weeks before the date fixed for opening of the bids, and such publication to be in a newspaper of general circulation within the district. The commissioners shall have the power by resolution to reject any and all bids and make further calls for bids in the same manner as the original call. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without any further call.

Passed the Senate February 18, 1972.
 Passed the House February 18, 1972.
 Approved by the Governor February 23, 1972.
 Filed in Office of Secretary of State February 24, 1972.

 CHAPTER 102
 [Engrossed Senate Bill No. 293]
 TAXATION--COUNTY REVALUATION PROGRAMS,
 LOCAL GOVERNMENT COST SHARING

AN ACT Relating to revenue and taxation; amending chapter 4, Laws of 1963; and adding a new section to chapter 30.40 *[36.40] RCW.
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 4, Laws of 1963 and to chapter 36.40 RCW a new section to read as follows:

In each year that the state provides financial aid to the counties for a county revaluation program, the county-assumed portion of the costs of such revaluation program including administrative costs, but excluding any costs pertaining to the development of new data processing programs, shall be shared by all local taxing districts within the county authorized to make levies pursuant to RCW 84.52.050. Such sharing shall be for those costs incurred during 1972 and 1973 only. For the years 1972 and 1973 during which, such state financial aid is received, the county treasurer shall compute the proportionate amount of the county-assumed portion of the costs of revaluation in direct proportion to the ratio of basic property tax as authorized by RCW 84.52.050 levied on behalf of each local

taxing district each year, and he shall, on December 31 of those years, bill each local taxing district the amount so computed. The treasurer shall collect said bill by deducting said amount from the next year's tax receipts and place the deducted sums in a special fund to be used solely for the expenses and costs of the administration of the revaluation program: PROVIDED, That the sum deducted from the basic millage for common schools shall be excluded and not considered as revenue in the computation of the school equalization formula pursuant to RCW 28A.41.130. A copy of the assessor's portion of the preliminary county budget shall be sent to each local taxing district affected by the provisions of this section at the time such budget is prepared.

This section shall expire on December 31, 1974.

Passed the Senate February 20, 1972.

Passed the House February 20, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 103

[Substitute Senate Bill No. 355]

MOTOR VEHICLE FUND DISTRIBUTION--ALLOCATION FACTORS
--PATHS AND TRAILS, PEDESTRIANS, EQUESTRIANS, BICYCLISTS

AN ACT Relating to motor vehicles; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 75, chapter 32, Laws of 1967 and RCW 46.68.120; amending section 46.68.070, chapter 12, Laws of 1961 and RCW 46.68.070; amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 6, chapter 91, Laws of 1971 1st ex. sess. and RCW 46.68.130; adding new sections to chapter 130, Laws of 1971 ex. sess. and to chapter 47.30; and declaring an emergency.

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

Section 1. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 75, chapter 32, Laws of 1967 and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof: PROVIDED, That any moneys so retained and not

expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all

counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the joint committee on highways shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00

Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a ten mill tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required: PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c) and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The highway commission and the ((joint committee on highways)) legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the ((joint committee on highways)) legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor."

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

NEW SECTION. Sec. 2. There is added to chapter 130, Laws of 1971 ex. sess. and to chapter 47.30 RCW a new section to read as follows:

Where an existing highway severs, or where the right-of-way of an existing highway accommodates or would accommodate, or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially benefit the safety of the traveling public by the provision within the right-of-way of facilities for pedestrians, equestrians, or bicyclists which are part of a comprehensive trail plan adopted by federal, state, or local

governmental authority having jurisdiction over the trail, the state highway commission, or the county or city having jurisdiction over the highway, road, or street, or facility is authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.100, as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

NEW SECTION. Sec. 3. There is added to chapter 130, Laws of 1971 ex. sess. and to chapter 47.30 RCW a new section to read as follows:

Before establishing paths and trails, the following factors shall be considered:

- (1) Public safety;
- (2) The cost of such paths and trails as compared to the need or probable use;
- (3) Inclusion of the trail in a plan for a comprehensive trail system adopted by a city or county in a state or federal trails plan.

NEW SECTION. Sec. 4. There is added to chapter 130, Laws of 1971 ex. sess. and to chapter 47.30 RCW a new section to read as follows:

The amount expended by the highway department or by a city, town, or county as authorized by section 2 of this 1972 amendatory act shall never in any one fiscal year be less than one-half percent of the total amount of funds received from the motor vehicle fund according to the provisions of RCW 46.68.100: PROVIDED, That this section does not apply to a city or town in any year in which the one-half percent equals five hundred dollars or less, or to a county in any year in which the one-half percent equals three thousand dollars or less: PROVIDED FURTHER, That a city, town or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by section 2 of this 1972 amendatory act.

NEW SECTION. Sec. 5. There is added to chapter 130, Laws of 1971 ex. sess. and to chapter 47.30 RCW a new section to read as follows:

For the purposes of this chapter, the establishment of paths and trails and the expenditure of funds as authorized by section 2 of this 1972 amendatory act shall be deemed to be for highway, road and street purposes. The department of highways shall, when requested, and subject to reimbursement of costs, provide technical assistance and advice to cities, towns, and counties in carrying out the purposes of section 2 of this 1972 amendatory act. The department shall recommend construction standards for paths and trails. The department shall provide a uniform system of signing paths and trails which shall apply to paths and trails under the jurisdiction of the

department and of cities, towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles.

Sec. 6. Section 46.68.070, chapter 12, Laws of 1961 and RCW 46.68.070 are each amended to read as follows:

There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of section 2 of this 1972 amendatory act.

Sec. 7. Section 46.68.130, chapter 12, Laws of 1961 as last amended by section 6, chapter 91, Laws of 1971 1st ex. sess. and RCW 46.68.130 are each amended to read as follows:

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended by the department of highways, subject to proper appropriation and reappropriation, for state highways and other proper department of highways purposes, including the purposes of section 2 of this 1972 amendatory act.

NEW SECTION. Sec. 8. If any provision of this 1972 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. 9. Section 1 of this 1972 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 18, 1972.

Passed the House February 18, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 104

[Engrossed House Bill No. 46]

COUPONS--SALES OF EGGS AND PRODUCTS THEREOF

AN ACT Relating to business regulations; and amending section 3,

chapter 221, Laws of 1957 and RCW 19.83.040.

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

Section 1. Section 3, chapter 221, Laws of 1957 and RCW 19.83.040 are each amended to read as follows:

Nothing in this chapter, or in any other statute or ordinance of this state, shall apply to the issuance and direct redemption by a manufacturer of a premium coupon, certificate, or similar device; or prevent him from issuing and directly redeeming such premium coupon, certificate, or similar device, which, however, shall not be issued, circulated or distributed by retail vendors except when contained in or attached to an original package. The term "manufacturer," as used in this section means any vendor of an article of merchandise which is put up by or for him in an original package and which is sold under his or its trade name, brand or mark: PROVIDED, That no premium coupon, certificate or similar device shall be issued in connection with the sale of ((eggs,)) poultry, ((and the products thereof,)) or milk and ((the)) milk products ((thereof)).

Passed the House January 29, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 105

[House Bill No. 9C]

EDUCATION--KINDERGARTENS, ENROLLMENT, ANNUAL TERM--
STATE APPORTIONMENT, EMERGENCY PREVENTING FULL SCHOOL YEAR

AN ACT Relating to education; establishing a minimum annual term for kindergartens; amending section 28A.35.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.35.010; amending section 28A.41.130, chapter 223, Laws of 1965 ex. sess. as last amended by section 19, chapter 294, Laws of 1971 ex. sess. and RCW 28A.41.130; amending section 28A.58.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.180; authorizing certain rules and regulations by the superintendent of public instruction; amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 46, Laws of 1971 and RCW 28A.41.170; and making an effective date.

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

Section 1. Section 28A.35.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.35.010 are each amended to read as follows:

The board of directors of any school district shall have power to establish and maintain free kindergartens in connection with the

common schools of said district for the instruction of children between the ages of four and six years, residing in said district, and shall establish such courses of training, study and discipline and such rules and regulations governing such kindergartens as said board may deem best (~~PROVIDED, That no third class school district may maintain such kindergarten when the number of pupils in such kindergarten is less than twenty~~)).

Sec. 2. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 294, Laws of 1971 ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided for in section 3 of this 1972 amendatory act:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER, That the funds otherwise distributable under this section to any school district for any year other than the calendar years 1968 and 1969 shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in

the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28A.44 RCW; and

(4) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(5) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(6) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.050 bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(7) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Sec. 3. Section 28A.58.180, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.180 are each amended to read as follows:

All school districts in this state shall maintain school at least one hundred eighty days each school year as defined in RCW 28A.01.020; PROVIDED, That for kindergartens the minimum annual term may be ninety days for each school year, as approved by the state board of education pursuant to rules and regulations promulgated for that purpose.

Sec. 4. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 46, Laws of 1971 and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter; PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts for the 1971-72 school year to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency.

NEW SECTION. Sec. 5. This act except for section 4 will take effect July 1, 1973.

NEW SECTION. Sec. 6. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 106
[Engrossed House Bill NO. 98]
CAMPING CLUBS

AN ACT Relating to camping clubs; adding a new chapter to Title 19 RCW; creating new sections; and prescribing penalties.

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

NEW SECTION. Section 1. As used in this chapter, the following terms shall have the meanings herein ascribed to them, unless the context clearly requires otherwise:

(1) "Camping club" shall mean any corporation, firm, partnership, association, trust, or organization which:

(a) Is promoted, in whole or in part, for the financial benefit of another person, corporation, firm, partnership, association, trust, or organization; and

(b) Has camping and outdoor recreation as its primary purposes, and which is, or is intended to be, composed of members who have or will have obligated themselves to pay membership fees or other charges entitling them to use club facilities and grounds for camping and outdoor recreation purposes; and

(c) Contains or will contain camping vehicle sites; and

(d) Has legal or equitable title to the land on which the club is located or which leases, or is purchasing under a real estate contract, the land on which the club is located.

(2) "Camping vehicle site" means a space assigned to a camping club member for an indefinite period of time, or for life, or for a period of longer than one month, and on which site the member is entitled to park or locate a camping vehicle.

(3) "Camping vehicle" means a travel trailer, tent or tent trailer, pick-up camper, or other similar device used for portable housing.

(4) "Person" shall mean any person, firm, corporation, partnership, association, or organization.

(5) "Director" shall mean the director of the department of

motor vehicles acting in his capacity as administrator of the Securities Act, chapter 21.20 RCW, as now law or hereafter amended.

(6) "Promoter" shall mean the person or organization having a permit issued by the director to engage in the business of promoting or developing a camping club and having the overall responsibility for the sale of memberships in a camping club.

NEW SECTION. Sec. 2. Memberships in a camping club may not be sold unless a permit for promotion has been granted by the director.

NEW SECTION. Sec. 3. The application for a promotion permit shall be submitted to the director on a form reasonably prescribed by him. The information required by the director in the application shall be of such a nature as will enable the director to determine the development plan of the applicant and the applicant's financial responsibility and ability to perform, or cause to be performed, the development plan and the contractual obligations which would be due to the members of the club. The application shall include detailed information as to the ownership of and right to use the land on which the club is to be located, including, but not limited to, all of the applicant's transactions or dealings regarding the land. If the director finds that the applicant is financially responsible and has sufficient capital to warrant the promotion of a camping club and has otherwise complied with the provisions of this chapter, then he shall issue a promotion permit. If he finds that the applicant is not financially responsible or has insufficient capital, then he shall either deny the promotion permit or issue a conditional permit pursuant to the provisions of section 4 of this act.

NEW SECTION. Sec. 4. If the director finds that the applicant is not financially responsible or that the applicant has insufficient capital, he may grant a promotion permit, conditioned on the applicant agreeing to an impounding of the proceeds from all membership sales and charges on members for a reasonable period of time and until sufficient money has been impounded to adequately capitalize the camping club. The director may, if he finds it reasonable and necessary to the business of the applicant, provide for release to the applicant of a certain percentage of the impounded money. When sufficient capital is raised and the impound is lifted, the director shall take such measures as are appropriate to assure that the money released from the impound is applied to the camping club. In the event the impounding does not raise sufficient capital to adequately finance the camping club venture, then the members shall receive from the impounded funds the amount they paid in membership fees, less any releases approved by the director.

NEW SECTION. Sec. 5. In the event that the development plan for a camping club provides for the camping club owning or acquiring

clear title to the land on which the club is to be located, and in the event the plan provides for such ownership or clear title to be purchased from the proceeds from membership sales or fees, then the director may require, in order to protect the interests of the club members, that a reasonable portion of each membership sale or fee be set aside in a reserve fund to be applied toward the purchase price of the land. The director may similarly require the establishment of a reserve fund to cover any improvements on the grounds of a camping club when the improvements, according to the development plan, are to be paid for from the proceeds of membership sales or fees.

NEW SECTION. Sec. 6. The director shall adopt rules and regulations providing for the type and nature of information which a promoter must disclose in its sales and promotion literature and in its membership contract form. The promoter shall file with and obtain the approval of the director for (1) all advertisements and sales promotion literature, and (2) its contract form dealing with club memberships. Such filing shall be made by certified mail at least fourteen days prior to the first use of the advertisements, promotion literature, or membership contract. Approval shall be deemed to have been granted unless notice to the contrary is received by certified mail within ten days of the filing date.

NEW SECTION. Sec. 7. Any promotion permit issued by the director may be suspended if the director finds any of the following:

(1) That the promoter's advertising or sales techniques or trade practices have been or are unfair, deceptive, false, or misleading; or

(2) That the promoter has failed to file advertisements or promotion literature, or its membership contract form pursuant to the requirement in section 6 of this act; or

(3) That the promoter has failed to comply with the rules and regulations adopted by the director pursuant to the provisions of this chapter; or

(4) That the promoter is not financially responsible or has insufficient capital to warrant its selling memberships; or

(5) That the promoter has failed to comply with local health and land use requirements.

Whenever there exists grounds for suspending a permit under this section, the director may also revoke the permit if he finds revocation necessary in order to adequately protect the interests of the public.

NEW SECTION. Sec. 8. Any contract for club membership may be canceled at the option of the member, if the member sends notice of such cancellation by certified mail (return receipt requested) to the promoter and if the notice is posted not later than midnight of the third business day following the day on which the contract was agreed

to or signed. In computing the three business days, the day on which the contract was agreed to or signed shall not be included as a "business day", nor shall any Saturday, Sunday, or legal holiday be included.

In the event the contract for club membership is a "retail installment contract" under chapter 63.14 RCW, as now law or hereafter amended, then the information disclosure requirement in RCW 63.14.120 (3) (e), as now or hereafter amended, dealing with a one-day option to cancel, shall not apply to the contract.

NEW SECTION. Sec. 9. Any contract for club membership shall be voidable at the option of the member, if the contract form has not been filed with the director pursuant to section 6 of this act, or if the promoter has failed to comply with the applicable disclosure requirements in its dealings with the member, or if a valid promotion permit was not in existence for the camping club at the time the contract was agreed to.

NEW SECTION. Sec. 10. The director shall not grant any promotion permit until he is furnished certificates by the appropriate local governmental authorities certifying that the applicant has complied with all local, health, planning, and environmental requirements. A conditional permit may be granted pending receipt of such certificates by the director.

NEW SECTION. Sec. 11. During any period of time in which the promoter, his employees, or his agents control the management of a nonprofit camping club, no fees or charges for management services shall be imposed upon or collected from club members, unless (1) a notice of intent to impose and collect such fees or charges, together with an explanation of their purposes and intended application, are submitted to the director for his approval at least sixty days before such fees and charges are to become payable; and (2) the director approves them. The director shall approve any proposed fees or charges which he finds reasonable and shall disapprove any he finds unreasonable. In the event the director does not disapprove any proposed fees or charges within forty-five days after notice is filed with him, then they shall be deemed approved.

The promoter shall be liable to the club members for any money collected in violation of this section. In any action by a member to recover management fees or charges collected in violation of this section, the member, if he prevails, shall be awarded a reasonable attorney's fee.

The term "nonprofit" as used in this section refers to any domestic corporation organized under Title 24 RCW, and any foreign corporation authorized to conduct affairs in this state under Title 24 RCW.

NEW SECTION. Sec. 12. Any person who knowingly sells

memberships in a camping club for which a promotion permit has not been issued or is not currently in force shall be guilty of a gross misdemeanor and may be fined an amount up to one thousand dollars. It shall be a defense to any prosecution brought under this section that the defendant was or is a bona fide member of a camping club at the time of his selling his single membership therein.

NEW SECTION. Sec. 13. Each application for a promotion permit shall be accompanied by an application fee in the amount of three hundred dollars. The director shall impose an additional fee in the amount of one hundred dollars in the event of the issuance of a promotion permit conditioned on an impounding of the proceeds from membership sales and charges, and an additional fee in the amount of one hundred dollars in the event the promoter is required to establish a reserve fund or reserve funds under this chapter.

NEW SECTION. Sec. 14. The provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now law or hereafter amended, shall apply to any administrative procedures carried out by the director under the provisions of this chapter. The director shall hold a hearing, if one is demanded, on any issue concerning the granting, revocation, or suspension of a permit. The director may adopt rules and regulations to implement the provisions of this chapter. In addition, he may (1) make investigations to determine whether any provisions of this chapter, or rules and regulations adopted hereunder, have been violated; (2) make investigations to determine whether a promotion permit should be granted, denied, revoked, or suspended; and (3) subpoena witnesses in order to compel their attendance or require them to produce any books, papers, correspondence, agreements, or other documents or records which he deems relevant or material to any investigation or hearing conducted by him under the provisions of this chapter.

NEW SECTION. Sec. 15. A camping club shall not be considered a subdivision under RCW 58.17.020(1). Nothing in this chapter shall prevent counties or cities from enacting ordinances or resolutions setting platting or subdivision requirements solely for camping clubs.

NEW SECTION. Sec. 16. Except as specifically provided herein, the provisions of this chapter shall not exclude the application of any other law to camping clubs, camping club members, or promoters.

NEW SECTION. Sec. 17. (1) The director shall if he finds it necessary to the business of a camping club in the process of development as of the effective date of this act extend the time by which the developer shall be required to obtain a promotion permit and otherwise comply with this chapter.

(2) Section 9 of this act shall not apply to or affect the

validity of any contract for membership in a camping club entered into prior to the effective date of this act.

(3) Sections 10 and 15 of this act shall not apply to any camping club in the process of development as of the effective date of this act.

(4) Section 11 of this act shall not apply to any fees or charges imposed upon or collected from a camping club member prior to the effective date of this act.

(5) A promotion permit may not be suspended or revoked under section 7 of this act for conduct engaged in prior to the effective date of this act.

NEW SECTION. Sec. 18. Prior to the effective date of this act, the director may adopt rules and regulations to implement this chapter, but any rules and regulations so adopted shall not take effect prior to such effective date.

NEW SECTION. Sec. 19. The provisions of this chapter shall not apply to any camping club which is registered pursuant to the securities and exchange act of 1933 and/or the securities act of the state of Washington.

NEW SECTION. Sec. 20. 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. 21. Sections 1 through 19 of this act shall constitute a new chapter in Title 19 RCW.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 107

[Engrossed House Bill No. 142]

UNIVERSITY OF WASHINGTON--UNIVERSITY TRACT-- AGREEMENTS WITH CITY AND COUNTY FOR GOVERNMENTAL SERVICES

AN ACT Relating to the board of regents of the University of Washington; and amending section 28B.20.394, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.394.

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

Section 1. Section 28B.20.394, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.394 are each amended to read as follows:

In addition to the powers conferred upon the board of regents of the University of Washington by RCW 28B.20.392 and 28B.20.380,

said board is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to said city ((a sum not exceeding sixty thousand dollars per annum)) and said county such sums as shall be mutually agreed upon for governmental services rendered to ((the)) said university tract, as defined in RCW 28B.20.390 ((7 in connection with the leasing thereof)) which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.050 by the said city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied; and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this 1972 amendatory act in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded.

Passed the House February 7, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 108

[Engrossed House Bill No. 143]

RIGHTS OF MARRIED PERSONS

AN ACT Relating to the rights of married persons; amending section 5, page 131, Laws of 1854 as last amended by section 6, Code of 1881 and RCW 4.08.030; amending section 492, page 219, Laws of 1854 as last amended by section 7, Code of 1881 and RCW 4.08.040; amending section 2409, Code of 1881 and RCW 26.16.030; amending section 2410, Code of 1881 and RCW 26.16.040; amending section 2413, Code of 1881 and RCW 26.16.140; amending section 2402, Code of 1881 and RCW 26.16.190; amending section 2, chapter 32, Laws of 1909 and RCW 49.48.100; and repealing section 2404, Code of 1881 and RCW 26.16.130.

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

Section 1. Section 5, page 131, Laws of 1854 as last amended

by section 6, Code of 1881 and RCW 4.08.030 are each amended to read as follows:

((When a married woman is a party her husband must be joined with her, except:

{1} When the action concerns her separate property, or her right or claim to the homestead property, she may sue alone.

{2} When the action is between herself and her husband, she may sue or be sued alone.

{3} When she is living separate and apart from her husband, she may sue or be sued alone.)

Either husband or wife may sue on behalf of the community: PROVIDED, That

{1} When the action is for personal injuries, the spouse having sustained personal injuries is a necessary party;

{2} When the action is for compensation for services rendered, the spouse having rendered the services is a necessary party.

Sec. 2. Section 492, page 219, Laws of 1854 as last amended by section 7, Code of 1881 and RCW 4.08.040 are each amended to read as follows:

Husband and wife may join in all causes of action arising from injuries to the person or character of either or both of them, or from injuries to the property of either or both of them, or arising out of any contract in favor of either or both of them.

If a husband and wife be sued together, ((the wife)) either or both spouses may defend ((for her own right)), and if ((the husband)) one spouse neglects to defend, ((she)) the other spouse may defend for ((his right)) the nonacting spouse also. And ((she)) each spouse may defend in all cases in which he or she is interested, whether ((she)) that spouse is sued with ((her husband)) the other spouse or not.

Sec. 3. Section 2409, Code of 1881 and RCW 26.16.030 are each amended to read as follows:

Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is community property. ((The husband shall have the management and control of community personal property, with a like power of disposition as he has of his separate personal property, except he shall not devise by will more than one-half thereof.)) Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except:

{1} Neither spouse shall devise or bequeath by will more than one-half of the community property.

{2} Neither spouse shall give community property without the express or implied consent of the other.

(3) Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.

(4) Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.

(5) Neither spouse shall create a security interest other than a purchase money security interest as defined in RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances unless the other spouse joins in executing the security agreement or bill of sale, if any.

(6) Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other: PROVIDED, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse.

Sec. 4. Section 2410, Code of 1881 and RCW 26.16.040 are each amended to read as follows:

((The husband has the management and control of the community real property, but he shall not sell, convey or encumber, the community real estate, unless the wife join with him in executing the deed or other instrument of conveyance by which the real estate is sold, conveyed or encumbered, and such deed or other instrument of conveyance must be acknowledged by him and his wife: PROVIDED, HOWEVER, That all such)) Community real estate shall be subject to the liens of mechanics and others for labor and materials furnished in erecting structures and improvements thereon as provided by law in other cases, to liens of judgments recovered for community debts, and to sale on execution issued thereon.

Sec. 5. Section 2413, Code of 1881 and RCW 26.16.140 are each amended to read as follows:

((The earnings and accumulations of the wife and of her minor children living with her, or in her custody while she is living separate from her husband, are the separate property of the wife.)) When a husband and wife are living separate and apart, their respective earnings and accumulations shall be the separate property of each. The earnings and accumulations of minor children shall be the separate property of the spouse who has their custody or, if no custody award has been made, then the separate property of the spouse

with whom said children are living.

Sec. 6. Section 2402, Code of 1881 and RCW 26.16.190 are each amended to read as follows:

For all injuries committed by a married ((woman)) person, ((damages may be recovered from her alone, and her husband shall not be responsible therefor;)) there shall be no recovery against the separate property of the other spouse except in cases where ((he would be jointly responsible with her)) there would be joint responsibility if the marriage did not exist.

Sec. 7. Section 2, chapter 32, Laws of 1909 and RCW 49.48.100 are each amended to read as follows:

No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married ((man)) person, unless the written consent of ((his wife)) the other spouse to the making of such assignment or order is attached thereto.

NEW SECTION. Sec. 8. Section 2404, Code of 1881 and RCW 26.16.130 are each hereby repealed.

Passed the House February 19, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 109

[Engrossed House Bill No. 147]

LEGAL AID

AN ACT Relating to legal aid; adding a new section to chapter 2.50 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 2.50 RCW a new section to read as follows:

The provisions of this chapter are not exclusive. Nothing in this chapter shall be construed as placing a limitation on the establishment of alternative methods or systems for providing legal aid. Counties are hereby authorized to expend county funds for the establishment of such methods or systems of providing legal aid as shall be deemed in the public interest by the county legislative body.

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

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 110
[House Bill No. 158]
STATE LAND USE PLANNING COMMISSION--
MEMBERS ALLOWANCE

AN ACT Relating to the state land use planning commission; and amending section 2, chapter 287, Laws of 1971 ex. sess. and RCW 43.120.020.

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

Section 1. Section 2, chapter 287, Laws of 1971 ex. sess. and RCW 43.120.020 are each amended to read as follows:

The state land use planning commission is hereby established. Such commission shall be composed of members as follows: Four senators equally divided as to political parties to be chosen by the president of the senate; four representatives equally divided as to political parties to be chosen by the speaker of the house; and eleven persons to be appointed by the governor from the general public. The governor shall select the chairman of the commission. Vacancies shall be filled in the same manner as the original appointment. Each legislative member shall receive allowances as provided in RCW 44.04.120, and each lay member shall receive ((necessary expenses and other actual mileage or transportation costs as provided in chapter 43-03 RCW)) allowances in a consistent manner from the effective date of chapter 287, Laws of 1971 ex. sess. based on the allowance limitations established by RCW 44.04.120.

Passed the House January 29, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 111

[Engrossed House Bill No. 177]

JUDICIAL PROCEEDINGS--INDIGENTS, COUNSEL, COSTS, FEES, EXPENSES

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 1, chapter 31, Laws of 1970 ex. sess. and RCW 2.32.240; amending section 2, chapter 133, Laws of 1965 as amended by section 2, chapter 31, Laws of 1970 ex. sess. 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 1, chapter 31, Laws of 1970 ex. sess. and RCW 2.32.240 are each amended to read as follows:

(1) 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, or petitioner for a writ of habeas corpus (~~shall present to the court satisfactory proof by affidavit or otherwise that he is unable~~) has been judicially determined to have a constitutional right to a free transcript and to be unable by reason of poverty 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 as last amended by section 2, chapter 31, Laws of 1970 ex. sess. 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, or petitioner for a writ of habeas corpus (who is) has been judicially determined to have a constitutional right to obtain a review and to be unable by reason of poverty to procure counsel to perfect ((a)) the review ((by the supreme court, and where the court re-appoints 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)) review ((by the supreme court)) including preparation of the record, ((appropriate)) reasonable ((counsel)) fees for court appointed counsel to be determined by the supreme court, and actual travel expenses of counsel for appearance in the supreme court or court of appeals, shall be paid by the state ((7)). Upon satisfaction of requirements established by supreme court rules and submission of appropriate vouchers to the clerk of the supreme court, payment shall be made from funds specifically appropriated by the legislature for that purpose.

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

Passed the House February 19, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 112

[Substitute House Bill No. 196]

AGRICULTURAL COMMISSIONS AND COMMODITY BOARDS

AN ACT Relating to agricultural commissions and commodity boards; amending section 15.66.130, chapter 11, Laws of 1961 and RCW 15.66.130; adding new sections to chapter 256, Laws of 1961 and to chapter 15.65 RCW; and adding new sections to chapter 11, Laws of 1961 and to chapter 15.66 RCW.

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

NEW SECTION. Section 1. There is added to chapter 256, Laws of 1961 and to chapter 15.65 RCW a new section to read as follows:

Any member of an agricultural commodity board may also be a member or officer of an association which has the same objectives for

which the agricultural commodity board was formed. An agricultural commodity board may also contract with such association for services necessary to carry out any purposes authorized under this chapter, provided that an appropriate contract has been entered into.

NEW SECTION. Sec. 2. There is added to chapter 256, Laws of 1961 and to chapter 15.65 RCW a new section to read as follows:

The restrictive provisions of chapter 43.78 RCW, as now or hereafter amended, shall not apply to promotional printing and literature for any commodity board.

Sec. 3. Section 15.66.130, chapter 11, Laws of 1961 and RCW 15.66.130 are each amended to read as follows:

Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term.

No member of the commission shall receive any salary or other compensation from the commission except that each member shall receive a specified sum as provided in the marketing order not in excess of twenty dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

NEW SECTION. Sec. 4. There is added to chapter 11, Laws of 1961 and to chapter 15.66 RCW a new section to read as follows:

Any member of an agricultural commission may also be a member or officer of an association which has the same objectives for which the agricultural commission was formed. An agricultural commission may also contract with such association for services necessary to carry out any purposes authorized under this chapter, provided that an appropriate contract has been entered into.

NEW SECTION. Sec. 5. There is added to chapter 11, Laws of 1961 and to chapter 15.66 RCW a new section to read as follows:

The restrictive provisions of chapter 43.78 RCW as now or hereafter amended shall not apply to promotional printing and literature for any commission formed under this chapter.

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 113
[House Bill No. 241]
LIMITED PARTNERSHIPS

AN ACT Relating to limited partnerships; amending section 25.08.020, chapter 15, Laws of 1955 and RCW 25.08.020; amending section 25.08.070, chapter 15, Laws of 1955 and RCW 25.08.070; amending section 25.08.090, chapter 15, Laws of 1955 and RCW 25.08.090; amending section 25.08.190, chapter 15, Laws of 1955 and RCW 25.08.190; and amending section 25.08.240, chapter 15, Laws of 1955 and RCW 25.08.240.

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

Section 1. Section 25.08.020, chapter 15, Laws of 1955 and RCW 25.08.020 are each amended to read as follows:

Two or more persons desiring to form a limited partnership shall:

(1) Sign and ((~~swear to~~))acknowledge a certificate, which shall state:

- (a) The name of the partnership;
- (b) The character of the business;
- (c) The location of the principal place of business;
- (d) The name and place of residence of each member; general and limited partners being respectively designated;
- (e) The term for which the partnership is to exist;
- (f) The amount of cash and a description of and the agreed value of the other property contributed by each limited partner;
- (g) The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made;
- (h) The time, if agreed upon, when the contribution of each limited partner is to be returned;
- (i) The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution;
- (j) The right, if given, of a limited partner to substitute an

assignee as contributor in his place and the terms and conditions of the substitution;

(k) The right, if given, of the partners to admit additional limited partners;

(l) The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority;

(m) The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner; and

(n) The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution; and

(o) The right, if given, of a limited partner to vote upon any of the matters described in RCW 25.08.070, as now or hereafter amended, and the vote required for election or removal of general partners, or to cause other action to be effective as to the limited partnership.

(2) File for record the certificate in the office of the county clerk of the county of the principal place of business.

A limited partnership is formed if there has been substantial compliance in good faith with the foregoing requirements.

The signing of such certificate by a limited partner may be in person or for him by an attorney in fact who may but need not be a member of the partnership, who shall acknowledge such signature as such attorney in fact.

Sec. 2. Section 25.08.070, chapter 15, Laws of 1955 and RCW 25.08.070 are each amended to read as follows:

(1) A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as limited partner, he takes part in the control of the business.

(2) A limited partner shall not be deemed to take part in the control of the business by virtue of his possessing or exercising a power, specified in the certificate, to vote upon matters affecting the basic structure of the partnership, including the following matters or others of a similar nature:

(a) Election, removal, or substitution of general partners, including, but not limited to, transfer of a majority of the voting stock of a corporate general partner.

(b) Termination of the partnership.

(c) Amendment of the partnership agreement.

(d) Sale of all or substantially all of the assets of the partnership.

(3) The statement of powers set forth in subsection (2) of this section shall not be construed as exclusive or as indicating

that any other powers possessed or exercised by a limited partner shall be sufficient to cause such limited partner to be deemed to take part in the control of the business within the meaning of subsection (1) of this section.

Sec. 3. Section 25.08.090, chapter 15, Laws of 1955 and RCW 25.08.090 are each amended to read as follows:

A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to:

- (1) Do any act in contravention of the certificate;
- (2) Do any act which would make it impossible to carry on the ordinary business of the partnership;
- (3) Confess a judgment against the partnership;
- (4) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose;
- (5) Admit a person as a general partner;
- (6) Admit a person as a limited partner, unless the right so to do is given in the certificate;
- (7) Continue the business with partnership property on the death, retirement, or insanity of a general partner, unless the right so to do is given in the certificate.

In the event of the removal or failure of reelection of a general partner, pursuant to the vote of the limited partners in accordance with the certificate, such general partner shall cease to be liable as such upon the filing of an amended certificate of limited partnership as provided in RCW 25.08.240, as now or hereafter amended.

Sec. 4. Section 25.08.190, chapter 15, Laws of 1955 and RCW 25.08.190 are each amended to read as follows:

- (1) A limited partner's interest is assignable.
- (2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.
- (3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions ((or)), to inspect the partnership books, or to vote on any of the matters as to which a limited partner would be entitled to vote pursuant to the provisions of RCW 25.08.070, as now or hereafter amended, and the certificate of limited partnership; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with RCW 25.08.250.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under RCW 25.08.060 and 25.08.170.

Sec. 5. Section 25.08.240, chapter 15, Laws of 1955 and RCW 25.08.240 are each amended to read as follows:

(1) The certificate shall be canceled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when:

(a) There is a change in the name of the partnership or in the amount or character of the contribution ~~((of))~~ made, or to be made, by any limited partner;

(b) A person is substituted as a limited partner;

(c) An additional limited partner is admitted;

(d) A person is admitted as a general partner;

(e) A general partner retires, dies, or becomes insane, and the business is continued under RCW 25.08.200;

(f) There is a change in the character of the business of the partnership;

(g) There is a false or erroneous statement in the certificate;

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution;

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate; ~~((or))~~

(j) There is a change in the right to vote upon any of the matters described in RCW 25.08.070, as now or hereafter amended; or

(k) The members desire to make a change in any other statement in the certificate in order that it may accurately represent the agreement between them.

Passed the House February 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 114

[House Bill No. 289]

PROPERTY TAKEN OR WITHHELD--DOGNAPPING--
STOLEN GOODS HELD BY PAWNBROKER OR SECONDHAND DEALER

AN ACT Relating to the taking or withholding of property; creating two new sections; and prescribing penalties.

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

NEW SECTION. Section 1. Any person who, with intent to deprive or defraud the owner thereof:

(1) Takes, leads away, confines, secrets or converts any dog;
or

(2) Conceals the identity of any dog or its owner by obscuring or removing from the dog any collar, tag, license, tattoo or other identifying device or mark; or

(3) Wilfully kills or injures any dog, unless excused by law, shall be guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or both such fine and imprisonment.

NEW SECTION. Sec. 2. There is added to chapter 19.60 RCW a new section to read as follows:

Whenever the owner of stolen goods locates said stolen goods in the possession of a pawnbroker or secondhand dealer, and is forced to bring an action for replevin to recover possession thereof, the owner shall be entitled to reasonable attorney fees and costs in connection with said replevin action.

Passed the House February 19, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 115

[House Bill No. 299]

SCHOOL DISTRICT BUDGETS

AN ACT Relating to school district budgets; amending section 28A.65.020, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.020; amending section 22, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.095; and declaring an emergency.

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

Section 1. Section 28A.65.020, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.020 are each amended to read as follows:

The revenue section of the preliminary budget shall set forth the estimated receipts from all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of preliminary budget preparation, the actual receipts for the last completed fiscal year, and the probable cash on hand available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year: PROVIDED, That school districts, pursuant to rules and regulations promulgated by the superintendent of public instruction, shall be granted permission to include as revenues in their preliminary budgets receivables collectible in future fiscal years limited to those payments made in odd-numbered years on or before July 10th from the distribution of the proceeds from the state property tax for the benefit of the common schools. Such permission shall not affect in any manner those requirements as set forth in RCW 28A.65.095 regarding petitions by school district boards to the superintendent of public instruction for permission to include receivables collectible in future fiscal years in final budgets.

The expenditure section of the preliminary budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the appropriations for the fiscal year current at the time of preliminary budget preparation, and the expenditures for the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

The estimated disbursements consistent with the provisions of RCW 28A.65.170 for the ensuing fiscal year must not be greater than the total of the estimated cash receipts for the ensuing fiscal year

((plus)) the probable net cash balance and investments at the close of the current fiscal year and the projected revenue from receivables collectible on future years approved by the superintendent of public instruction for inclusion in the preliminary budget.

Sec. 2. Section 22, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.095 are each amended to read as follows:

The revenue section of the final budget shall set forth the estimated receipts from all sources for the current fiscal year, the actual receipts for the last completed fiscal year, the actual receipts for the year prior to the last completed fiscal year, and the cash on hand available for current fiscal year disbursements at the close of the last completed fiscal year. The estimated receipts from all sources for the current fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year except for those funds receivable on or before July 10th in odd-numbered years from the distribution of the proceeds from the state property tax for the benefit of the common schools.

The expenditure section of the final budget shall set forth by detailed items or classes the estimated expenditures for the current fiscal year, the actual expenditures for the last completed fiscal year, and the expenditures for the year prior to the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: PROVIDED, That salaries may be set out in total amounts under each budget class if a detailed schedule of such salaries and positions be attached to the budget and made a part thereof.

The estimated disbursements consistent with the provisions of RCW 28A.65.170 for the current fiscal year must not be greater than the total of the net cash balance and the investments at the close of the last completed fiscal year plus the estimated cash receipts for the current fiscal year plus those funds receivable on or before July 10th in odd-numbered years from the distribution of the proceeds from the state property tax for the benefit of the common schools: PROVIDED, When a school district board is unable to prepare a budget in which the estimated cash receipts for the current fiscal year plus the cash and investments on hand at the close of the preceding fiscal year do not at least equal the estimated disbursements for the current fiscal year, the school district board will petition in writing on or before the fifteenth day of September the state superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the current fiscal year's budget. If such permission is granted it shall be in writing and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget adopted by the board of directors without written

permission from the state superintendent of public instruction that contains estimated disbursements in excess of the total of estimated cash receipts for the current fiscal year plus net cash balance and investments at the close of the last completed fiscal year shall be null and void and shall not be considered an appropriation.

NEW SECTION. Sec. 3. This 1972 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 15, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 116

[Engrossed Substitute House Bill No. 417]

FRANCHISES

AN ACT Relating to franchises; amending section 1, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.010; amending section 3, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.030; amending section 4, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.040; amending section 5, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.050; amending section 7, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.070; amending section 8, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.080; amending section 11, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.110; amending section 12, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.120; amending section 14, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.140; amending section 18, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.180; amending section 19, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.190; amending section 20, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.200; amending section 21, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.210; amending section 22, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.220; amending section 25, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.250; and declaring an emergency.

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

Section 1. Section 1, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.010 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Community interest" means a continuing financial interest between the franchisor and franchisee in the operation of the franchise business.

(3) "Director" means the director of department of motor vehicles.

(4) "Franchise" means an oral or written contract or agreement, either expressed or implied, in which a person grants to another person, a license to use a trade name, service mark, trade mark, logotype or related characteristic in which there is a community interest in the business of offering, selling, distributing goods or services at wholesale or retail, leasing, or otherwise and in which the franchisee is required to pay, directly or indirectly, a franchise fee; PROVIDED, That none of the following shall be construed as a franchise within the meaning of this chapter:

(a) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card or any transaction relating to a bank credit card plan;

(b) Actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state;

(c) Any motor vehicle dealer franchise subject to the provisions of chapter 46.70 RCW.

(5) "Bank credit card plan" means a credit card plan in which the issuer of credit cards as defined by RCW 9.26A.010 (1) is a national bank, state bank, trust company or any other banking institution subject to the supervision of the supervisor of banking of this state or any parent or subsidiary of such bank;

~~((5))~~ (6) "Franchisee" means a person to whom a franchise is offered or granted.

~~((6))~~ (7) "Franchisor" means a person who grants a franchise to another person.

~~((7))~~ (8) "Area franchise" means any contract or agreement between a franchisor or subfranchisor whereby the subfranchisor is granted the right to sell or negotiate the sale of franchises in the name or on behalf of the franchisor.

~~((8))~~ (9) "Subfranchisor" means a person to whom an area franchise is granted.

~~((9))~~ (10) "Franchise broker or selling agent" means a person who directly or indirectly engages in the sale of franchises.

~~((10))~~ (11) "Franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for

the right to enter into a business or to continue a business under a franchise agreement, including, but not limited to, the payment either in lump sum or by installments of an initial capital investment fee, any fee or charges based upon a percentage of gross or net sales whether or not referred to as royalty fees, any payment for the mandatory purchase of goods or services or any payment for goods or services available only from the franchisor, or any training fees or training school fees or charges; however, the following shall not be considered payment of a franchise fee: (a) the purchase or agreement to purchase goods at a bona fide wholesale price; (b) the purchase or agreement to purchase goods by consignment; if, and only if the proceeds remitted by the franchisee from any such sale shall reflect only the bona fide wholesale price of such goods; (c) a bona fide loan to the franchisee from the franchisor; (d) the purchase or agreement to purchase goods at a bona fide retail price subject to a bona fide commission or compensation plan that in substance reflects only a bona fide wholesale transaction; (e) the purchase or lease or agreement to purchase or lease supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market or rental value; (f) the purchase or lease or agreement to purchase or lease real property necessary to enter into the business or to continue the business under the franchise agreement at the fair market or rental value.

~~((44))~~ [12] "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

~~((42))~~ [13] "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

~~((43))~~ [14] "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

~~((44))~~ [15] "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

[16] "Chain distributor scheme" is a sales device whereby a person, under a condition that he make an investment, is granted a license or right to recruit for consideration one or more additional persons who are also granted such license or right upon condition of making an investment, and may further perpetuate the chain of persons who are granted such license or right upon such condition. A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the above

license or right to recruit or the receipt of profits therefrom, does not change the identity of the scheme as a chain distributor scheme.

Sec. 2. Section 3, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.030 are each amended to read as follows:

The registration requirements of this chapter shall not apply to:

(1) A sale or transfer of a franchise by a franchisee whether voluntary or involuntary if such sale is an isolated sale.

(2) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(3) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit sharing trust, or other financial institution or institutional buyer or to a broker dealer where the purchaser is acting for itself or in some fiduciary capacity.

(4) Any franchisor:

(a) (Who has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars or who has a net worth, according to its most recent audited financial statement, of not less than one million dollars and is at least eighty percent owned by a corporation which has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars; and

(b) Who has had at least twenty-five franchisees conducting business at all times during the five-year period immediately preceding the offer or sale or has conducted business which is the subject of the franchise continuously for not less than five years preceding the offer or sale or if any corporation which owns at least eighty percent of the franchisor, has had at least twenty-five franchises [franchisees] conducting business at all times during the five-year period immediately preceding the offer or sale or such corporation has conducted business which is the subject of the franchise continuously for not less than five years preceding the offer or sale; and

(c) Who requires an initial investment by the franchisee of more than one hundred thousand dollars; and

(d)) Who has disclosed in writing to each prospective franchisee, at least forty-eight hours prior to the execution by the prospective franchisee of any binding franchise or other agreement, or at least forty-eight hours prior to the receipt of any consideration, the following information:

(i) The name of the franchisor and the name under which the franchisor is doing or intends to do business.

(ii) The franchisor's principal business address and the name

and address of his agent in the state of Washington authorized to receive process.

(iii) The business form of the franchisor whether corporate, partnership, or otherwise.

(iv) A statement of when, where, and how long the franchisor has:

(A) Conducted a business of the type to be operated by the franchisees;

(B) Has granted franchises for such business; and

(C) Has granted franchises in other lines of business.

(v) A copy of the typical franchise contract or agreement proposed for use including all amendments thereto.

(vi) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases; a statement indicating whether and under what conditions all or part of the initial franchise fee may be returned to the franchisee; and a statement of the estimated total investment to be made by the franchisee for:

(A) The initial franchise fee and other fees, whether payable in one sum or in installments;

(B) Fixed assets other than real property and leases for real property, whether or not financed by contract or installment purchase, leasing or otherwise;

(C) Working capital, deposits and prepaid expenses;

(D) Real property, whether or not financed by contract or installment purchase or otherwise, and leases for real property; and

(E) All other goods and services which the franchisee will be required to purchase or lease.

(vii) A statement describing a payment of fees other than franchise fees that the franchisee is required to pay to the franchisor including royalties and payments or fees which the franchisor collects in whole or in part on behalf of a third party or parties.

(viii) A statement of the conditions under which the franchise agreement may be terminated or renewed or renewal refused.

(ix) A statement of the conditions under which the franchise may be sold, transferred, or assigned.

(x) A statement of the conditions imposed by the franchisor whether by the terms of the franchise agreement or by other device or practice whereby the franchisee is required to purchase services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchise business from the franchisor or his designee together with a statement of whether and of the means by which the franchisor derives income from such

purchases.

(xi) A statement of any restriction or condition imposed by the franchisor whether by the terms of the franchise agreement or by other device or practice whereby the franchisee is limited and/or required in the goods or services offered by him.

(xii) A statement of the terms and conditions of any financing arrangements when offered directly or indirectly by the franchisor or his agent or affiliate.

(xiii) A statement of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part.

(xiv) A copy of any (~~financial statement prepared for presentation to prospective franchisees or other persons together with a statement setting forth the basis for such statements~~) statement of estimated or projected franchisee sales or earnings prepared for presentation to prospective franchisees or other persons together with a statement immediately following such statement setting forth the data upon which the estimations or projections are based and explaining clearly the manner and extent to which such data relates to the actual operations of businesses conducted by the franchisor or its franchisees.

(xv) A statement of (~~earnings of past and present franchisees including records of failures, resales to the franchisor, sales of the franchise to others, and transfers~~) business failures of franchisees, resales to the franchisor, sales of the franchise to others, and transfers in the state of Washington during the two year period preceding the date of the statement.

(xvi) A statement describing the training program, supervision, and assistance the franchisor has and will provide the franchisee.

(xvii) A statement as to whether or not franchisees are granted a specific area or territory within which the franchisor agrees not to operate or grant additional franchises for the operation of the franchise business or in which the franchisor will operate or grant franchises for the operation of no more than a specified number of additional franchise businesses.

(xviii) A list of the names, addresses and telephone numbers of all operating franchise businesses under franchise agreement with the franchisor located in the state of Washington.

(xix) A statement explaining the terms and effects of any covenant not to compete which is or will be included in the franchise or other agreement to be executed by the franchisee.

(xx) A statement setting forth such additional information and such comments and explanations relative to the information contained in the disclosure statement as the franchisor may desire to present;

and

(b) Who either:

(i) (A) Has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars or who has a net worth, according to its most recent audited financial statement, of not less than one million dollars and is at least eighty percent owned by a corporation which has a net worth on a consolidated basis, according to its most recent audited financial statement, of not less than five million dollars; and

(B) Has had at least twenty-five franchisees conducting business at all times during the five-year period immediately preceding the offer or sale or has conducted business which is the subject of the franchise continuously for not less than five years preceding the offer or sale or if any corporation which owns at least eighty percent of the franchisor, has had at least twenty-five franchises conducting business at all times during the five-year period immediately preceding the offer or sale or such corporation has conducted business which is the subject of the franchise continuously for not less than five years preceding the offer or sale; and

(C) Requires an initial investment by the franchisee of more than one hundred thousand dollars; or

(ii) (A) has and is offering for sale fewer than ten franchises within the state of Washington under franchise agreement; and

(B) does not advertise, using radio, television, newspaper, magazine, billboard, or other advertising medium the principal office of which is located in the state of Washington or Oregon, concerning the sale of or offer to sell franchises; or

(iii) (A) does not charge a franchise fee, as defined in section 1 (11) of this 1972 amendatory act, in excess of fifteen hundred dollars per year, and

(B) does not advertise, using radio, television, newspaper, magazine, billboard, or other advertising medium, the principal office of which is located in the state of Washington or Oregon, concerning the sale of or offer to sell franchises; and

(c) who has not been found by a court of competent jurisdiction to have been in violation of this chapter, chapter 19.86 RCW, or any of the various federal statutes dealing with the same or similar matters, within seven years of any sale or offer to sell franchise business under franchise agreement in the state of Washington.

(5) ((Any motor vehicle dealer franchise subject to the provisions of chapter 46.70 RCW.

(6)) Neither the registration requirements nor the provisions

of RCW 19.100.180 (2) as now or hereafter amended, shall apply to any franchisor:

(a) Who meets the tests and requirements set forth in subsections (4) (a), (4) (b) ~~(i) (A), 4(b)(i)(B), and 4 ((d)) (c)~~ of this section; and

(b) Who is engaged in the business of renting or leasing motor vehicles through an interdependent system of direct and franchised operations in interstate commerce in twenty or more states; and

(c) Who is subject to the jurisdiction of the federal trade commission and the federal anti-trust laws.

Any franchisor or subfranchisor who claims an exemption under subsection 4(a) and 4(b)(i) of this section shall file with the director a statement giving notice of such claim and setting forth the name and address of franchisor or subfranchisor and the name under which the franchisor or subfranchisor is doing or intends to do business.

Sec. 3. Section 4, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.040 are each amended to read as follows:

The application for registration of the offer, signed by the franchisor, subfranchisor, or by any person on whose behalf the offering is to be made, must be filed with the director and shall contain:

(1) The name of the franchisor and the name under which the franchisor is doing or intends to do business.

(2) The franchisor's principal business address and the name and address of his agent in the state of Washington authorized to receive process.

(3) The business form of the franchisor whether corporate, partnership, or otherwise.

(4) Such other information concerning the identity and business experience of persons affiliated with the franchisor including franchise brokers as the director may by rule prescribe.

(5) A statement whether any person identified in the application for registration:

(a) Has been found guilty of a felony or held liable in a civil action by final judgment if such civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property, within ten years of the date of such application; or

(b) Is subject to any currently effective order of the securities and exchange commission or the securities administrator of any state denying registration to or revoking or suspending the registration of such person as a securities broker or dealer or investment advisor or is subject to any currently effective order ~~(or)~~ of any national security association or national securities ~~(exchanges)~~ exchange (as defined in the Securities & Exchange Act

of 1934) suspending or expelling such person from membership of such association or exchange; or

(c) Is subject to any currently effective order or ruling of the Federal Trade Commission pertaining to any franchise granted by franchisor or is subject to any currently effective order relating to business activity as a franchisor as a result of an action brought by the attorney general's office or by any public agency or department.

Such statement shall set forth the court, the date of conviction or judgment, any penalty imposed, or damages assessed or the date, nature, and issue of such order.

(6) A statement of when, where, and how long the franchisor has:

(a) Conducted a business of the type to be operated by the franchisees;

(b) Has granted franchises for such business; and

(c) Has granted franchises in other lines of business.

(7) A financial statement of the franchisor. The director may describe:

(a) Form and content of the financial statements required under this law;

(b) The circumstances under which consolidated financial statements can be filed; and

(c) The circumstances under which financial statements shall be audited by independent, certified public accountants.

(8) A copy of the typical franchise contract or agreement proposed for use including all amendments thereto.

(9) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases; a statement indicating whether and under what conditions all or part of the initial franchise fee may be returned to the franchisee; and a statement of the estimated total investment to be made by the franchisee for:

(a) The initial franchise fee and other fees, whether payable in one sum or in installments;

(b) Fixed assets other than real property and leases for real property, whether or not financed by contract or installment purchase, leasing or otherwise;

(c) Working capital, deposits and prepaid expenses;

(d) Real property, whether or not financed by contract or installment purchase or otherwise, and leases for real property; and

(e) All other goods and services which the franchisee will be required to purchase or lease.

(10) A statement describing a payment of fees other than franchise fees that the franchisee is required to pay to the

franchisor including royalties and payments or fees which the franchisor collects in whole or in part on behalf of a third party or parties.

(11) A statement of the conditions under which the franchise agreement may be terminated or renewed or renewal refused.

(12) A statement of the conditions under which the franchise may be sold, transferred, or assigned.

(13) A statement of the conditions imposed by the franchisor whether by the terms of the franchise agreement or by other device or practice whereby the franchisee is required to purchase services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchise business from the franchisor or his designee together with a statement of whether and of the means by which the franchisor derives income from such purchases.

(14) A statement of any restriction or condition imposed by the franchisor whether by the terms of the franchise agreement or by other device or practice whereby the franchisee is limited and/or required in the goods and services offered by him.

(15) A statement of the terms and conditions of any financing arrangements when offered directly or indirectly by the franchisor or his agent or affiliate.

(16) A statement of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part.

(17) A copy of any ~~((financial statement prepared for presentation to prospective franchisees or other persons together with a statement setting forth the basis for such statements))~~ statement of estimated or projected franchisee sales or earnings prepared for presentation to prospective franchisees or other persons, together with a statement immediately following such statement setting forth the data upon which the estimations or projections are based and explaining clearly the manner and extent to which such data relates to the actual operations of businesses conducted by the franchisor or its franchisees.

(18) A statement of ~~((earnings of past and present franchisees including records of failures; resales to the franchisor; sales of the franchise to others; and transfers; insofar as such information is reasonably available to the franchisor))~~ business failures of franchisees, resales to the franchisor, sales of the franchise to others, and transfers in the state of Washington during the two year period preceding the date of the statement.

(19) A statement describing the training program, supervision, and assistance the franchisor has and will provide the franchisee.

(20) Such other information as the director may reasonably

require.

(21) ((Such other information as the franchisor may wish to present)) A list of the names, addresses and telephone numbers of all operating franchise businesses under franchise agreement with the franchisor located in the state of Washington.

(22) ((When the person filing the application for registration is a subfranchisor, the application shall also include the same information concerning the subfranchisor as is required from the franchisor pursuant to this section)) A statement explaining the terms and effects of any covenant not to compete which is or will be included in the franchise or other agreement to be executed by the franchisee.

(23) A statement setting forth such additional information and such comments and explanations relative to the information contained in the disclosure statement as the franchisor may desire to present.

(24) When the person filing the application for registration is a subfranchisor, the application shall also include the same information concerning the subfranchisor as is required from the franchisor pursuant to this section.

Sec. 4. Section 5, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.050 are each amended to read as follows:

The director may by rule or order require as a condition to the effectiveness of the registration the escrow or impound of franchise fees if he finds that such requirement is necessary and appropriate to protect prospective franchisees. At any time after the issuance of such rule or order under this section the franchisor may in writing request the rule or order be rescinded. Upon receipt of such a written request, the matter shall be set down for hearing to commence within fifteen days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such order and the director shall have all powers granted under such act.

Sec. 5. Section 7, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.070 are each amended to read as follows:

(1) A franchise offering shall be deemed duly registered for a period of one year from the effective date of registration unless the director specifies a different period.

(2) Registration of a franchise offer may be renewed for additional periods of one year each, unless the director by rule or order specifies a different period, by filing with the director no later than fifteen business days prior to the expiration thereof a renewal application containing such information as the director may require to indicate any substantial changes in the information

contained in the original application for a renewal application and payment of the proscribed fee.

(3) If a material adverse change in the condition of the franchisor or the subfranchisor should occur during any year, a supplemental report shall be filed as soon as reasonably possible and in any case, before the further sale of ((the)) any franchise.

Sec. 6. Section 8, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.080 are each amended to read as follows:

Any person offering for sale or selling a franchise within this state, whether or not one or more franchises will be located within this state, must present to the prospective franchisee or his representative, at least forty-eight hours prior to the sale of the franchise, copies of the ((offering circular)) materials specified in section 2(4) (a) of this 1972 amendatory act and all supplemental reports of the franchisor and the subfranchisor on file with the director.

Sec. 7. Section 11, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.110 are each amended to read as follows:

No person shall publish in this state any advertisement concerning a franchise subject to the registration requirements of this chapter after the director finds that the advertisement contains any statements that are false or misleading or omits to make any statement necessary in order to make the statements made, in the light of the circumstances in which they were made, not misleading and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order be rescinded. Upon receipt of such a written request, the matter shall be set down for hearing to commence within fifteen days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such order and the director shall have all powers granted under such act.

Sec. 8. Section 12, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.120 are each amended to read as follows:

The director may issue a stop order denying effectiveness to or suspending or revoking the effectiveness of any registration statement if he finds that the order is in the public interest and that:

(1) The registration statement as of its effective date, or as of any earlier date in the case of an order denying effectiveness, is incomplete ((and immaterial in any)) in any material respect or contains any statement which was in the light of the circumstances

under which it was made false or misleading with respect to any material fact;

(2) Any provision of this chapter or any rule or order or condition lawfully imposed under this chapter has been violated in connection with the offering by:

(a) The person filing the registration statement but only if such person is directly or indirectly controlled by or acting for the franchisor; or

(b) The franchisor, any partner, officer or director of a franchisor, or any person occupying a similar status or performing similar functions or any person directly or indirectly controlling or controlled by the franchisor.

(3) The franchise offering registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any federal or state act applicable to the offering but the director may not:

(a) Institute a proceeding against an effective registration statement under this clause more than one year from the date of the injunctive relief thereon unless the injunction is thereafter violated; and

(b) Enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction is based on facts that currently constitute a ground for stop order under this section;

(4) A franchisor's enterprise or method of business includes or would include activities which are illegal where performed;

(5) The offering has worked or tended to work a fraud upon purchasers or would so operate;

(6) (~~The applicant has failed to demonstrate that adequate financial arrangements have been made to fulfill obligations to provide real estate improvements, equipment, training, or other items included in the offering;~~) The applicant has failed to comply with any rule or order of the director issued pursuant to section 4 of this 1972 amendatory act.

(7) The applicant or registrant has failed to pay the proper registration fee but the director may enter only a denial order under this subsection and he shall vacate such order when the deficiency has been corrected.

Sec. 9. Section 14, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.140 are each amended to read as follows:

(1) It is unlawful for any person to offer to sell or sell a franchise which is subject to the registration requirements of RCW (~~19.100.030(4)(d) or~~) 19.100.040 unless he is registered under this chapter. It is unlawful for any franchisor, subfranchisor, or franchisee, except if the transaction is exempt under RCW 19.100.030

((1), (2), and (3)) to employ a franchise broker or selling agent unless he is registered.

(2) The franchise broker or selling agent may apply for registration by filing with the director an application together with a consent to service of process in such form as the director shall prescribe and payment of the fee prescribed in RCW 19.100.240.

(3) The application shall contain whatever information the director requires concerning such matters as:

(a) The applicant's form and place of organization.

(b) The applicant's proposed method of doing business.

(c) The qualifications and business history of the applicant.

(d) Any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and

(e) The applicant's financial condition and history.

Sec. 10. Section 18, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.180 are each amended to read as follows:

Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the franchisor or subfranchisor and the franchisees:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Restrict or inhibit the right of the franchisees to join an association of franchisees.

(b) Require a franchisee to purchase or lease goods or services of the franchisor or from approved sources of supply unless and to the extent that the franchisor satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition; PROVIDED, That this provision shall not apply to the initial inventory of the franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(c) Discriminate between franchisees in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on franchises granted at materially different

times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(d) Sell, rent, or offer to sell to a franchisee any product or service for more than a fair and reasonable price.

(e) Obtain money, goods, services, anything of value, or any other benefit from any other person with whom the franchisee does business on account of such business unless such benefit is ((promptly accounted for and transmitted)) disclosed to the franchisee.

(f) ((If he is the franchisor or subfranchisor, to compete with the franchisee in a relevant market or to grant competitive franchises in the relevant market area previously granted to another franchisee. Such relevant market to be specifically listed in the franchise agreement.)) If the franchise provides that the franchisee has an exclusive territory, which exclusive territory shall be specified in the franchise agreement, for the franchisor or subfranchisor to compete with the franchisee in an exclusive territory or to grant competitive franchises in the exclusive territory area previously granted to another franchisee.

(g) Require franchisee to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

(h) Impose on a franchisee by contract, rule, or regulation, whether written or oral, any standard of conduct unless the person so doing can sustain the burden of proving such to be reasonable and necessary.

(i) ((Fail to renew a franchise except for just cause, or in accordance with the current terms and standards established by the franchisor then equally applicable to all franchisees; unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable; is based on proper and justifiable distinctions considering the purposes of this chapter; and is not arbitrary.)) Refuse to renew a franchise without fairly compensating the franchisee for the fair market value, at the time of expiration of the franchise, of the franchisee's inventory, supplies, equipment, and furnishings purchased from the franchisor, and good will, exclusive of personalized materials which have no value to the franchisor, and inventory, supplies, equipment and furnishings not reasonably required in the conduct of the franchise business: PROVIDED, That compensation need not be made to a franchisee for good will if (i) the franchisee has been given one year's notice of nonrenewal and (ii) the franchisor agrees in writing not to enforce any covenant which restrains the franchisee from competing with the

franchisor: PROVIDED FURTHER, That a franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by such franchisee to the franchisor.

(j) ((Terminate a franchise or to restrict the transfer of a franchise except for just cause, or in accordance with the current terms and standards established by the franchisor then equally applicable to all franchisees, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable; is based on proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary. Upon termination the franchisee shall receive a fair and reasonable compensation for the value of the franchisee's inventory, supplies, equipment, and furnishings and those prepaid costs and expenses paid the franchisor: PROVIDED, That personalized materials which have no value to the franchisor need not be compensated for.)) To terminate a franchise prior to the expiration of its term except for good cause. Good cause shall include, without limitation, the failure of the franchisee to comply with lawful material provisions of the franchise or other agreement between the franchisor and the franchisee and to cure such default after being given written notice thereof and a reasonable opportunity, which in no event need be more than thirty days, to cure such default, or if such default cannot reasonably be cured within thirty days, the failure of the franchisee to initiate within thirty days substantial and continuing action to cure such default: PROVIDED, That a franchisor may terminate a franchise without giving prior notice or opportunity to cure a default if the franchisee (i) is adjudicated a bankrupt or insolvent; (ii) makes an assignment for the benefit of creditors or similar disposition of the assets of the franchise business; (iii) voluntarily abandons the franchise business; or (iv) is convicted of or pleads guilty or no contest to a charge of violating any law relating to the franchise business. Upon termination for good cause, the franchisor shall purchase from the franchisee at a fair market value at the time of termination, the franchisee's inventory and supplies, exclusive of (i) personalized materials which have no value to the franchisor; (ii) inventory and supplies not reasonably required in the conduct of the franchise business; and (iii), if the franchisee is to retain control of the premises of the franchise business, any inventory and supplies not purchased from the franchisor or on his express requirement: PROVIDED, That a franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by such franchisee to the franchisor.

(k) Promote, offer or grant participation in a chain distributor scheme.

((3) The provisions of this chapter shall apply to all written or oral arrangements with the franchisee including but not limited to the franchise offering, the franchise agreement, sales of goods or services, leases and mortgages of real or personal property, promises to pay, security interests, pledges, insurance contracts, advertising contracts, construction or installation contracts, servicing contracts, and all other such arrangements in which the franchisor or subfranchisor has any direct or indirect interest.

(4) In any proceedings damages may be based on reasonable approximations but not on speculation.)

Sec. 11. Section 19, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.190 are each amended to read as follows:

(1) The commission of any unfair or deceptive acts or practices or unfair methods of competition prohibited by RCW 19.100.180 as now or hereafter amended shall constitute an unfair or deceptive act or practice under the provisions of chapter 19.86 RCW.

(2) Any person who sells or offers to sell a franchise in violation of this chapter shall be liable to the franchisee or subfranchisor who may sue at law or in equity for damages caused thereby for rescission or other relief as the court may deem appropriate. In the case of a violation of RCW 19.100.170 rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or ((admission)) omission or that the defendant exercised reasonable care and did not know or if he had exercised reasonable care would not have known of the untruth or ((admission)) omission.

(3) The suit authorized under subsection (2) of this section may be brought to recover the actual damages sustained by the plaintiff ((together with the cost of the suit including reasonable attorneys' fees)) 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 the prevailing party may in the discretion of the court recover the costs of said action including a reasonable attorneys' fee.

(4) Any person who becomes liable to make payments under this section may recover contributions as in cases of contracts from any persons who, if sued separately, would have been liable to make the same payment.

(5) A final judgment, order, or decree heretofore or hereafter rendered against a person in any civil, criminal, or administrative proceedings under the United States anti-trust laws, under the Federal Trade Commission Act, under the Washington State Consumer Protection Act, or this chapter shall be regarded as evidence against such persons in any action brought by any party against such person under subsection (1) and (2) of this section as to all matters which

said judgment or decree would be an estoppel between the parties thereto.

Sec. 12. Section 20, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.200 are each amended to read as follows:

The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or Washington state governments or any of their agencies under the anti-trust laws, the Federal Trade Commission Act, the Consumer Protection Act, or any federal or state act related to anti-trust laws or to franchising, or under this chapter shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceedings: PROVIDED, That said limitation of actions shall in any case toll the law so long as there is actual concealment on the part of the person.

Sec. 13. Section 21, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.210 are each amended to read as follows:

(1) 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 such action including a reasonable attorneys' fee.

(2) Every person who shall violate 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 19.100.020, 19.100.080, 19.100.150 and 19.100.170 as now or hereafter amended shall forfeit a civil penalty of not more than two thousand dollars for each violation.

For the purpose of this section the superior court issuing an 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.

In the enforcement of this chapter, the attorney general may accept an assurance of discontinuance with the provisions of this chapter from any person deemed by the attorney general in violation hereof. Any such assurance shall be in writing, shall state that the person giving such assurance does not admit to any violation of this chapter or to any facts alleged by the attorney general, and shall 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. Proof of failure to comply with the assurance of discontinuance shall be prima facie evidence of a violation of this chapter.

(3) Any person who wilfully violates any provision of this chapter or who wilfully violates any rule or order under this chapter

shall upon conviction be fined not more than five thousand dollars or imprisoned for not more than ten years or both, but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order. No indictment or information may be returned under this chapter more than five years after the alleged violation.

(4) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

Sec. 14. Section 22, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.220 are each amended to read as follows:

In any proceeding under this chapter, the burden of proving an exception or an exemption from definition is upon the person claiming it. Any condition, stipulation or provision purporting to bind any person acquiring a franchise at the time of entering into a franchise or other agreement to waive compliance with any provision of this chapter or any rule or order hereunder is void.

Sec. 15. Section 25, chapter 252, Laws of 1971 ex. sess. and RCW 19.100.250 are each amended to read as follows:

The director may from time to time make, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter including rules and forms governing applications and reports and defining any terms whether or not used in this chapter insofar as the definitions are consistent with this chapter. The director in his discretion may honor requests from interested persons for interpretive opinions.

NEW SECTION. Sec. 16. If any provision of this 1972 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. 17. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on May 1, 1972.

Passed the House February 16, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 117
[Senate Bill No. 92]
ECONOMIC DEVELOPMENT

AN ACT Relating to economic development; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the fostering of economic development through the stimulation of investment and job opportunity in order that the general welfare of the inhabitants of the state is served. The legislature further finds that reducing unemployment as soon as possible is of major concern to the economic welfare of the state.

It is further declared that such economic development should be fostered through provision of investment tax deferrals, construction of public facilities, the insurance of industrial mortgages, and technical assistance; that expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and to constitute a proper use of public funds, and that an economic assistance authority is needed which shall effect such development of economic opportunity.

NEW SECTION. Sec. 2. The economic assistance authority of the state, hereafter designated "authority", is hereby created to exercise those powers granted by this chapter.

The authority shall consist of eight members appointed by the governor, the director of the department of commerce and economic development, and two ex officio members as provided for herein. Of the appointive members two shall be city officials or representatives of cities, two shall be county officials or representatives of counties, and four shall be citizen members from the public. The appointive members shall be broadly representative of geographic areas of this state. These members shall initially be appointed as follows: Two members for one-year terms, two members for two-year terms, two members for three-year terms, and two members for four-year terms. Each succeeding term shall be for four years. The two ex officio members shall be the directors of the planning and community affairs agency, the department of ecology, or their designees. The director of the department of commerce and economic development shall serve as chairman of the authority. Staff support shall be provided by the department of commerce and economic development.

All appointive members of the authority in the performance of their duties shall receive per diem as provided in RCW 43.03.050 and

travel expenses as provided in RCW 43.03.060.

The authority shall adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the authority in connection therewith.

NEW SECTION. Sec. 3. If a vacancy shall occur by death, resignation, or otherwise of appointive members of the authority, the governor shall fill the same for the unexpired term. Any member of the authority, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, according to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 4. In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no authority member, appointive or otherwise, may participate in any decision on any authority contract in which he has any interests, direct or indirect, with any firm, partnership, corporation, or association which would be the recipient of any authority aid whether by way of grant, loan, insurance, or other authority assistance. In any instance where such participation occurs, the authority shall void the transaction, and the involved member shall be subject to whatever further sanctions may be provided by law. In addition, the authority shall frame and adopt a code of ethics for its members, which shall be designed to protect the state and its citizens from any unethical conduct by the authority.

NEW SECTION. Sec. 5. In addition to powers and duties granted elsewhere in this chapter, the authority shall be authorized:

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal and alter the same at its pleasure;

(3) To contract with such consultants as may be necessary or desirable for its purposes and to fix their compensation and to utilize the services of other governmental agencies;

(4) To accept from any federal agency loans or grants for the planning or financing of any project and to enter into an agreement with such agency respecting such loans or grants;

(5) To conduct examinations and investigations and take testimony at public or private hearings of any matter material for its information that will assist in determinations related to exercise of the authority's lawful powers;

(6) To accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on the terms and conditions thereof which are not in conflict with the provisions of this chapter;

(7) To establish such procedures, rules, and regulations

consistent with the purposes of this chapter as necessary;

(8) To do all acts and things necessary or convenient to carry out the powers expressly granted or implied in this chapter.

NEW SECTION. Sec. 6. In all instances in which the authority shall consider providing public facilities construction grants or loans, investment tax deferrals, and industrial mortgage payment insurance as authorized in this chapter, the authority shall give its approval only when the project for which the economic assistance is sought will be consistent with the plans, programs, and policies of state agencies and/or local governmental units within whose jurisdiction the project is located.

NEW SECTION. Sec. 7. The authority is authorized to make direct grants and/or loans to political subdivisions of the state and Indian tribes recognized as such by the federal government, for the purpose of assisting such organizations in financing the cost of public facilities, including the cost of acquisition and development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities.

NEW SECTION. Sec. 8. Public facilities grants or loans shall be used to fund those projects which will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities: PROVIDED, That the authority shall initially consider projects which (1) are scheduled to go to bid within three months of approval of the project by the authority, and (2) are scheduled to reach fifty percent of peak employment within six months from the date of letting the bid.

NEW SECTION. Sec. 9. (1) Not less than two-thirds of the amount to be available to the public facilities construction loan and grant revolving account within any biennium shall be made available by the authority for public facilities grants and loans to those areas which have been designated by the secretary of the United States department of commerce as redevelopment areas and to those counties in which the rate of increase in population is less than fifteen percent between the two prior decennial federal census figures available for the counties of this state. Such designated areas for the purposes of this chapter shall be known as economic assistance areas. Thereafter, the authority may from time to time redefine the initially designated economic assistance areas. The authority shall base its determination of redefined economic assistance areas on one or more of the following criteria:

(a) The rate of unemployment in the area, as determined by appropriate annual statistics for the most recent available calendar year, is six percent or more and has been at least (i) fifty percent

above the national average for three of the preceding four calendar years, or (ii) seventy-five percent above the national average for two of the preceding three calendar years, or (iii) one hundred percent above the national average for one of the preceding two calendar years, and has averaged at least six percent for those qualifying time periods; or

(b) The rate of increase in population is less than fifteen percent between the two prior decennial federal census figures available for the counties of this state; or

(c) The area is a federal Indian reservation manifesting economic distress as based on unemployment, low income levels, and other evidence of economic underdevelopment.

(2) No more than one-third of the amount estimated to be available to the public facilities construction loan and grant revolving account within any biennium may be made available by the authority to areas not designated economic assistance areas for public facilities grants and loans when the project for which such funds are sought satisfy one or more of the following criteria:

(a) Provides for greater balance in the distribution of economic opportunity within that region; or

(b) Provides for greater equity in the distribution of economic opportunities for state residents relative to such factors as racial, ethnic, or social group, and educational or skill levels; or

(c) Provides for continued economic diversification leading to greater seasonal or cyclical stability.

NEW SECTION. Sec. 10. In addition to economic assistance areas, the authority may declare any county, city, or community as a special impact area wherein the authority determines that the loss, removal, curtailment, or closing of a major source or sources of employment, including the loss, removal, curtailment, or closing of a major state institution, has caused or will cause an unusual and severe rise in unemployment. Such designation as a special impact area shall be for a period of two years from such time of designation. Special impact areas shall be eligible as an economic assistance area for public facilities grants and loans as provided in section 9 of this act. The authority, through the department of commerce and economic development, further, shall with agencies of the federal government, appropriate agencies of state government and local city, county, and community officials develop projects and programs which will assist in alleviating such unemployment.

NEW SECTION. Sec. 11. Public facilities grants or loans by the authority shall be subject to the following conditions:

(1) The moneys in the public facilities construction loan and grant revolving account are to be used solely to fulfill commitments

arising from loans and grants authorized in section 7 of this 1972 act. The total outstanding amount which the authority may dispense at any time pursuant to this section shall not exceed the moneys available for grants and loans from said account;

(2) Financial assistance through such grants or loans may be used directly or indirectly for any facility for public purposes, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities;

(3) On contracts made for public facilities loans the authority shall determine the interest rate which advances shall bear, such interest rate not to exceed ten percent per annum, and the authority shall provide such reasonable terms and conditions for repayment of advances as it may determine; said loans not to exceed twenty years in duration.

NEW SECTION. Sec. 12. Repayments of advances made pursuant to such contracts for public facilities construction loans shall be paid into the public facilities construction loan and grant revolving account.

NEW SECTION. Sec. 13. As used in sections 14 through 18 of this 1972 act:

(1) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings and machinery are used or are to be used for activities defined in RCW 82.04.120 (the definition of the term "to manufacture"): PROVIDED, That an investment project undertaken by a business as defined in RCW 82.16.010(5) (an electrical utility) shall not be eligible: PROVIDED FURTHER, That one or more the following criteria must be met:

(a) The investment project is or will be located in an economic assistance area or special impact area;

(b) A minimum of twenty percent of the employees at the plant complex for which the deferral is requested shall be of a minority race;

(c) The plant complex shall be within an industry classification which is not currently a major employing industry in the county in which the plant complex is located. The industry classification of the plant complex shall be determined by the standard industrial classification as assigned by the department of employment security. The major employing industries in a county shall be the two manufacturing sectors, as defined by the two-digit standard industrial classification, which employed the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the

department of employment security.

(2) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide;

(3) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation;

(4) "Major improvement" shall mean the expansion, modernization, or renovation of existing buildings wherein the costs are in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement;

(5) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts.

NEW SECTION. Sec. 14. The authority shall certify the eligibility of investment projects, and the department of revenue shall grant investment tax deferrals for eligible investment projects in an amount not to exceed the state and local sales tax payable under chapters 82.08 and 82.14 RCW or the use tax payable under chapters 82.12 and 82.14 RCW on machinery, materials, labor, and services directly utilized in a certified eligible investment project undertaken by a firm engaged in or to be engaged in manufacturing.

NEW SECTION. Sec. 15. Application for certification of an investment project shall be made to the authority in such a form and manner as the authority may prescribe, but in no case shall an application be accepted after initiation of the construction of the investment project. The application shall contain information regarding the location of the investment project, the firm's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual costs, time schedules for completion and operation, and such other information as the authority may require. The authority shall rule on the application within sixty days, and the department of revenue shall issue an investment tax deferral certificate when the authority certifies that the criteria for an eligible investment project have

been satisfied.

NEW SECTION. Sec. 16. The department of revenue shall conduct an audit of the project upon its completion in order to determine the total amount of tax deferral. Any tax found due on nonqualifying construction or purchases shall be immediately assessed and payable. The manufacturing firm will begin paying the deferred taxes three years after the date certified by the authority as the date on which the construction project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

<u>Repayment Year</u>	<u>Percent of Deferred Tax Repaid</u>
1	10%
2	15%
3	20%
4	25%
5	30%

NEW SECTION. Sec. 17. The department of revenue may authorize an accelerated repayment schedule upon request of the manufacturing firm. No interest by the state of Washington will be charged on any taxes so deferred for the period of deferral, although all other penalties and interest available to the department of revenue may be assessed and imposed for delinquent payments as are otherwise provided by law. The debt for deferred taxes will not be extinguished by insolvency or other failure of the firm.

NEW SECTION. Sec. 18. The department of revenue may adopt such rules and regulations as it deems necessary for the administration of the investment tax deferral provisions of this chapter.

NEW SECTION. Sec. 19. Where a firm qualifies for a tax deferral under section 13, subsection 1(b) of this 1972 act, the firm shall submit a report to the department of revenue on December 31st of each of the first seven years of the tax deferral. Such report shall contain information upon which the department of revenue may determine whether the firm is meeting the requirements of that subsection. If, on the basis of the report or other information, the department of revenue finds that the firm is not meeting the requirements of that subsection, the amount of deferred taxes outstanding shall be immediately assessed and payable. If the firm fails to submit a report or submits an inadequate report, the department of revenue may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

NEW SECTION. Sec. 20. The authority may establish an independent study board consisting of governmental and

nongovernmental experts to investigate the effects of governmental programming, procurement, scientific, technical, and other related policies for economic assistance. Members of the board may be compensated in accordance with provisions for advisory councils to the department of commerce and economic development. The authority shall report the board's findings and recommendations to the governor and the legislature for the better coordination of such policies.

NEW SECTION. Sec. 21. For purposes of sections 22 through 31 of this 1972 act:

(1) "Industrial project" means any building or other real estate improvement and the land upon which it may be located, machinery and equipment including installation thereof, and all real properties deemed necessary for this use, including all property rights, easements, and franchises relating thereto and deemed necessary or convenient for operation, by (a) an industry for the manufacturing, processing, or assembling of raw materials or manufactured products, (b) research and development facilities for discovery, perfection, and/or evaluation of new processes or products, or (c) the construction, acquisition, rehabilitation, or improvements of tourist industry facilities and other facilities used by tourists when such facilities fill an established need in the overall development for expansion of a municipality's, county's, or region's tourist industry and/or convention business;

(2) "Mortgagor" means the original borrower under a mortgage and his successors and assigns;

(3) "Mortgagee" means the original lender under a mortgage, and his successors and assigns authorized by federal or state law and approved by the authority, including but not limited to trust companies, banks, and any other classes of lending agencies and institutions;

(4) "Mortgage" means a mortgage or deed of trust on an industrial project, and the term "first mortgage" means such classes of first liens as are commonly given to secure advances such as real estate contracts or real estate under the laws of the state of Washington, together with the credit instruments, if any, secured thereby;

(5) "Cost of project" means the cost of fair market value of construction, lands, property rights, easements, engineering, and any other necessary services.

NEW SECTION. Sec. 22. The authority, upon application of a proposed mortgagee, may insure mortgage payments required by a first mortgage on any industrial project which at the date of application is located or is to be located within an economic assistance area or special impact area or meets criteria established in subsection (2) of section 9 of this 1972 act, upon such terms and conditions as the

authority may prescribe: PROVIDED, That the aggregate amount of principal obligations of all mortgages so insured outstanding at any one time shall not exceed sixty million dollars.

NEW SECTION. Sec. 23. Mortgage payment insurance authorized under section 22 of this 1972 act may be approved where the authority finds that the establishment of the project will meet the general objectives of this chapter and that the project to which the mortgage shall apply is financially sound and there is a reasonable assurance of repayment.

NEW SECTION. Sec. 24. To be eligible for industrial mortgage payment insurance contract under the provisions of this chapter, a mortgage:

(1) Shall be one which is to be made by a mortgagee approved by the authority as responsible and able to service the mortgage properly: PROVIDED, That proprietary information required of an applicant to establish eligibility shall be considered privileged and confidential in nature;

(2) Shall not exceed three million dollars for any one previously delineated project, such amount not to exceed ninety percent of the reasonable cost of the project related to real property, and including initial service charges and appraisal, and inspection and other fees approved by the authority; and shall not exceed fifty percent of the cost of the project related to machinery and equipment without the approval of eighty percent of the members of the authority;

(3) Shall have a maturity satisfactory to the authority but not later than twenty-five years from the date of issuance of the insurance agreement, without the approval of eighty percent of the members of the authority, except in the case of machinery and equipment for which the maturity is to be no more than ten years from the date of the authority's insurance policy, without the approval of eighty percent of the members of the authority, but not beyond the normal life of the machinery and equipment;

(4) Shall contain complete amortization provisions, requiring periodic mortgage payments by the mortgagor which may include principal and interest payments, cost of local property taxes and assessments for payments in lieu thereof, land lease rentals (if any), hazard insurance on the property, such mortgage insurance premiums as are required under section 25 of this 1972 act, and such depreciation payments as may be necessary to maintain the integrity of the project until principal has been completely paid off, all as the authority from time to time may prescribe or approve;

(5) Shall contain such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, default reserves, delinquency charges, default remedies,

anticipation of maturity, additional and secondary liens, and other matters as the authority may deem necessary;

(6) Shall have a maturity agreement that expires not later than six months after the initial term of the lease of the property on which the mortgage is granted: PROVIDED, That this shall in no way preclude the prepayment of any mortgage so insured: AND FURTHER PROVIDED, That such period is to permit the removal or dispensation of leasehold improvements.

NEW SECTION. Sec. 25. The authority shall fix mortgage insurance premiums for each industrial project for the insurance of the first mortgage payments under the provisions of this chapter: PROVIDED, That such premiums are to be computed as a percentage of the principal obligation of the mortgage outstanding at the beginning of each mortgage year. Such premiums shall be payable by the mortgagors or the mortgagees in such manner as shall be agreed to by the authority. The amount of such premiums shall be on the merits of an individual delineated project. The amount of such premiums need not be uniform among the various loans insured. If such premiums are not paid when due, such nonpayment shall constitute a default and mortgage insurance benefit shall terminate.

NEW SECTION. Sec. 26. Upon default in payment of any mortgage installment by the mortgagor of more than sixty days or as otherwise provided in the mortgage insurance agreement, the authority, after receiving notification, shall pay to or on behalf of the mortgagee or his order all installment sums required by the mortgage, exclusive of any acceleration provision, as and when such sums fall due, and not the agreement total amount of guaranteed mortgage for the entire policy period which might otherwise be construed to be due by reason of default. When a mortgagor does not meet mortgage payments insured by the authority by reason of vacancy of its industrial project, the authority for the purpose of safeguarding the mortgage insurance fund may grant the mortgagee permission to lease or rent the property to a tenant for a use other than that specified in section 22 of this 1972 act. Such lease or rental may be temporary in nature, and shall be subject to such conditions as the authority may prescribe. The mortgagee shall take responsible steps to correct any default. In the case of a default which will likely continue for more than ninety days, the mortgagee shall, in consultation with the authority, proceed to effect an orderly disposition of the property.

NEW SECTION. Sec. 27. Any loan secured by a first mortgage insured by the authority, any loan to a proposed mortgagor for the purpose of building or improving any industrial project owned by such proposed mortgagor, or any proposed mortgagee given advance commitment by the authority to insure mortgage payments required by a

first mortgage upon a completed industrial project, shall be a legal investment for any trust company, bank, investment company, savings bank, savings and loan association, executor, administrator, guardian, conservator, trustee or other fiduciary, and pension, profit-sharing, or retirement fund: PROVIDED, That such loans shall be in conformity with any laws, rules, or regulations governing banks, trust companies, mutual savings banks, or savings and loan associations, by any regulatory agency of the state of Washington or the federal government. When the real estate is mortgaged to secure real or personal property, security for such loans shall be unencumbered except for leases and easements.

A policy of title insurance shall be lodged with the mortgagee until the mortgage is paid. Loans to a proposed mortgagor for the purpose of building or improving industrial projects shall provide for advance at the discretion of the lender as the work progresses: PROVIDED, That they shall not exceed the amount of the advance commitment to insure, shall have construction maturities of not more than twenty-four months unless eighty percent of the members of the authority approve a longer period, and shall be secured by a first mortgage.

NEW SECTION. Sec. 28. The industrial mortgage payment insurance revolving account shall be used by the authority for carrying out the industrial mortgage payment insurance provisions of this chapter. To this account shall be charged any and all expenses of the authority necessary to carry out the industrial mortgage payment insurance provisions of this chapter, including mortgage insurance payments required by loan defaults. To the account shall be credited all receipts of the account, including mortgage insurance premiums which the authority may receive under the industrial mortgage payment insurance provisions of this chapter. The mortgagor will be required to repay the state for all expenses incurred prior to loan closing and the finalizing of an insurance policy. These moneys shall be deposited in the industrial mortgage payment insurance account. The account shall be nonlapsing.

NEW SECTION. Sec. 29. The authority may expend out of the industrial mortgage payment insurance revolving account such moneys as may be necessary for any expenses of the authority required to carry out the industrial mortgage payment insurance provisions of this chapter, including administrative, legal, actuarial, and other services. All such expenses incurred by the authority shall be paid by the authority and shall be charged to the account or to the appropriate industrial project or projects.

NEW SECTION. Sec. 30. A fidelity bond in an amount determined by the authority shall be required for each staff member or consultant handling any insurance transaction. Bond premiums for

staff members will be paid from the industrial mortgage payment insurance revolving account.

NEW SECTION. Sec. 31. If in the opinion of the authority the addition of moneys to the industrial mortgage payment insurance revolving account shall be required, the authority in writing shall request the state finance committee to provide sufficient moneys to maintain the account at a level deemed adequate by the authority. The state finance committee is authorized to issue anticipatory or arbitrage notes or bonds, or limited obligation bonds to satisfy the request of the authority for funds: PROVIDED, That the total outstanding shall not exceed sixty million dollars.

NEW SECTION. Sec. 32. The following accounts are hereby created and authorized within the general fund of the state treasury: (1) The public facilities construction loan and grant revolving account; (2) the industrial mortgage payment insurance revolving account; and (3) whatever additional accounts may be required from time to time for carrying out the purposes of this chapter. These accounts shall be exclusive to the authority and where designated are nonlapsing and revolving.

Moneys in these accounts not needed currently to meet the expenses and obligations of the authority shall be invested in such manner as is provided by law for such temporarily available funds, and any interest earned shall be deposited in the respective accounts and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the authority advising the members of the authority of the status of any funds invested, the market value of the assets as of the date such statement is rendered, and the income received from the investments during the period covered by the report.

NEW SECTION. Sec. 33. The authority shall keep proper records of accounts and shall be subject to audit by the state auditor. An annual accounting of the condition of the industrial mortgage payment insurance revolving account shall be made. Biennial reports on the activities of the authority shall be made by the chairman to the governor and the legislature.

NEW SECTION. Sec. 34. Sections 21 through 31 of this act shall not be effective until the voters have approved a constitutional amendment authorizing the state to lend its credit for purposes as contemplated in this act.

NEW SECTION. Sec. 35. If any provision of this 1972 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. 36. This 1972 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. 37. This act may be cited as the "Economic Assistance Act of 1972".

NEW SECTION. Sec. 38. Sections 1 through 34 and section 37 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate February 18, 1972.

Passed the House February 18, 1972.

Approved by the Governor February 22, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 118
[Engrossed House Bill No. 194]
REGULATION OF CONTRACTORS

AN ACT Relating to contractors bonds; amending section 1, chapter 77, Laws of 1963 as amended by section 5, chapter 126, Laws of 1967 and RCW 18.27.010; amending section 4, chapter 77, Laws of 1963 as amended by section 1, chapter 126, Laws of 1967 and RCW 18.27.040; amending section 8, chapter 77, Laws of 1963 and RCW 18.27.080; and adding new sections to chapter 18.27 RCW.

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

Section 1. Section 1, chapter 77, Laws of 1963 as amended by section 5, chapter 126, Laws of 1967 and RCW 18.27.010 are each amended to read as follows:

A "contractor" as used in this chapter is any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting, the erection of scaffolding or other structures or works in connection therewith; or, who, to do similar work upon his own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. A "general contractor" is a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part; the term "general contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined herein. The terms

"general contractor" and "builder" are synonymous. A "specialty contractor" is a contractor whose operations as such do not fall within the foregoing definition of "general contractor".

Sec. 2. Section 4, chapter 77, Laws of 1963 as amended by section 1, chapter 126, Laws of 1967 and RCW 18.27.040 are each amended to read as follows:

Each applicant shall, at the time of applying for a certificate of registration, file with the ~~((director of licenses))~~ department of motor vehicles a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department of motor vehicles running to the state of Washington if a general contractor, in the sum of two thousand dollars; if a specialty contractor, in the sum of one thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. Any person having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond or deposit shall be commenced by serving and filing of the complaint within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. ~~((A copy))~~ Three copies of the complaint shall be served by registered or certified mail upon the ~~((director of licenses))~~ department of motor vehicles at the time suit is started and the ~~((director))~~ department shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the registrant and the surety for suit upon the bond and the ~~((director))~~ department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond ~~((, but in case claims))~~. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied

therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

(1) Labor, including employee benefits;

(2) ((Taxes and contributions due the state of Washington))

Claims for breach of contract by a party to the construction contract;

(3) Material and equipment;

(4) ((Claims for breach of contract)) Taxes and contributions due the state of Washington;

(5) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the ((director)) department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished.

In lieu of the surety bond required by this section the contractor may file with the ((director)) department a ((cash)) deposit consisting of cash or other ((negotiable)) security acceptable to the ((director)) department.

((In the event of a judgment being entered against such deposit, the director of licenses shall upon receipt of a certified copy of a final judgment, pay from the amount of the deposit said judgment.)) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

The director may promulgate rules and regulations necessary for the proper administration of the security.

Sec. 3. Section 8, chapter 77, Laws of 1963 and RCW 18.27.080 are each amended to read as follows:

No person engaged in the business or acting in the capacity of a contractor may bring or maintain any action in any court of this

state for the collection of compensation for the performance of any work or for breach of any contract for which registration is required under this chapter without alleging and proving that he was a duly registered contractor and held a current and valid certificate of registration at the time he contracted for the performance of such work or entered into such contract.

NEW SECTION. Sec. 4. There is added to chapter 18.27 RCW a new section to read as follows:

The provisions of this chapter relating to the registration or licensing of any person, firm, or corporation, including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, shall be exclusive and no political subdivision of the state of Washington shall require or issue any registrations, licenses, or bonds nor charge any fee for the same or a similar purpose: PROVIDED, That nothing herein shall limit or abridge the authority of any city or town to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within said city: PROVIDED, FURTHER, That nothing herein shall limit the authority of any city or town with respect to contractors not required to be registered under this chapter.

NEW SECTION. Sec. 5. There is added to chapter 18.27 RCW a new section to read as follows:

The department of motor vehicles shall annually, starting July 1, 1973, compile a list of all contractors registered pursuant to the provisions of this chapter and update such list at least bimonthly. Such list shall be considered as public record information and shall be available to the public upon request: PROVIDED, That the department may charge a reasonable reproduction fee.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 119

[House Bill No. 482]

NATURAL AREA PRESERVES

AN ACT Relating to natural resources; and adding a new chapter to Title 79 RCW.

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

NEW SECTION. Section 1. The purpose of this chapter is to establish a state system of natural area preserves and a means

whereby the preservation of these aquatic and land areas can be accomplished.

All areas within the state, except those which are expressly dedicated by law for preservation and protection in their natural condition, are subject to alteration by human activity. Natural lands, together with the plants and animals living thereon in natural ecological systems, are valuable for the purposes of scientific research, teaching, as habitats of rare and vanishing species, as places of natural historic and natural interest and scenic beauty, and as living museums of the original heritage of the state.

It is, therefore, the public policy of the state of Washington to secure for the people of present and future generations the benefit of an enduring resource of natural areas by establishing a system of natural area preserves, and to provide for the protection of these natural areas.

NEW SECTION. Sec. 2. For the purposes of this chapter:

(1) "Department" shall mean the department of natural resources.

(2) "Natural areas" and "natural area preserves" shall mean such public or private areas of land or water which have retained their natural character, although not necessarily completely natural and undisturbed, or which are important in preserving rare or vanishing flora, fauna, archeological, natural historical or similar features of scientific or educational value.

(3) "Public lands" and "state lands" shall have the meaning set out in RCW 79.01.004.

(4) "Committee" shall mean the Washington state natural preserves advisory committee created in section 5 of this chapter.

NEW SECTION. Sec. 3. In order to set aside, preserve and protect natural areas within the state, the department is authorized, in addition to any other powers, to:

(1) Establish by rule and regulation the criteria for selection, acquisition, management, protection and use of such natural areas;

(2) Cooperate and contract with any federal, state, or local governmental agency, private organizations or individuals in carrying out the purpose of this chapter;

(3) Acquire by gift, devise, purchase, grant, dedication, or means other than eminent domain, the fee or any lesser right or interest in real property which shall be held and managed as a natural area; and

(4) Acquire by gift, devise, grant or donation any personal property to be used in the acquisition and/or management of natural areas;

(5) Inventory existing public, state and private lands in cooperation with the committee to assess possible natural areas to be preserved within the state.

NEW SECTION. Sec. 4. The department is further authorized to purchase, lease, set aside or exchange any public land or state-owned trust lands which are deemed to be natural areas: PROVIDED, That the appropriate state land trust receives the fair market value for any interests that are disposed of: PROVIDED, FURTHER, That such transactions are approved by the board of natural resources.

An area consisting of public land or state-owned trust lands designated as a natural area preserve shall be held in trust and shall not be alienated except to another public use upon a finding by the the department of natural resources of imperative and unavoidable public necessity.

NEW SECTION. Sec. 5. A Washington state natural preserves advisory committee is hereby created within the department of natural resources to assist the department in carrying out the intent of this chapter. Such committee shall consist of seven members appointed by the commissioner of the department. Any vacancies shall be filled in the same manner. Members shall be chosen from persons with an interest in the establishment of natural areas and shall serve a period of three years.

NEW SECTION. Sec. 6. Nothing in this chapter is intended to supersede or otherwise affect any existing legislation.

Passed the House February 16, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 120

[Engrossed Senate Bill No. 50]

EMBALMING

AN ACT Relating to embalming; amending section 4, chapter 108, Laws of 1937 as last amended by section 24, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.040; and declaring an emergency.

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

Section 1. Section 4, chapter 108, Laws of 1937 as last amended by section 24, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.040 are each amended to read as follows:

In order to obtain a license as an embalmer, the applicant must be at least eighteen years of age, of good moral character, and

have completed, (1) two years at an accredited college, (2) a two-year course of training under a licensed embalmer in this state, and (3) a full course of instruction in an embalming school, approved by the director of motor vehicles and the state examining committee. No portion of the course of instruction under (3) above can be applied towards satisfaction of the two-year college course. In addition, the applicant must pass an examination in each of the following subjects: Embalming, anatomy including histology, embryology and dissection, pathology, bacteriology, public health including sanitation and hygiene, chemistry including toxicology, and restorative art, including plastic surgery and demi-surgery: PROVIDED, HOWEVER, That any person lawfully licensed as an embalmer in this state may register as such with said director of motor vehicles and, upon payment of the license fee hereinafter specified, on or prior to said date, he shall thereupon be entitled to and receive a license as such for the year commencing January 1, 1938. In case of failure so to register, he can thereafter obtain a license only after examination as herein provided: PROVIDED, FURTHER, That this section shall not apply to anyone who is attending an embalming school, or who is registered as an apprentice, prior to midnight, ((June 11, 1947)) August 6, 1965.

NEW SECTION. Sec. 2. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 121

[Senate Bill No. 32]

LOCAL SALES AND USE TAXES

AN ACT Relating to revenue and taxation; and amending section 12, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.910.

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

Section 1. Section 12, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.910 are each amended to read as follows:

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 Senate February 11, 1972.

Passed the House February 21, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 122

[Engrossed Substitute Senate Bill No. 29]

UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT

AN ACT Relating to public health; enacting the Uniform Alcoholism and Intoxication Treatment Act; amending section 1, page 85, Laws of 1875 as last amended by section 1, chapter 112, Laws of 1965 ex. sess. and RCW 9.87.010; amending section 3, chapter 111, Laws of 1967 ex. sess. as amended by section 7, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.030; repealing section 1, chapter 85, Laws of 1959 and RCW 70.96.010; repealing section 2, chapter 85, Laws of 1959 and RCW 70.96.020; repealing section 3, chapter 85, Laws of 1959 and RCW 70.96.030; repealing section 4, chapter 85, Laws of 1959 and RCW 70.96.040; repealing section 5, chapter 85, Laws of 1959 and RCW 70.96.050; repealing section 6, chapter 85, Laws of 1959 and RCW 70.96.060; repealing section 7, chapter 85, Laws of 1959 and RCW 70.96.070; repealing section 8, chapter 85, Laws of 1959 and RCW 70.96.080; repealing section 9, chapter 85, Laws of 1959 and RCW 70.96.090; repealing section 10, chapter 85, Laws of 1959 and RCW 70.96.100; repealing section 11, chapter 85, Laws of 1959 and RCW 70.96.110; repealing section 12, chapter 85, Laws of 1959 and RCW 70.96.120; repealing section 13, chapter 85, Laws of 1959 and RCW 70.96.130; repealing section 14, chapter 85, Laws of 1959 and RCW 70.96.140; repealing section 16, chapter 85, Laws of 1959 and RCW 70.96.900; repealing section 71.08.010, chapter 25, Laws of 1959 and RCW 71.08.010; repealing section 71.08.020, chapter 25, Laws of 1959 and RCW 71.08.020; repealing section 71.08.030, chapter 25, Laws of 1959 and RCW 71.08.030; repealing section 71.08.040, chapter 25, Laws of 1959 and RCW 71.08.040; repealing section 71.08.050, chapter 25, Laws of 1959 and RCW 71.08.050; repealing section 71.08.060, chapter 25, Laws of 1959 and RCW 71.08.060;

repealing section 71.08.070, chapter 25, Laws of 1959 and RCW 71.08.070; repealing section 71.08.080, chapter 25, Laws of 1959 and RCW 71.08.080; repealing section 71.08.090, chapter 25, Laws of 1959 and RCW 71.08.090; repealing section 1, chapter 23, Laws of 1909 ex. sess. RCW 9.68.040; adding a new chapter to Title 70 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. DECLARATION OF POLICY. It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society.

NEW SECTION. Sec. 2. DEFINITIONS. For the purposes of this act the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted;

(2) "Approved treatment facility" means a treatment agency operating under the direction and control of the department of social and health services or providing treatment under this act through a contract with the department under section 8(6) of this act and meeting the standards prescribed in section 9(1) and approved under section 9(3) of this act;

(3) "Secretary" means the secretary of the department of social and health services;

(4) "Department" means the department of social and health services;

(5) "Director" means the director of the division of alcoholism;

(6) "Emergency service patrol" means a patrol established under section 17 of this act;

(7) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property;

(8) "Incompetent person" means a person who has been adjudged incompetent by the superior court;

(9) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

(10) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient and emergency services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics, persons incapacitated by alcohol, and intoxicated persons.

NEW SECTION. Sec. 3. ALCOHOLISM PROGRAM. A discrete program of alcoholism is established within the department of social and health services, to be administered by a qualified person who has training and experience in handling alcoholism problems or the organization or administration of treatment services for persons suffering from alcoholism problems.

NEW SECTION. Sec. 4. PROGRAM AUTHORITY. The department, in the operation of the alcoholism program may:

(1) Plan, establish, and maintain treatment programs as necessary or desirable;

(2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to alcoholics, persons incapacitated by alcohol, or intoxicated persons;

(3) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(4) Administer or supervise the administration of the provisions relating to alcoholics and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(5) Coordinate its activities and cooperate with alcoholism programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the common advancement of alcoholism programs;

(6) Keep records and engage in research and the gathering of relevant statistics;

(7) Do other acts and things necessary or convenient to execute the authority expressly granted to it; and

(8) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment facilities for alcoholics, persons incapacitated by alcohol, and intoxicated persons.

NEW SECTION. Sec. 5. DUTIES OF DEPARTMENT. The department shall:

(1) Develop, encourage, and foster state-wide, regional, and local plans and programs for the prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(3) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons who are clients of the correctional system.

(4) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(5) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol;

(6) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol;

(7) Organize and foster training programs for persons engaged in treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons;

(8) Sponsor and encourage research into the causes and nature of alcoholism and treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons, and serve as a clearing house for information relating to alcoholism;

(9) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(10) Advise the governor in the preparation of a comprehensive plan for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons for inclusion in the state's comprehensive

health plan;

(11) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism, persons incapacitated by alcohol, and intoxicated persons;

(12) Assist in the development of, and cooperate with, alcohol education and treatment programs for employees of state and local governments and businesses and industries in the state;

(13) Utilize the support and assistance of interested persons in the community to encourage alcoholics voluntarily to undergo treatment;

(14) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(15) Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics, persons incapacitated by alcohol, and intoxicated persons and to provide them with adequate and appropriate treatment; and

(16) Encourage all health and disability insurance programs to include alcoholism as a covered illness.

NEW SECTION. Sec. 6. INTERDEPARTMENTAL COORDINATING COMMITTEE. (1) An interdepartmental coordinating committee is established, composed of the superintendent of public instruction or his designee, the director of the department of motor vehicles or his designee, the executive secretary of the Washington state law enforcement training commission or his designee, and one or more designees (not to exceed three) of the secretary of the department of social and health services. The committee shall meet at least twice annually at the call of the secretary, or his designee, who shall be its chairman. The committee shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics, persons incapacitated by alcohol, and intoxicated persons. The committee shall assist the secretary and director in formulating a comprehensive plan for prevention of alcoholism and for treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) In exercising its coordinating functions, the committee shall assure that:

(a) The appropriate state agencies provide or assure all necessary medical, social, treatment, and educational services for alcoholics, persons incapacitated by alcohol, and intoxicated persons and for the prevention of alcoholism, without unnecessary duplication of services;

(b) The several state agencies cooperate in the use of facilities and in the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons; and

(c) All state agencies adopt approaches to the prevention of alcoholism and the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons consistent with the policy of this act.

NEW SECTION. Sec. 7. CITIZENS ADVISORY COUNCIL. Pursuant to the provisions of RCW 43.20A.360, there shall be a citizens advisory council, concerned with alcoholism problems, to advise the department, whose members shall be appointed by the secretary.

NEW SECTION. Sec. 8. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL FACILITIES. (1) The department shall establish by all appropriate means, including contracting for services, a comprehensive and coordinated program for the treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons.

(2) The program shall include, but not necessarily be limited to:

(a) Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital or licensed medical institution;

(b) Inpatient treatment;

(c) Intermediate treatment; and

(d) Outpatient and follow-up treatment.

(3) The department shall provide for adequate and appropriate treatment for alcoholics, persons incapacitated by alcohol, and intoxicated persons admitted under sections 11 through 14 of this act. Treatment may not be provided at a jail or prison except for inmates.

(4) All appropriate public and private resources shall be coordinated with and utilized in the program if possible.

(5) The department shall prepare, publish, and distribute annually a list of all approved public and private treatment facilities.

(6) The department may contract for the use of any facility as an approved public treatment facility if the secretary, subject to the policies of the department, considers this to be an effective and economical course to follow.

NEW SECTION. Sec. 9. STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES; ENFORCEMENT PROCEDURES; PENALTIES. (1) The department shall establish standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility, and fix the fees to be charged by the department for the required inspections. The

standards may concern the health standards to be met and standards of services and treatment to be afforded patients.

(2) The department periodically shall inspect approved public and private treatment facilities at reasonable times and in a reasonable manner.

(3) The department shall maintain a list of approved public and private treatment facilities at reasonable times and in a reasonable manner.

(4) Each approved public and private treatment facility shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved public or private treatment facility that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment facilities, and its approval revoked or suspended.

(5) The division, after holding a hearing, may suspend, revoke, limit, or restrict an approval, or without hearing, refuse to grant an approval, for failure to meet the provisions of this act, or the standards established thereunder.

(6) The superior court may restrain any violation of this section, review any denial, restriction, or revocation of approval, and grant other relief required to enforce its provisions.

(7) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment facility refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this act.

NEW SECTION. Sec. 10. ACCEPTANCE FOR TREATMENT; RULES. The secretary shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholics, persons incapacitated by alcohol, and intoxicated persons. In establishing the rules, the secretary shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment.

(3) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(5) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

NEW SECTION. Sec. 11. VOLUNTARY TREATMENT OF ALCOHOLICS.

(1) An alcoholic may apply for voluntary treatment directly to an approved treatment facility. If the proposed patient is a minor or an incompetent person, he, a parent, a legal guardian, or other legal representative may make the application.

(2) Subject to rules adopted by the secretary, the administrator in charge of an approved treatment facility may determine who shall be admitted for treatment. If a person is refused admission to an approved treatment facility, the administrator, subject to rules adopted by the secretary, shall refer the person to another approved treatment facility for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved treatment facility, he shall be encouraged to consent to appropriate outpatient or intermediate treatment. If it appears to the administrator in charge of the treatment facility that the patient is an alcoholic who requires help, the department may arrange for assistance in obtaining supportive services and residential facilities.

(4) If a patient leaves an approved public treatment facility, with or against the advice of the administrator in charge of the facility, the department may make reasonable provisions for his transportation to another facility or to his home. If he has no home he should be assisted in obtaining shelter. If he is less than fourteen years of age or an incompetent person the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he was the original applicant.

NEW SECTION. Sec. 12. TREATMENT AND SERVICES FOR INTOXICATED PERSONS AND PERSONS INCAPACITATED BY ALCOHOL. (1) An intoxicated person may come voluntarily to an approved treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself of the provisions of RCW 46.20.308, a person who

appears to be incapacitated by alcohol shall be taken into protective custody by the police or the emergency service patrol and forthwith brought to an approved treatment facility for emergency treatment. If no approved treatment facility is readily available he shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him to an approved treatment facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person under the supervision of a licensed physician as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved treatment facility shall arrange for his transportation.

(4) A person who by medical examination is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission, may not be detained at the facility (a) once he is no longer incapacitated by alcohol, and (b) if he remains incapacitated by alcohol for more than forty-eight hours after admission as a patient, unless he is committed under section 13 of this act. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his home, if any. If he has no home, the approved treatment facility shall assist him in obtaining shelter.

(6) If a patient is admitted to an approved treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.

(7) The police or members of the emergency service, who in good faith act in compliance with this act are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary

treatment.

NEW SECTION. Sec. 13. EMERGENCY COMMITMENT. (1) An intoxicated person who (a) has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed, or (b) is incapacitated by alcohol, may be committed to an approved treatment facility for emergency treatment. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment.

(2) The certifying physician, spouse, guardian, or relative of the person to be committed, or any other responsible person, may make a written application for commitment under this section, directed to the administrator of the approved treatment facility. The application shall state facts to support the need for emergency treatment and be accompanied by a physician's certificate stating that he has examined the person sought to be committed within two days before the certificate's date and facts supporting the need for emergency treatment. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

(3) Upon approval of the application by the administrator in charge of the facility, the person shall be brought to the facility by a peace officer, health officer, emergency service patrol, the applicant for commitment, the patient's spouse, the patient's guardian, or any other interested person. The person shall be retained at the facility to which he was admitted, or transferred to another appropriate public or private treatment facility, until discharged under subsection (5) of this section.

(4) The administrator in charge of an approved treatment facility shall refuse an application if in his opinion the application and certificate fail to sustain the grounds for commitment.

(5) When on the advice of the medical staff the administrator determines that the grounds for commitment no longer exist, he shall discharge a person committed under this section. No person committed under this section may be detained in any treatment facility for more than five days. If a petition for involuntary commitment under section 14 of this act has been filed within the five days and the administrator in charge of an approved treatment facility finds that grounds for emergency commitment still exist, he may detain the person until the petition has been heard and determined, but no longer than ten days after filing the petition.

(6) A copy of the written application for commitment and of the physician's certificate, and a written explanation of the person's right to counsel, shall be given to the person within twenty-four hours after commitment by the administrator, who shall provide a reasonable opportunity for the person to consult counsel.

NEW SECTION. Sec. 14. INVOLUNTARY COMMITMENT OF ALCOHOLICS.

(1) A person may be committed for treatment in an approved treatment facility by the superior court or district court upon the petition of his spouse or guardian, a relative, the certifying physician, or the administrator in charge of any approved treatment facility. The petition shall allege that the person is an alcoholic who habitually lacks self-control as to the use of alcoholic beverages and that he is incapacitated by alcohol. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the admitting facility or the department is not eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than five and no more than ten days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, a parent or his legal guardian if he is a minor, the administrator in charge of the approved treatment facility to which he has been committed for emergency care, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his presence is likely to be injurious to him; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he shall be given an opportunity to be examined by a court appointed licensed physician. If he refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him to the department for a period of not more than

five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him and the treatment is likely to be beneficial.

(5) A person committed under this section shall remain in the facility for treatment for a period of thirty days unless sooner discharged. At the end of the thirty day period, he shall be discharged automatically unless the facility, before expiration of the period, obtains a court order for his recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) A person recommitted under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.

(7) Upon the filing of a petition for recommitment under subsections (5) or (6) of this section, the court shall fix a date for hearing no less than five and no more than ten days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served on the petitioner, the person whose commitment is sought, his next of kin other than the petitioner, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his parents or his legal guardian if he is a minor, and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(8) The facility shall provide for adequate and appropriate

treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

(9) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he has been committed and he shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, that he is no longer an alcoholic or the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(10) The court shall inform the person whose commitment or recommitment is sought of his right to contest the application, be represented by counsel at every stage of any proceedings relating to his commitment and recommitment, and have counsel appointed by the court or provided by the court, if he wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him regardless of his wishes. The person shall, if he is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(11) A person committed under this act may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(12) The venue for proceedings under this section is the place in which person to be committed resides or is present.

NEW SECTION. Sec. 15. RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS. (1) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(2) Notwithstanding subsection (1) of this section, the secretary may receive information from patients' records for purposes of research into the causes and treatment of alcoholism, and the evaluation of alcoholism and treatment programs. Information under this subsection shall not be published in a way that discloses

patients' names or otherwise discloses their identities.

NEW SECTION. Sec. 16. VISITATION AND COMMUNICATION WITH PATIENTS. (1) Subject to reasonable rules regarding hours of visitation which the secretary may adopt, patients in any approved treatment facility shall be granted opportunities for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program.

(2) Neither mail nor other communication to or from a patient in any approved treatment facility may be intercepted, read, or censored. The secretary may adopt reasonable rules regarding the use of telephone by patients in approved treatment facilities.

NEW SECTION. Sec. 17. EMERGENCY SERVICE PATROL; ESTABLISHMENT; RULES. (1) The state and counties, cities and other municipalities may establish or contract for emergency service patrols which are to be under the administration of the appropriate jurisdiction. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated. Members of an emergency service patrol shall be capable of providing first aid in emergency situations and may transport intoxicated persons to their homes and to and from treatment facilities.

(2) The secretary shall adopt rules pursuant to chapter 34.04 RCW for the establishment, training, and conduct of emergency service patrols.

NEW SECTION. Sec. 18. PAYMENT FOR TREATMENT; FINANCIAL ABILITY OF PATIENTS. (1) If treatment is provided by an approved treatment facility or emergency treatment is provided by a facility under section 8(2)(a) of this 1972 amendatory act, and the patient has not paid or is unable to pay the charge therefor, the facility is entitled to any payment (a) received by the patient or to which he may be entitled because of the services rendered, and (b) from any public or private source available to the facility because of the treatment provided to the patient.

(2) A patient in a facility, or the estate of the patient, or a person obligated to provide for the cost of treatment and having sufficient financial ability, is liable to the facility for cost of maintenance and treatment of the patient therein in accordance with rates established.

(3) The secretary shall adopt rules governing financial ability that take into consideration the income, savings and other personal and real property of the person required to pay, and any support being furnished by him to any person he is required by law to support.

NEW SECTION. Sec. 19. CRIMINAL LAWS LIMITATIONS. (1) No county, municipality, or other political subdivision may adopt or

enforce a local law, ordinance, resolution, or rule having the force of law that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provision of subsection (1) of this section.

(3) Nothing in this act affects any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons; nor shall evidence of intoxication affect, other than as a defense, the application of any law, ordinance, resolution, or rule to conduct otherwise establishing the elements of an offense.

NEW SECTION. Sec. 20. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does 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 severable.

NEW SECTION. Sec. 21. SHORT TITLE. This act may be cited as the "Uniform Alcoholism and Intoxication Treatment Act".

NEW SECTION. Sec. 22. APPLICATION AND CONSTRUCTION. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

NEW SECTION. Sec. 23. Upon the taking effect of this act, the responsible head of each agency transferred in whole or in part to the department of social and health services by this act, shall deliver to the department of social and health services all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, motor vehicles, and other tangible property and all funds in its custody or under its control, used or held in the exercise of the powers and the performance of the duties and functions so transferred, along with all pending business before such agency: PROVIDED, That, if the books, documents, records, papers, files and other writings pertaining to a function transferred by this act to the department from agencies not abolished by this chapter are considered by the head of the agency from which such transfer is made to be essential to the performance of duties retained by such agency, the agency head may deliver to the division of alcoholism certified copies of such books, documents, records,

papers, files and other writings.

NEW SECTION. Sec. 24. Appropriations for the exercise of powers, duties and functions transferred to the department of social and health services from agencies that are not abolished by this chapter shall be transferred to and made available to the department in accordance with the provisions of section 25 of this act.

NEW SECTION. Sec. 25. The transfer of equipment, funds and appropriations from agencies that are not abolished by this act to the department of social and health services, as provided in the office of program planning and fiscal management, shall be accomplished in accordance with apportionments among the several agencies by the director of the office of program planning and fiscal management, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the office of program planning and fiscal management shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 85, Laws of 1959 and RCW 70.96.010;
- (2) Section 2, chapter 85, Laws of 1959 and RCW 70.96.020;
- (3) Section 3, chapter 85, Laws of 1959 and RCW 70.96.030;
- (4) Section 4, chapter 85, Laws of 1959 and RCW 70.96.040;
- (5) Section 5, chapter 85, Laws of 1959 and RCW 70.96.050;
- (6) Section 6, chapter 85, Laws of 1959 and RCW 70.96.060;
- (7) Section 7, chapter 85, Laws of 1959 and RCW 70.96.070;
- (8) Section 8, chapter 85, Laws of 1959 and RCW 70.96.080;
- (9) Section 9, chapter 85, Laws of 1959 and RCW 70.96.090;
- (10) Section 10, chapter 85, Laws of 1959 and RCW 70.96.100;
- (11) Section 11, chapter 85, Laws of 1959 and RCW 70.96.110;
- (12) Section 12, chapter 85, Laws of 1959 and RCW 70.96.120;
- (13) Section 13, chapter 85, Laws of 1959 and RCW 70.96.130;
- (14) Section 14, chapter 85, Laws of 1959 and RCW 70.96.140;
- (15) Section 16, chapter 85, Laws of 1959 and RCW 70.96.900;
- (16) Section 71.08.010, chapter 25, Laws of 1959 and RCW 71.08.010;
- (17) Section 71.08.020, chapter 25, Laws of 1959 and RCW 71.08.020;
- (18) Section 71.08.030, chapter 25, Laws of 1959 and RCW 71.08.030;

(19) Section 71.08.04C, chapter 25, Laws of 1959 and RCW 71.08.04C;

(20) Section 71.08.05C, chapter 25, Laws of 1959 and RCW 71.08.05C;

(21) Section 71.08.06C, chapter 25, Laws of 1959 and RCW 71.08.06C;

(22) Section 71.08.07C, chapter 25, Laws of 1959 and RCW 71.08.07C;

(23) Section 71.08.08C, chapter 25, Laws of 1959 and RCW 71.08.08C;

(24) Section 71.08.09C, chapter 25, Laws of 1959 and RCW 71.08.09C; and

(25) Section 1, chapter 23, Laws of 1909 ex. sess. and RCW 9.68.04C.

NEW SECTION. Sec. 27. Section or subsection headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 28. Sections 1 through 27 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 29. Section 1, page 85, Laws of 1875 as last amended by section 1, chapter 112, Laws of 1965 ex. sess. and RCW 9.87.010 are each amended to read as follows:

Every --

(1) Person who asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry or clairvoyance; or,

(2) Person who keeps a place where lost or stolen property is concealed; or,

(3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,

(4) ~~((Common drunkards found in any place where intoxicating liquors are sold or kept for sale; or in an intoxicated condition; or,~~

~~(5))~~ Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

~~((6))~~ (5) Healthy person who solicits alms; or,

~~((7))~~ (6) Lewd, disorderly or dissolute person; or,

~~((8))~~ (7) Person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

~~((9))~~ (8) Person who lives or works in a house of prostitution or solicits for any prostitute or house of prostitution; or,

~~((10))~~ (9) Person who solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere; or,

~~((11))~~ (10) Habitual user of opium, morphine,

alkaloid-cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them; or,

~~((12)~~ Person who by his own confession thereto or prior conviction thereof is known to have been guilty of larceny; burglary; robbery or any crime of which fraud or an intent to defraud is an element; who shall be found in any drinking saloon or cellar; or any public dance hall or music hall where intoxicating liquors are sold or be found intoxicated; or who, except upon lawful business; shall go about any dark street or alley or any residence section of any city or town in the nighttime; or loiter about any steamboat landing; passenger depot; banking institution or crowded street; shop or thoroughfare; or any public meeting or gathering; or place where people gather in crowds; or;

~~(13))~~ (11) Person, except a person enrolled as a student in or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor wilfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto --

Is a vagrant, and shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than five hundred dollars.

Sec. 30. Section 3, chapter 111, Laws of 1967 ex. sess. as amended by section 7, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.030 are each amended to read as follows:

The secretary is authorized, pursuant to the provisions of this chapter and the rules and regulations promulgated to effectuate its purposes, to make grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

- (1) Outpatient diagnostic and treatment services.
- (2) Inpatient psychiatric services.
- (3) Rehabilitation services for patients with psychiatric illnesses.
- (4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

(6) Inpatient or outpatient care, treatment or rehabilitation services of alcoholics, persons incapacitated by alcohol and

intoxicated persons and persons using ((narcotic drugs or dangerous drugs)) controlled substances in violation of chapter 69.50 RCW.

(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug and alcohol abuse.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

NEW SECTION. Sec. 31. This act shall be effective January 1, 1974.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 24, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 123

[Substitute House Bill No. 14]

OUTDOOR MUSIC FESTIVALS

AN ACT Relating to outdoor music festivals; amending section 23, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.040; amending section 24, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.050; amending section 26, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.070; adding new sections to chapter 70.108 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 23, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.040 are each amended to read as follows:

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ~~((sixty))~~ ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

- (1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;
- (2) A financial statement of the applicant;
- (3) The nature of the business organization of the applicant;
- (4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;
- (5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as to the state board of health deems necessary to protect the public's health:

- (a) Submission of plans
- (b) Site
- (c) Water supply
- (d) Sewage disposal
- (e) Food preparation facilities
- (f) Toilet facilities
- (g) Solid waste
- (h) Insect and rodent control
- (i) Shelter
- (j) Dust control
- (k) Lighting
- (l) Emergency medical facilities
- (m) Emergency air evacuation
- (n) Attendant physicians
- (o) Communication systems

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs; PROVIDED FURTHER, That on and after the effective date of this 1972 amendatory act any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he is a member for the time he is so employed or for any injuries received during the course of such

employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site ((: PROVIDED, That the local enforcement authority may authorize an additional or lesser number of police officers to be in attendance at the festival site at such times or in such numbers as he deems necessary in keeping with the provisions of this chapter. The officers referred to by this subsection shall be counted as part of the twenty percent quota referred to in subsection (b) of subsection (9))).

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accomodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the office of the state fire marshal that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

Sec. 2. Section 24, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.050 are each amended to read as follows:

Within ((~~twenty-one~~)) fifteen days after the filing of the application the issuing authority shall either approve or deny the permit to the applicant. Any denial shall set forth in detail the specific grounds therefor. The applicant shall have ((~~ten~~)) fifteen days after the receipt of such denial or such additional time as the issuing authority shall grant to correct the deficiencies set forth and the issuing authority shall within ((~~fourteen~~)) fifteen days after receipt of such corrections either approve or deny the permit.

Any denial shall set forth in detail the specific grounds therefor.

After the applicant has filed corrections and the issuing authority has thereafter again denied the permit, the applicant may within five days after receipt of such second denial seek judicial review of such denial by filing a petition in the superior court for the county of the issuing authority. The review shall take precedence over all other civil actions and shall be conducted by the court without a jury. The court shall, upon request, hear oral argument and receive written briefs and shall either affirm the denial or order that the permit be issued. An applicant may not use any other procedure to obtain judicial review of a denial.

Sec. 3. Section 26, chapter 302, Laws of 1971 ex. sess. and RCW 70.108.070 are each amended to read as follows:

After the application has been approved the promoter shall deposit with the issuing authority, a cash deposit or surety bond. The bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up afterwards outside the festival grounds or any extraordinary costs or charges incurred to regulate traffic or parking. The bond or other deposit shall be returned to the promoter when the issuing authority is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned: PROVIDED, That the bond or cash deposit or the uncommitted portion thereof shall be returned not later than thirty days after the last day of the festival.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a liability insurance policy in an amount of of not less than one hundred thousand dollars bodily injury coverage per person covering any bodily injury negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the issuing authority of the permit as an additional named insured.

In addition, the promoter shall be required to furnish evidence that he has in full force and effect a one hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this chapter. The policy shall have the issuing authority of the permit as an additional named insured.

NEW SECTION. Sec. 4. There is added to chapter 70.108 RCW a new section to read as follows:

The department of revenue shall be allowed to inspect the books and records of any outdoor music festival during the period of

operation of the festival and after the festival has concluded for the purpose of determining whether or not the tax laws of this state are complied with.

NEW SECTION. Sec. 5. There is added to chapter 70.108 RCW a new section to read as follows:

It shall be unlawful for any person, except law enforcement officers, to carry, transport or convey, or to have in his possession or under his control any firearm while on the site of an outdoor music festival.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars or by imprisonment in the county jail for not less than ten days and not more than ninety days or by both such fine and imprisonment.

NEW SECTION. Sec. 6. There is added to chapter 302, Laws of 1971 ex. sess. and to chapter 70.108 RCW a new section to read as follows:

All preparations required to be made by the provisions of this chapter on the music festival site shall be completed thirty days prior to the first day scheduled for the festival. Upon such date or such earlier date when all preparations have been completed, the promoter shall notify the issuing authority thereof, and the issuing authority shall make an inspection of the festival site to determine if such preparations are in reasonably full compliance with plans submitted pursuant to RCW 70.108.040. If a material violation exists the issuing authority shall move to revoke the music festival permit in the manner provided by RCW 70.108.080.

NEW SECTION. Sec. 7. There is added to chapter 302, Laws of 1971 ex. sess. and to chapter 70.108 RCW a new section to read as follows:

Nothing in this chapter shall be construed as precluding counties, cities and other political subdivisions of the state of Washington from enacting ordinances or regulations for the control and regulation of outdoor music festivals nor shall this chapter repeal any existing ordinances or regulations.

NEW SECTION. Sec. 8. This 1972 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 18, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 124
[House Bill No. 57]
EDUCATION, FINANCING--SECONDARY PUPILS RESIDING IN
NONHIGH SCHOOL DISTRICTS

AN ACT Relating to the financing of educational opportunities for secondary pupils who reside in nonhigh school districts; amending section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 294, Laws of 1971 ex. sess. and RCW 28A.41.130; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.080; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.090; amending section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 38, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.100; amending section 28A.48.110, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 100, Laws of 1971 ex. sess. and RCW 28A.48.110; amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 24, chapter 299, Laws of 1971 ex. sess. and RCW 84.52.050; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW; repealing section 28A.44.050, chapter 223, Laws of 1969 ex. sess., section 15, chapter 48, Laws of 1971, section 33, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.050; declaring an emergency and making effective dates.

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

Section 1. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 294, Laws of 1971 ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the ((state)) superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education((r)) an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted ((student)) pupil enrolled, based upon one full school year of one hundred eighty days:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of

taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That ((in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER, That)) the funds otherwise distributable under this section to any school district for any year ((other than the calendar years 1968 and 1969)) shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 as now or hereafter amended would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) ((Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28A.44 RCW; and

{4})) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

((5)) {4} Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

((6)) {5} Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to section 7 of ((this 1971 amendatory act)) chapter 294, Laws of 1971 ex. sess. upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.050 as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

((7)) {6} Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization

support.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The intermediate school district board, after verifying such reports as provided in RCW 28A.44.080 as now or hereafter amended, shall certify, on or before the fifteenth day of August each year to the appropriate county commissioners, the amount of claims which any high school district in its intermediate school district may have under the provisions of RCW 28A.44.045 through 28A.44.100 as now or hereafter amended against any nonhigh district for the cost of educating nonresident high school pupils of such district. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils from such nonhigh districts the intermediate school district board shall determine the net difference between the cost of educating high school pupils in the given high school district per weighted pupil enrolled for the preceding year and the total state guarantee, including the equal guarantee provided for in section 1 of this 1972 amendatory act, per weighted secondary pupil enrolled in such high school district for the preceding year, less any funds received by the high school district pursuant to Title 20, sections 236 through 244, United States Code, for any nonresident high school pupils educated in the high school district for such preceding year. Such amount, when certified as provided in this section, shall constitute a valid claim against the appropriate nonhigh district.

Sec. 3. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district shall certify under oath, as a part of an annual report to the intermediate school district board to be made on or before the fifteenth day of July as required by law, the following facts as nearly as the same can be ascertained:

(1) Name, post office address, county, and resident school district ((and the days of attendance)) of each nonresident high school pupil who is not a resident of another high school district and is enrolled in the high school, or high schools, of the district during the school year, with the enrollment date and departure date of each such nonresident pupil.

(2) The cost per weighted pupil ((per day)) of educating high school pupils for the school year in his district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals,

special instructors, superintendent and assistants, janitors, clerks, and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this section. When any item, as a necessary result of organization, covers both grade and high school work, it shall be prorated, as nearly as practicable, by the high school district superintendent.

Sec. 4. Section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.090 are each amended to read as follows:

The intermediate school district board, on or before the first day of September, shall certify to the appropriate county treasurer the amounts due to each high school district in the ~~((county))~~ intermediate school district from ~~((the high))~~ nonhigh school districts ~~((fund and the amounts due to the high school district fund of other counties wherein high school districts may have educated))~~ for educating pupils from such nonhigh school districts ~~((of the county))~~, as certified by the intermediate school district board ~~((of such county))~~ to the appropriate county commissioners under section 2 of this 1972 amendatory act.

Sec. 5. Section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 38, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.100 are each amended to read as follows:

At the time of apportioning funds to school districts the county treasurer shall transfer to the credit of each high school district the amount due such district from the nonhigh school districts ~~((fund or such prorated portion thereof as may be in such fund at the time))~~ as certified by the intermediate school district board. The county treasurer, at the same time, shall transfer to the credit of the high school districts ~~((fund))~~ of other counties such amounts as may be due the high school districts ~~((fund))~~ of such other county ~~((or prorated portions thereof as may be in the high school district fund of the county))~~ as certified to by the appropriate intermediate school district boards acting under section 4 of this 1972 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of

1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Notwithstanding any other provision of law, it shall be deemed the right of the board of directors of any nonhigh school district to appeal the determination and certification of the claim for reimbursement, as provided in sections 2 and 3 of this 1972 amendatory act, to the state board of education if such claim is deemed inappropriate by such board of directors and such appeal shall be deemed a contested case for the purposes of chapter 34.04 RCW.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

Every high school district fund in each county of the state is hereby abolished, and county treasurers shall transfer the moneys therein or any moneys thereafter paid to the credit of such fund into an account for the satisfaction of claims to high school districts in carrying out the purposes of chapter 28A.44 RCW as now or hereafter amended.

Sec. 8. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 24, chapter 299, Laws of 1971 ex. sess. 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 exceed twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and 1971 and 1972 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED, That if an amendment to Article VII, section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state and the levy by any county shall not exceed four mills: PROVIDED, That if such constitutional amendment is so approved, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall be reduced to not to exceed one mill; the levy by or for any school district shall not exceed seven mills: PROVIDED, That in each of the years 1967 and

1968 and 1969 and 1970 and 1971 and 1972 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed six mills: PROVIDED FURTHER, That ((the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy;)) the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

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

NEW SECTION. Sec. 9. Section 28A.44.050, chapter 223, Laws of 1969 ex. sess., section 15, chapter 48, Laws of 1971, section 33, chapter 282, Laws of 1971 ex. sess. and RCW 28A.44.050 are each hereby repealed: PROVIDED, That the provisions of RCW 28A.44.050 shall be effective for the satisfaction of any claims arising thereunder by high school districts against nonhigh districts.

Sec. 10. Section 28A.48.110, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 100, Laws of 1971 ex. sess. and RCW 28A.48.110 are each amended to read as follows:

In each calendar year in which the state shall collect a property tax for the support of common schools, the superintendent of public instruction shall distribute the proceeds of such tax to each school district of the state operating a program approved by the state board of education, in the manner provided in this section.

Except as hereinafter provided, the amount to be distributed to each school district in each year shall be a fraction of the total amount available for distribution, the numerator of which fraction shall be the assessed valuation of all taxable property in such school district adjusted to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue, and the denominator of which fraction shall be the aggregate valuation of taxable property in all school districts entitled to a distribution under this section adjusted as to the property in each such district to fifty percent of true and fair value thereof in accordance with the ratio of assessed valuation to actual valuation fixed by the state department of revenue((: PROVIDED, That each nonhigh school district shall receive only three-fifths of the amount otherwise distributable to a school district as provided above and the remaining two-fifths of such amount shall be distributed to the high school district fund of the county in which the nonhigh school district is located)).

The superintendent of public instruction shall make the distribution of funds authorized in this section on or before the tenth day of each month by prorating the funds available on such distribution dates to the school districts entitled thereto: PROVIDED, That funds otherwise distributed in the month of June of each odd-numbered year beginning with the month of June 1973 shall not be distributed until the tenth day of July of such year and shall be accounted for by the state as expenditures for the ensuing fiscal biennium.

NEW SECTION. Sec. 11. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.44 RCW a new section to read as follows:

The board of directors of any nonhigh school district, at any time, may pay from operational and maintenance funds any balance of a high school district claim under this chapter for the 1971-1972 and 1972-1973 school years which may have resulted from a lack of sufficient allocations pursuant to RCW 28A.44.100 prior to the effective date of this 1972 amendatory act to cover the claim established pursuant to RCW 28A.44.050 as the same was then enacted.

NEW SECTION. Sec. 12. This 1972 amendatory 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 sections 2, 3, 4, 6, 7 and 11 shall take effect immediately; sections 1, 8, 9 and 10 hereof shall take effect July 1, 1973; and section 5 hereof shall take effect July 1, 1974.

NEW SECTION. Sec. 13. If any provision of this 1972

amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 15, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 125

[Engrossed House Bill No. 139]

PROPERTY TAXES--NOTICE OF CHANGE IN VALUE--
VALUATION CRITERIA--

EXEMPTION, IMPROVEMENT TO SINGLE FAMILY DWELLING

AN ACT Relating to revenue and taxation; and amending section 10, chapter 146, Laws of 1967 ex. sess. as amended by section 16, chapter 288, Laws of 1971 ex. sess. and RCW 84.40.045; amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 288, Laws of 1971 1st ex. sess. and RCW 84.40.030; and adding a new section to chapter 84.36 RCW.

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

Section 1. Section 10, chapter 146, Laws of 1967 ex. sess. as amended by section 16, chapter 288, Laws of 1971 ex. sess. and RCW 84.40.045 are each amended to read as follows:

((On or before June 15 of each year)) The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That for appraisals made between December 1st and February 15th notice shall not be sent out prior to March 1st.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply,

within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Wilful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a civil penalty of five dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of ~~((April))~~ January.

Sec. 2. Section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 288, Laws of 1971 1st ex. sess. and RCW 84.40.030 are each amended to read as follows:

All property shall be assessed fifty percent of its true and fair value in money.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) (a) Any sales of the property being appraised or similar property with respect to sales made within the past five years less a percentage equal to the average, ordinary and usual direct costs of sale of that type of property, including but not limited to costs of title insurance, legal services, recording fees and taxes levied against such sales that are borne by the seller, and an amount equal to the customary fees payable to a licensed real estate broker for handling such a sale, such percentage to be determined by studies conducted by the department of revenue. The appraisal shall take into consideration political restrictions such as zoning as well as

physical and environmental influences. The appraisal shall also take into account, (i) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (ii) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(b) In addition to sales as defined in subsection (1) (a), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (1) (b) shall be the dominant factors in valuation. When provisions of this subsection (1) (b) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(c) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years.

NEW SECTION. Sec. 3. There is added to chapter 84.36 RCW a new section to read as follows:

Any physical improvement to single family dwellings upon real property shall be exempt from taxation for the three assessment years subsequent to the completion of the improvement to the extent that the improvement represents 30 percent or less of the value of the original structure. A taxpayer desiring to obtain the exemption granted by this section must file notice of his intention to construct the improvement prior to the improvement being made on forms prescribed by the department of revenue and furnished to the taxpayer by the county assessor: PROVIDED, That this exemption cannot be claimed more than once in a five-year period.

The department of revenue shall promulgate such rules and regulations as are necessary and convenient to properly administer the provisions of this section.

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 19, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 126
[Engrossed House Bill No. 140]
PROPERTY TAXES--SENIOR CITIZEN EXEMPTION

AN ACT Relating to revenue and taxation; amending section 4, chapter 288, Laws of 1971 ex. sess. and RCW 84.36.370; amending section 5, chapter 288, Laws of 1971 ex. sess. and RCW 84.36.380; and amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 14, chapter 288, Laws of 1971 ex. sess. and RCW 84.69.020.

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

Section 1. Section 4, chapter 288, Laws of 1971 ex. sess. and RCW 84.36.370 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay a percentage of the amount of real property taxes due and payable in 1972 and subsequent years as the result of the levy of additional taxes in excess of regular property tax levies as that term is defined in RCW 84.04.140, as now or hereafter amended, and/or from such regular property tax levies in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which ~~((has been regularly))~~ was occupied by the person claiming the exemption ~~((during the preceding calendar year))~~ as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, the residence on which the property taxes have been imposed. For purposes of this

subsection, a residence owned by a marital community shall be deemed to be owned by each spouse.

(3) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability, except for the purposes of chapters 84.56 and 84.60 RCW, the term real property shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water or other utilities.

(4) ((No person who, during the preceding calendar year, has regularly occupied the residence on which the taxes have been imposed shall have received during the preceding calendar year any earnings of the type and amount which would cause any deduction from social security benefits for a recipient of such benefits pursuant to 42 U.S.C. 403 as in effect on May 21, 1971: PROVIDED, That the earnings of any occupant living with and paying rent to the person claiming exemption shall not be included in the determination of the eligibility of such person for the exemption:

{5})) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
\$4,000 or less	One hundred percent
\$4,001 - \$6,000	Fifty percent

PROVIDED, HOWEVER, That, solely with respect to a person within the income range of \$4,000 or less, in the event that taxes due and payable include no excess levies or include excess levies less than \$50.00, the amount of the exemption shall be \$50.00 and the difference shall be attributed pro rata to regular property tax levies of each of the taxing districts: AND PROVIDED FURTHER, That only two-thirds of any social security benefits shall be considered as income for the purposes of this section.

This section shall be effective as to claims made in 1971 and subsequent years with respect to taxes due and payable in 1972 and subsequent years.

Sec. 2. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 14, chapter 288, Laws of 1971 ex. sess. and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county

legislative authority of any county, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or
- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.128 or pursuant to RCW 84.36.370 and 84.36.380; or
- (8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsection (9).

Sec. 3. Section 5, chapter 288, Laws of 1971 ex. sess. and RCW 84.36.380 are each amended to read as follows:

For the purposes of RCW 84.36.370:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which the dwelling stands not to exceed one acre. 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 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 claim for exemption is to be

made.

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 or by the owner, either before ((a notary public)) two witnesses 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.

If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.37C, the claim shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

Claims for exemption under RCW 84.36.37C shall be made annually and filed between January 2 and July 1 of the year in which the property tax levies are imposed and solely upon forms as prescribed and furnished by the department of revenue: PROVIDED, That for 1971 such claims shall be filed between January 2 and August 1: PROVIDED FURTHER, That no claim for exemption shall be rejected for failure to make timely filing if the assessor shall determine that good cause existed for the failure to make timely filing.

In January of each year the county assessor shall mail necessary forms for application for exemption to each person approved for exemption during the previous year.

The department is hereby directed to publicize the qualifications and manner of making claims pursuant to RCW 84.36.37C and 84.36.380, through communications media, including such paid advertisements or notices as it deems appropriate.

Passed the House January 29, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 127

[Engrossed House Bill No. 186]

WASTE DISPOSAL FACILITIES BONDS

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide waste disposal facilities throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; making an appropriation; and creating new sections.

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

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate facilities and systems for the collection, treatment, and disposal of solid and liquid waste materials.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of two hundred twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as

matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this act.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

NEW SECTION. Sec. 5. As used in this act, the term "waste disposal facilities" shall mean any facilities owned or operated by a public body for the collection, storage, treatment, and disposal of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, and any combination thereof, and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this act, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. 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, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and 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.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be

required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The waste disposal facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the waste disposal facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body.

NEW SECTION. Sec. 12. There is appropriated to the state department of ecology, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of ten million dollars for use by said department for grants to public bodies as state matching funds for the purpose of aiding in the planning, acquisition, construction, and improvement of waste disposal facilities.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 128

[Engrossed House Bill No. 187]

WATER SUPPLY FACILITIES BONDS

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed water supply facilities throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; and creating a new section.

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

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, and agricultural purposes.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of seventy-five million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this

act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

NEW SECTION. Sec. 5. As used in this act, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this act, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. 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, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and 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.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of

such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the water supply facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 129

[Engrossed House Bill No. 189]

PUBLIC RECREATION IMPROVEMENTS BONDS

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed public recreation improvements throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; and creating a new section.

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

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the acquisition, preservation, and improvement of recreation areas and facilities for the use and enjoyment of present and future residents of the state and the further development of the state's tourism and recreation economic base.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, 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 improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be divided into three shares as follows:

(1) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor

recreation account and allocated to the state of Washington, or any agency or department thereof, for the acquisition, preservation, and development of recreation areas and facilities by the state. The committee may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

(2) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to public bodies for the acquisition, preservation, development, and improvement of recreational areas and facilities within the jurisdiction of such bodies. The committee may use or permit the use of any portion of such share for loans or grants to public bodies including use as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

(3) Thirty percent of such proceeds shall be allocated to the state parks and recreation commission, subject to legislative appropriation, for improvement of existing state parks and the acquisition and preservation of historic sites and buildings. The commission may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

In the event that the bonds authorized by this act are sold in more than one series the above division into shares shall apply to the total proceeds of the bonds authorized by this act and not to the proceeds of each separate series.

NEW SECTION. Sec. 5. As used in this act, the phrase "acquisition, preservation, development, and improvement of recreation areas and facilities" shall include the acquisition, development, and improvement of real property, or any interest therein, for park and recreation purposes, including the acquisition and construction of all structures, utilities, equipment, and improvements necessary or incidental to such purposes, the acquisition and preservation of historic sites and buildings and of scenic and environmentally valuable areas of the state, and the improvement of existing park and recreation areas and facilities.

As used in this act, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may

constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. 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, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and 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.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The recreation improvements bond redemption fund is hereby created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the recreation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or

other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any public body.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 130

[Engrossed House Bill No. 190]

SOCIAL AND HEALTH SERVICE FACILITIES BONDS

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed social and health service facilities throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; and creating a new section.

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

NEW SECTION. Section 1. The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community health and social service facilities will provide the improved and convenient health and social services needed for an efficient work force and a healthy and secure people.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should

Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered by the state department of social and health services, subject to legislative appropriation. The department shall prepare a comprehensive plan for a system of social and health service facilities for the state and may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish such plan by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

NEW SECTION. Sec. 5. As used in this act, the term "social and health service facilities" shall mean real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state including, without limitation, facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

As used in this act, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. 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, 1972, in accordance with the

provisions of section 3, Article VIII of the Constitution of the state of Washington, and 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.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The social and health service facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the social and health service facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall be added to Title 43 RCW.

Passed the House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 131

[Substitute House Bill No. 261]

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS

AN ACT Relating to public employment; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.030; amending section 4, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.046; amending section 5, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.047; amending section 5, chapter 209, Laws of 1969 ex. sess. as last amended by section 7, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.050; amending section 3, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.085; amending section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 8, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.090; amending section 10, chapter 209, Laws of 1969 ex. sess. as last amended by section 9, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.100; amending section 12, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.120; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.160; adding a new section to chapter 41.26 RCW; providing penalties 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. as last amended by section 6, chapter 257, Laws of 1971 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, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population, the membership of a local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff 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: PROVIDED FURTHER, That the term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department ((by)) of an employer and who ((has passed)) is serving in a position which requires passing 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))

(b) 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))

(c) supervisory fire fighter personnel; ((and shall also include))

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW ((The term "fire fighter" also includes));

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapters 41.16 or 41.18 RCW;

(f) any person who is serving on a full time, fully

compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required (~~to be or~~) to have passed a civil service examination for fireman or fire fighter (~~or~~ The term "fire fighter" also includes) ; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 ((is)) was making retirement contributions under the provisions of chapter 41.16 or 41.18 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 and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(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 or made a legal ward of a member 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 unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited or approved by the state of Washington.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after 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 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 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 time of disability 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 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 service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. 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 chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (a) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position 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: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, 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 the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(15) "Accumulated contributions" means the employee's 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.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors.

Sec. 2. Section 4, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer, or fire fighter, or sheriff, receives membership coverage unless and until he has actually met minimum medical and health standards(~~(; and to further insure compliance with REW 41-26-045)~~): PROVIDED, That after March 1, 1972, the retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer.

Sec. 3. Section 5, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.047 are each amended to read as follows:

Nothing in RCW 41.26.035, 41.26.045 and 41.26.046 shall apply to any fire fighters or law enforcement officers who are employed as such on ~~((May 24, 1971))~~ or before August 1, 1971, as long as they continue in such employment; nor to promotional appointments after becoming a member in the police or fire department of any employer nor to the reemployment of a law enforcement officer or fire fighter by the same or a different employer within six months after the termination of his employment, nor to the reinstatement of a law enforcement officer or fire fighter who ~~((was))~~ has been on military or disability leave, disability retirement status, or leave of absence ~~((on May 24, 1971))~~ status. Nothing in this chapter shall be deemed to prevent any employer from adopting higher medical and health standards than those which are adopted by the retirement board.

Sec. 4. Section 5, chapter 209, Laws of 1969 ex. sess. as last amended by section 7, chapter 257, Laws of 1971 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 41.40.030 as now or hereafter amended. 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. One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. The first board member elected by the law enforcement officer members shall serve for one year only, 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 there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. Two additional representatives of counties and cities shall be added to the retirement board. One of these representatives shall be appointed by the Washington state association of counties and the other shall be appointed by the association of Washington cities. In case of a vacancy in these county and city representative positions, a new appointee will be designated by the appropriate organization to fill out the unexpired term. The additional board members shall serve on the retirement board (~~only~~) for the purpose of administering this chapter and chapter 41.40 RCW. These board members shall serve two year terms. 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. The retirement board provided by this section shall be entitled the Washington law enforcement officers' and fire fighters' retirement board and may enter legal relationships in that name. Legal relationships entered into in that name prior to the effective date of this 1972 amendatory act are hereby ratified.

Sec. 5. Section 3, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.085 are each amended to read as follows:

Each employee who is a member of the retirement system on January 1, 1972 or thereafter, shall contribute two dollars and fifty cents per annum to the retirement system expense fund. (~~Such contribution shall be made by semiannual payments of one dollar and twenty-five cents~~) Beginning January 1, 1972, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership (~~Such contribution shall be deducted from each member's basic salary for the appropriate pay period~~); PROVIDED, That beginning January 1, 1972, the expense fund contributions, as set forth in this section, shall be transferred, from each employee's

accumulated contributions, to the retirement expense fund account.

Sec. 6. Section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 8, chapter 257, Laws of 1971 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 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 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, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: PROVIDED, That a member selecting this option with less than twenty years of service credit, 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: PROVIDED FURTHER, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

(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 periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.

Sec. 7. Section 10, chapter 209, Laws of 1969 ex. sess. as last amended by section 9, chapter 257, Laws of 1971 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 computed according to his completed creditable service, as follows: Five years but under ten years, one-twelfth of one percent of his final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his final average salary for each month of service; and twenty years and over one-twelfth of two percent of his final average salary for each month 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, and paid, based upon additional service rendered and any change in final average salary (~~and shall be paid, one-twelfth of two percent of his final average salary for each additional completed month of service~~).

Sec. 8. Section 12, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 6, Laws of 1970 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 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. 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 shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: 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.

(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 chapter 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 41.26.20C: PROVIDED, That the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(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, except the finding of whether or not the disability was incurred in line of duty; 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.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above.

Sec. 9. Section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 11, chapter 257, Laws of 1971 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 has vested under the provisions of RCW 41.26.090 with twenty or more years of 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 retirement allowance the vested member would have received at age fifty, 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), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member as provided above or a member retired for service of twenty or more years or a member retired for disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, 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 there cease to be any eligible children as defined in RCW 41.26.030 (7), as now or hereafter amended, 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 chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(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 as defined in RCW 41.26.030 (7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

NEW SECTION. Sec. 10. There is added to chapter 41.26 RCW a new section to read as follows:

Any employer, member or beneficiary who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, shall be guilty of a felony.

NEW SECTION. Sec. 11. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House February 12, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 132

[Engrossed Substitute House Bill No. 324]

PUBLIC TRANSPORTATION IMPROVEMENTS BONDS

AN ACT Relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed public transportation improvements throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; making an appropriation; and creating a new section.

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

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the development and improvement of systems of public transportation to serve the citizens, businesses, and industries of the state. To assist in the attainment of these goals, it is essential that innovative technology be developed and utilized in order to provide the most convenient service at the least possible cost. Employment of the knowledge,

techniques and skills within the existing industrial, scientific and technical community of the state of Washington is hereby encouraged to be directed toward this end.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of public transportation systems in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of fifty million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered, subject to legislative appropriation, by the state department of highways. The department may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act. The legislature may provide for special grant incentives for public bodies which develop and operate regional or metropolitan area-wide public transportation systems.

NEW SECTION. Sec. 5. As used in this act, the term "public transportation systems" shall mean all property, facilities, and equipment which may be used for urban mass transportation systems which, except for property, facilities and equipment used for water transportation, by law may not be funded by moneys in the motor vehicle fund of the state treasury. The term "public transportation systems" shall include but shall not be limited to, public transportation vehicles and equipment, supporting street

improvements, exclusive or priority rights-of-way for public transportation vehicles, loading and unloading facilities and structures, off-street parking facilities, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this act, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. 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, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and 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.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The public transportation improvements bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to

meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the transportation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body.

NEW SECTION. Sec. 12. There is appropriated to the state department of highways, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of five million dollars for use by said department as state matching funds or direct expenditures for the planning, design, demonstration and development of public transportation systems and facilities.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 12, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 133

[Substitute House Bill No. 381]

COMMUNITY COLLEGE FACILITIES BONDS

AN ACT Relating to state government; authorizing the issuance and sale of state general obligation bonds to provide needed community college facilities; providing ways and means for the payment of such bonds; providing for the submission of this act to a vote of the people; and adding a new chapter to Title

28B RCW.

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

NEW SECTION. Section 1. The community colleges of the State of Washington have more than doubled their enrollment since 1966, including a three hundred percent increase in occupational education. The capital fund resources of the state community college system are not adequate to meet the facility needs of today's students. Major increments of community college facilities will be needed to serve the still growing numbers of commuting youth and adults attending the community college system. A determination of the facility needs of each college has been made through the uniform application of guidelines developed by the state board for community college education to evaluate facility needs.

NEW SECTION. Sec. 2. For the purpose of providing funds for the acquisition, construction and improvement of community college facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of fifty million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance, or within thirty years, should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act and any interest earned on the interim investment of such proceeds, shall be deposited in the community college capital improvements account hereby created in the general fund and shall be used exclusively for the purposes specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of bonds deposited in the community college capital improvements account shall be administered and expended by the state board for community college education subject to legislative appropriation.

NEW SECTION. Sec. 5. For the purposes of this act, the term "community college facilities" shall mean and include, but not be limited to, vocational facilities, including capital equipment acquisition, and such other specific projects as approved and funded for planning purposes by the legislature which shall include general education classrooms, science laboratories, faculty offices, student dining facilities, library and media facilities, offices for student

personnel services and administrative personnel, and all real property and interests therein, equipment, parking facilities, utilities, appurtenances and landscaping incidental to such facilities.

NEW SECTION. Sec. 6. If the general obligation bond issue provided within this act is ratified at the 1972 general election, then the state board for community college education shall submit to the governor for the 1973 Legislature, a list of projects to be funded during the six-year capital program for 1973-79. Included within the project description may be the amount of necessary planning funds per project not to exceed one percent of the project cost which shall be appropriated from the general fund directly for planning purposes and shall not be derived from the proceeds of the bond issue as provided by this act.

NEW SECTION. Sec. 7. 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, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and 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.

NEW SECTION. Sec. 8. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 9. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of bonds and notes.

NEW SECTION. Sec. 10. The community college capital improvements bond redemption fund of 1972 is created in the state treasury. This fund shall be exclusively devoted to the payment of

interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1 of each year, the state treasurer shall deposit such amount in the community college capital improvements bond redemption fund of 1972 from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be retail sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 11. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 12. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations.

NEW SECTION. Sec. 13. Upon adoption and ratification by the people as provided for in section 7 of this act, sections 1 through 12 herein shall constitute a new chapter in Title 28B RCW.

Passed the House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 134

[Engrossed Substitute House Bill No. 414]

BUSINESS AND OCCUPATION TAX--GROUP TRAINING HOMES EXEMPTION--
LOCAL FEES OR TAXES--FINANCIAL INSTITUTIONS--OTHER BUSINESSES

AN ACT Relating to revenue and taxation; amending section 79, chapter 235, Laws of 1945 as amended by section 1, chapter 101, Laws of 1970 ex. sess. and RCW 33.28.040; and amending section 3, chapter 81, Laws of 1970 ex. sess. and RCW 82.04.385; adding new sections to Title 82 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.82 RCW; and

prescribing effective dates.

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

Section 1. Section 3, chapter 81, Laws of 1970 ex. sess. and RCW 82.04.385 are each amended to read as follows:

This chapter shall not apply to income received from the department of social and health services for the cost of care, maintenance, support, and training of mentally retarded persons at nonprofit group training homes as defined by RCW 72.33.800(2) or 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" means 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.

NEW SECTION. Sec. 2. The governing body of any city or town which imposes a license fee or tax, by ordinance or resolution, may pursuant to sections 2 through 5 of this 1972 amendatory act only, fix and impose a license fee or tax on national banks, state banks, trust companies, mutual savings banks, building and loan associations, savings and loan associations, and other financial institutions for the act or privilege of engaging in business: PROVIDED, That the definitions, deductions and exemptions set forth in RCW 82.04, insofar as they shall be applicable shall be applied to a license fee or tax imposed by any city or town, if such fee or tax is measured by the gross income of the business: PROVIDED FURTHER, That the rate of such license fee or tax shall not exceed the rate imposed upon other service type business activity: AND PROVIDED FURTHER, That nothing in sections 2 through 5 of this 1972 amendatory act shall extend the regulatory power of any city or town.

NEW SECTION. Sec. 3. For purposes of section 2 of this 1972 amendatory act, the state department of revenue is hereby authorized and directed to promulgate, pursuant to the provisions of chapter 34.04 RCW, rules establishing uniform methods of division of gross income of the business of a single taxpayer between those cities, towns and unincorporated areas in which such taxpayer has a place of business.

Sec. 4. Section 79, chapter 235, Laws of 1945 as amended by section 1, chapter 101, Laws of 1970 ex. sess. 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, and except for license fees or taxes imposed by a city or town under section 2 of this 1972 amendatory act, 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.

NEW SECTION. Sec. 5. No resolution or ordinance or any amendment thereto adopted pursuant to section 2 of this 1972 amendatory act shall be effective, except on the first day of a calendar month.

NEW SECTION. Sec. 6. There is added to chapter 35.21 RCW a new section to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW.

NEW SECTION. Sec. 7. There is added to chapter 35A.82 RCW a new section to read as follows:

Any code city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW.

NEW SECTION. Sec. 8. Sections 2 through 5 of this 1972 amendatory act shall take effect July 1, 1972.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 are added to and shall constitute a new chapter in Title 82 RCW to be known as chapter

82.14A.

Passed the House February 20, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 135

[Engrossed House Bill No. 469]

MOTOR VEHICLES--SMOKE CONTROL--SPECIAL FUEL TAX

AN ACT Relating to motor vehicles; providing for smoke control; amending section 46.37.390, chapter 12, Laws of 1961 as amended by section 3, chapter 232, Laws of 1967 and RCW 46.37.390; and amending section 4, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.080 *[82.38.030].

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

Section 1. Section 46.37.390, chapter 12, Laws of 1961 as amended by section 3, chapter 232, Laws of 1967 and RCW 46.37.390 are each amended to read as follows:

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

(2) ((The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke-)) (a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971 shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) (i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971 shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United State bureau of

mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b) (i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection.

Sec. 2. Section 4, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax of nine cents per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle: PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in a fleet of three or more motor vehicles ((owned and operated by the state of Washington, and its legal subdivisions)) until July 1, 1975.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel

dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2) (b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the special fuel dealer.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of the Secretary of State February 28, 1972.

CHAPTER 136

[Engrossed Substitute House Bill No. 47]

AIR POLLUTION CONTROL--OUTDOOR FIRES

AN ACT Relating to air pollution control; and adding new sections to chapter 70.94 RCW.

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

NEW SECTION. Section 1. It is the policy of the state to achieve and maintain high levels of air quality and to this end to minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the legislature declares that such fires should be allowed only on a limited basis under strict regulation and close control.

NEW SECTION. Sec. 2. It shall be the responsibility and duty of the department of natural resources, department of ecology, fire districts and local air pollution control authorities to establish, through regulations, ordinances or policy, a limited burning program for the people of this state, consisting of a one-permit system, until such time as an alternate technology or method of disposing of the organic refuse described in this chapter shall have been developed which is reasonably economical and less harmful to the environment. It is the policy of this state to encourage the fostering and development of such alternate method or technology.

NEW SECTION. Sec. 3. The following outdoor fires described in this section may be burned subject to the provisions of the program established pursuant to section 4 of this 1972 act for any area and subject to city ordinances, county resolutions, and rules and regulations of fire districts and laws and rules and regulations enforced by the department of natural resources:

(1) Fires consisting of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his designee.

(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; provided the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.

NEW SECTION. Sec. 4. Each activated air pollution control authority, and the department of ecology in those areas outside the jurisdictional boundaries of an activated air pollution control authority, shall establish, through regulations, ordinances or policy, a program implementing the limited burning policy authorized by section 3 of this 1972 act in all unincorporated areas. Each

V program shall include the following:

(1) Periods during which outdoor fire burning may take place, said periods to be determined by the appropriate regulatory unit to insure that the minimum possible degradation of atmospheric quality shall result and that air quality standards will not be violated;

(2) A means of informing the public of the periods of time when burning authorized under this section may take place; and

(3) A provision that authorization for the burning of outdoor fires may be suspended whenever necessary to avoid endangering the public health and safety.

NEW SECTION. Sec. 5. Nothing contained in this 1972 act is intended to alter or change the provisions of RCW 70.94.660, 70.94.710 through 70.94.730, and 76.04.150 through 76.04.170.

NEW SECTION. Sec. 6. Nothing in this 1972 act shall be construed as prohibiting a local air pollution control authority or the department of ecology in those areas outside the jurisdictional boundaries of an activated pollution control authority from allowing the burning of outdoor fires.

NEW SECTION. Sec. 7. Sections 1 through 6 are each hereby added to chapter 70.94 RCW.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 4 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...House Bill 47 provides for certain types of outdoor burning on a limited basis, under strict regulation and close control so as to achieve and maintain high levels of air quality. In addition, it directs state agencies to establish a one-permit system for burning permits until an alternate technology or method of disposing of the organic refuse shall have been developed. Veto
Message

It is clear from section 1 of the bill that the legislature intended a comprehensive regulation and control of outdoor burning in the categories allowed and that the best available methods for controlling burning are to be required. Unfortunately, the language in section 4 which delineates the program for burning control, while appropriate as to content, might be interpreted as being exclusive of any other regulation and control such as best available burning methods. In order to avoid any question as to intent I am vetoing those portions of section 4 which might appear to inadvertently limit the regulatory authority only to those items listed in section 4 so that the limited burning program with strict regulation and close control contemplated by the act can be put into effect.

With the exception of those portions of section 4 discussed above, Engrossed Substitute House Bill 47 is approved."

CHAPTER 137

[House Bill No. 130]

LOCAL IMPROVEMENTS--NOTICE OF ASSESSMENT--
COLLECTION, DEFERRAL

AN ACT Relating to local improvements; amending section 35.49.010, chapter 7, Laws of 1965 as last amended by section 13, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.010; amending section 35.50.030, chapter 7, Laws of 1965 and RCW 35.50.030; amending section 35.50.050, chapter 7, Laws of 1965 and RCW 35.50.050; adding a new section to chapter 35.43 RCW; adding a new section to chapter 35.54 RCW; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 35.49.010, chapter 7, Laws of 1965 as last amended by section 13, chapter 258, Laws of 1969 ex. sess. and RCW 35.49.010 are each amended to read as follows:

All assessments for local improvements in local improvement districts shall be collected by the city treasurer and shall be kept in a separate fund to be known as "local improvement fund, district No." and shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

All assessments for local improvements in a utility local improvement district shall be collected by the city treasurer, shall be paid into the appropriate revenue bond fund, and shall be used for no other purpose than the redemption of revenue bonds issued to provide funds for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the city or town treasurer for collection, he shall publish a notice in the official newspaper of the city or town once a week for two consecutive weeks, that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs.

Within fifteen days of the first newspaper publication, the city or town treasurer shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list, of the nature of the assessment, of the amount of his real property subject to such assessment, of the total amount of assessment due, and of the time during which such assessment may be paid without penalty, interest, or costs.

NEW SECTION. Sec. 2. There is added to chapter 35.43 RCW a new section to read as follows:

Any city of the first class in this state ordering any local improvement upon which shall be levied and collected special assessments on property specifically benefited thereby may provide as part of the ordinance creating any local improvement district that the collection of any assessment levied therefor may be deferred until a time previous to the dissolution of the district for those economically disadvantaged property owners or other persons who, under the terms of a recorded contract of purchase, recorded mortgage, recorded deed of trust transaction or recorded lease are responsible under penalty of forfeiture, foreclosure or default as between vendor/vendee, mortgagor/mortgagee, grantor and trustor/trustee and grantee, and beneficiary and lender, or lessor and lessee for the payment of local improvement district assessments, and in the manner specified in the ordinance qualify for such deferment, upon assurance of property security for the payment thereof.

NEW SECTION. Sec. 3. There is added to chapter 35.54 RCW a new section to read as follows:

Whenever payment of a local improvement district assessment is deferred pursuant to the provisions of section 2 of this 1972 amendatory act the amount of the deferred assessment shall be paid out of the local improvement guaranty fund. The local improvement guaranty fund shall have a lien on the benefited property in an amount equal to the deferral together with interest as provided for by the establishing ordinance.

The lien may accumulate up to an amount not to exceed the sum of two installments: PROVIDED, That the ordinance creating the local improvement district may provide for one or additional deferrals of up to two installments. Local improvement assessment obligations deferred under this 1972 amendatory act shall become payable upon the earliest of the following dates:

(1) Upon the date and pursuant to conditions established by the political subdivision granting the deferral; or

(2) Upon the sale of property which has a deferred assessment lien upon it from the purchase price; or

(3) Upon the death of the person to whom the deferral was granted from the value of his estate; except a surviving spouse shall be allowed to continue the deferral which shall then be payable by that spouse as provided in this section.

Sec. 4. Section 35.50.C30, chapter 7, Laws of 1965 and RCW 35.50.030 are each amended to read as follows:

If on the first day of January in any year, ~~((two))~~ five installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate: PROVIDED, That properties as to which payment of the principal of local improvement assessments or installments thereof have been deferred pursuant to section 2 of this 1972 amendatory act shall not be subject to foreclosure proceedings required by this section.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has mailed to the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings.

V- The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section: PROVIDED, That nothing in this 1972 amendatory act shall have application to LID assessments delinquent at or prior to the time of its effective date.

Sec. 5. Section 35.50.C50, chapter 7, Laws of 1965 and RCW 35.50.050 are each amended to read as follows:

An action to collect a local improvement assessment or any installment thereof or to enforce the lien thereof whether brought by the city or town, or by any person having the right to bring such action must be commenced within ten years after the assessment becomes delinquent or within ten years after the last installment becomes delinquent, if the assessment is payable in installments: PROVIDED, That the time during which payment of principal is deferred as to economically disadvantaged property owners as provided for in section 2 of this 1972 amendatory act and in RCW 35.50.030 shall not be a part of the time limited for the commencement of action.

NEW SECTION. Sec. 6. If any provision of this 1972 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. 7. This 1972 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 15, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 25, 1972 with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...Sections 2 through 7 of this bill pertain to the deferral of local improvement district assessments for 'economically disadvantaged property owners and other persons' and, in section 4, extends from two to five the number of annual L.I.D. installments that must be delinquent before foreclosure proceedings may be commenced against the

Veto
Message

property owner.

Veto
Message

The extension from two years to five years in section 4 could well have an adverse effect upon the marketability of local improvement district bonds. While the portion of this bill authorizing assessment deferrals is permissive only and will require implementing ordinances and resolutions at the local level, section 4 is not. Accordingly, I have determined it is appropriate to veto section 4 in order to protect the integrity and marketability of local improvement district bonds.

The remainder of House Bill 130 is approved."

CHAPTER 138

[Engrossed House Bill No. 221]

TAXATION OF MOTOR VEHICLE AND SPECIAL FUELS

AN ACT Relating to taxation of motor vehicle and special fuels; amending section 82.36.280, chapter 15, Laws of 1961 as amended by section 1, chapter 36, Laws of 1971 ex. sess. and RCW 82.36.280; amending section 9, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.080; amending section 18, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.170; amending section 19, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.180; amending section 20, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.190; and providing an effective date.

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

Section 1. Section 82.36.280, chapter 15, Laws of 1961 as last amended by section 1, chapter 36, Laws of 1971 ex. sess. and RCW 82.36.280 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed

by any motor vehicle as herein defined that is required to be registered and licensed as provided in chapter 46.16 RCW; and is operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed: (1) In a motor vehicle owned by the United States that is operated off the public highways for official use; (2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the ~~((director))~~ department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the ~~((director))~~ department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the ~~((director))~~ department to substantiate his claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck.

Sec. 2. Section 9, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.080 are each amended to read as follows:

There is exempted from the tax imposed by this chapter, the use of fuel for: (1) street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality~~((?))~~; (2) publicly owned fire fighting equipment~~((?))~~; (3) special mobile equipment as defined in RCW 46.04.552~~((?))~~; (4) power pumping units or other power~~((-))~~take-off equipment of any motor vehicle which is accurately measured by metering devices ~~((or such other methods))~~ that have been specifically approved by the department~~((?))~~ or which is established by either of the following formulae: (a) pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered; PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; (5) motor vehicles owned and operated by the United States government~~((?))~~; and, (6)

notwithstanding any provision of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding fifteen road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than fifteen road miles beyond the corporate limits of the city in which said trip originated.

Sec. 3. Section 18, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.170 are each amended to read as follows:

(1) If any person affected by this chapter shall fail or refuse to comply with any provision of this chapter or shall violate the same, or shall fail or refuse to comply with any rule or regulation promulgated hereunder by the department or shall violate the same, he shall forfeit to the state of Washington as penalty, the sum of twenty-five dollars.

(2) In case any special fuel dealer or special fuel user refuses or fails to file a return required by this chapter within the time prescribed by RCW 82.38.150, there is hereby imposed the penalty provided in subsection (1) of this section or a sum equal to ten percent of the tax due, whichever is greater, together with interest at the rate of one percent for each calendar month or fraction thereof during which such refusal or failure continues.

(3) Where a special fuel dealer or a special fuel user files a report, but fails to pay in whole or in part the tax due hereunder, there shall be added to the amount due and unpaid, interest at the rate of one percent per month or fraction thereof from the date such tax was due to the date of payment in full thereof.

(4) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency the penalty provided in subsection (2) of this section together with interest at the rate of one percent per month, or fraction thereof,

from the date the report was due.

(5) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (4) of this section. An assessment made by the department pursuant to this subsection or to subsection (4) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(6) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (2), ~~((3))~~, (4), and (5) of this section.

(7) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection (1) of this section and all other penalties prescribed by law.

(8) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (4) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

(9) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (4) or (5) of this section may petition for a reassessment thereof within fifteen days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such fifteen day period, the amount of the assessment becomes final at the expiration thereof.

V If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the

special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

(10) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

Sec. 4. Section 19, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.180 are each amended to read as follows:

Any person who has paid a special fuel tax either directly or to the vendor from whom it was purchased may file a claim for a refund of the tax so paid and shall be reimbursed and repaid the amount of:

(1) Any taxes previously paid on special fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state.

(2) Any taxes previously paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state.

(3) Any tax, penalty or interest erroneously or illegally collected or paid.

(4) Any taxes previously paid on all special fuel which is lost or destroyed, while applicant shall be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(5) Any taxes previously paid on all special fuel of five hundred gallons or more which is lost or destroyed while applicant shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

Recovery for such loss or destruction under either subsection (4) or (5) of this section must be susceptible to positive proof thereby enabling the department to conduct such investigation and require such information as they may deem necessary. In the event that the department is not satisfied that the fuel was lost or destroyed as claimed because information or proof as required

hereunder is not sufficient to substantiate the accuracy of the claim, they may deem such as sufficient cause to deny all right relating to the refund or credit for the excise tax paid on special fuel alleged to be lost or destroyed.

Sec. 5. Section 20, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.190 are each amended to read as follows:

(1) Claims under RCW 82.38.180 shall be filed with the department on forms prescribed by the department and shall show the date of filing and the period covered in the claim, the number of gallons of special fuel used for purposes subject to tax refund, and such other facts and information as may be required. Every such claim shall be supported by an invoice or invoices issued to or by the claimant, as may be prescribed by the department, and such other information as the department may require.

(2) Any amount determined to be refundable by the department under RCW 82.38.180 shall first be credited on any amounts then due and payable from the special fuel dealer or special fuel user or to any person to whom the refund is due, and the department shall then certify the balance thereof to the state treasurer, who shall thereupon draw his warrant for such certified amount to such special fuel dealer or special fuel user or any person: PROVIDED, HOWEVER, That the department shall deduct fifty cents from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund to defray expenses in furnishing the claim forms and other forms provided for in this chapter.

(3) No refund or credit shall be approved by the department unless a written claim for refund or credit stating the specific grounds upon which the claim is founded is filed with the department:

(a) Within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount or credit is due with respect to refunds or credits allowable under RCW 82.38.180, subsections (1) ~~((and))~~, (2), (4) and (5) of this 1972 amendatory act, and if not filed within this period the right to refund shall be forever barred.

(b) Within three years from the last day of the month following the close of the monthly period for which the overpayment is due with respect to the refunds or credits allowable under RCW 82.38.180 (3).

(c) Within six months from the date the assessment becomes final or within six months from the date of collection, whichever period expires the later, with respect to assessments made by the department under RCW 82.38.170 (4) and (5).

(4) Within thirty days after disallowing any claim in whole or in part, the department shall serve written notice of its action on the claimant.

(5) Interest shall be paid upon any refundable amount or credit due under RCW 82.38.180(3) at the rate of one percent per month from the last day of the calendar month following the monthly period for which the refundable amount or credit is due.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is approved by the department, whichever date is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

(6) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected.

NEW SECTION. Sec. 6. The effective date of this act shall be July 1, 1972.

Passed the House February 18, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 3 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...This bill makes certain changes in the Special Fuel Tax Act which was passed by the Legislature in 1971. Section 3 of the bill provides a new procedure for special fuel dealers or users who wish to petition the Department of Motor Vehicles for a reassessment when the Department has issued a deficiency assessment because of insufficient special fuel tax payment. An error in drafting occurred when this bill was reported to both Houses from a Free Conference Committee. The dealer or user seeking a reassessment must petition for reassessment within fifteen days or the assessment becomes final. The Free Conference Committee neglected to change the reference in the second paragraph of subsection (9) from thirty to fifteen days. I have therefore

Veto
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vetoed the words 'thirty day' from this second paragraph to conform this language to the fifteen-day time limit for filing petitions for reassessment intended by the Legislature.

Veto
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With the exception of this item in Section 3, Engrossed House Bill No. 221 is approved."

CHAPTER 139
[House Bill No. 228]
REAL ESTATE BROKERS AND SALESMEN

AN ACT Relating to real estate brokers and salesmen; amending section 2, chapter 252, Laws of 1941 as as last amended by section 1, chapter 78, Laws of 1969 and RCW 18.85.010; amending section 5, part, chapter 252, Laws of 1941 as last amended by section 2, chapter 222, Laws of 1951 and RCW 18.85.030; amending section 4, chapter 252, Laws of 1941 as last amended by section 2, chapter 235, Laws of 1953 and RCW 18.85.040; amending section 5, part, chapter 252, Laws of 1941 as last amended by section 3, chapter 235, Laws of 1953 and RCW 18.85.050; amending section 8, chapter 252, Laws of 1941 and RCW 18.85.060; amending section 17, chapter 235, Laws of 1953 and RCW 18.85.071; amending section 15, chapter 252, Laws of 1941 as last amended by section 5, chapter 235, Laws of 1953 and RCW 18.85.090; amending section 8, chapter 222, Laws of 1951 and RCW 18.85.100; amending section 3, chapter 252, Laws of 1941 as amended by section 9, chapter 222, Laws of 1951 and RCW 18.85.110; amending section 11, chapter 222, Laws of 1951 and RCW 18.85.130; amending section 12, chapter 222, Laws of 1951 as amended by section 7, chapter 235, Laws of 1953 and RCW 18.85.140; amending section 13, chapter 222, Laws of 1951 as amended by section 8, chapter 235, Laws of 1953 and RCW 18.85.150; amending section 21, chapter 222, Laws of 1951 as amended by section 9, chapter 235, Laws of 1953 and RCW 18.85.161; amending section 10, chapter 252, Laws of 1941 as last amended by section 14, chapter 222, Laws of 1951 and RCW 18.85.170; amending section 42, chapter 52, Laws of 1957 and RCW 18.85.190; amending section 27, chapter 252, Laws of 1941 as last amended by section 10, chapter 235, Laws of 1953 and RCW 18.85.210; amending section 19, chapter 252, Laws of 1941 as last amended by section 3, chapter 22, Laws of 1967 and RCW 18.85.230; amending section 25, chapter 222, Laws of 1951 and

RCW 18.85.271; amending section 17, chapter 222, Laws of 1951 as last amended by section 62, chapter 81, Laws of 1971 and RCW 18.85.290; adding new sections to chapter 252, Laws of 1941 and to chapter 18.85 RCW; and providing penalties.

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

Section 1. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 78, Laws of 1969 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a natural or artificial person, acting independently, who for commissions or other compensation, engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests including leases and/or options therein, and for business opportunities or interest therein, belonging to others, or sale of any interest in any formal or informal association in which the purchaser acquires use of real property unless the offering is registered with the securities broker-dealer licensed by the state of Washington, or holds himself out to the public as being so engaged;

(2) "Real estate salesman" or "salesman" means any natural person who represents a real estate broker in any of his activities;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a ((designated)) broker and whose license states that he is associated with a ((designated)) broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of motor vehicles;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller.

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours. The director, with the approval of the real estate commission, may certify courses of instruction other than in the aforementioned institutions, if a finding of necessity to provide the required education is made by the director and commission. Such approval shall be only for the period of time determined to be necessary.

Sec. 2. Section 5, part, chapter 252, Laws of 1941 as last amended by section 2, chapter 222, Laws of 1951 and RCW 18.85.030 are each amended to read as follows:

The director shall appoint ((at least two inspectors)) an adequate staff to assist him. ((No person shall be appointed as an inspector who has not been actively engaged in the real estate business in this state either as a broker or salesman.

The director may employ and discharge such clerks and employees as may be necessary; and fix the compensation of inspectors, clerks and employees.))

Sec. 3. Section 4, chapter 252, Laws of 1941 as last amended by section 2, chapter 235, Laws of 1953 and RCW 18.85.040 are each amended to read as follows:

The director, with the advice and approval of the commission, may issue rules and regulations to govern the activities of real estate brokers, associate real estate brokers and salesmen, consistent with this chapter, ((shall enforce all laws, rules and regulations relating to the licensing of real estate brokers, associate real estate brokers, and salesmen,)) fix the times and places for holding examinations of applicants for licenses and prescribe the method of conducting them ((; hold such examinations,)). The director shall enforce all laws, rules and regulations relating to the licensing of real estate brokers, associate real estate brokers, and salesmen, grant or deny licenses to real estate brokers, associate real estate brokers, and salesmen, hold hearings and suspend or revoke the licenses of violators ((found guilty of)) and may deny, suspend or revoke the authority of a broker to act as the designated broker of persons who commit violations of the real estate license law or of the rules and regulations ((set up and proclaimed by the commission)). The director ((also)) shall institute a program of education for the benefit of the licensees ((hereunder including at least one statewide educational conference each year)).

Sec. 4. Section 5, part, chapter 252, Laws of 1941 as last

amended by section 3, chapter 235, Laws of 1953 and RCW 18.85.050 are each amended to read as follows:

Neither the director nor any ~~((inspectors, clerks, or))~~ employees, shall be interested in any real estate business ~~((in any capacity))~~ regulated by this 1972 amendatory act: PROVIDED, That if any real estate broker, associate real estate broker, or salesman is employed by the director or by the commission as an ~~((inspector, clerk, or))~~ employee, the license of such broker, associate real estate broker, or salesman shall not be revoked, suspended, or canceled by reason thereof.

Sec. 5. Section 8, chapter 252, Laws of 1941 and RCW 18.85.060 are each amended to read as follows:

The director shall adopt a seal with the words real estate director, state of Washington, and such other device as he may approve engraved thereon, by which he shall authenticate the proceedings of his office. Copies of all records and papers in the office of the director certified to be a true copy under the hand and seal of the director shall be received in evidence in all cases equally and with like effect as the originals. The director may deputize one or more of his assistants to certify records and papers.

Sec. 6. Section 17, chapter 235, Laws of 1953 and RCW 18.85.071 are each amended to read as follows:

There is established the real estate commission of the state of Washington, consisting of the director of the commission and six ~~((board))~~ commission members who shall act in an advisory capacity to the director.

The six ~~((board))~~ commission members shall be appointed by the governor in the following manner: For a term of six years each, with the exception of the first appointees, who shall be appointed one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years, with all other subsequent appointees to be appointed for a six year term. ~~((Three))~~ At least two of the ~~((board))~~ commission members shall be selected from the area in the state west of the Cascade mountain range and ~~((three))~~ at least two shall be selected from that area of the state east of the Cascade mountain range. No commission member shall be appointed who has had less than five years experience in the sale, operation, or management of real estate in this state, or has had at least three years experience in investigative work of a similar nature, preferably in connection with the administration of real estate license law of this state or elsewhere. Any vacancies on the commission shall be filled by appointment by the governor for the unexpired term.

NEW SECTION. Sec. 7. There is added to chapter 252, Laws of

1941 and to chapter 18.85 RCW a new section to read as follows:

It is hereby established that the minimum requirements for an individual to receive a salesman's license is that the individual must have obtained his eighteenth birthday and has a high school diploma or its equivalent. No licensed salesman shall have his license renewed a second time unless he furnishes proof, as the director may require, that he has successfully completed thirty clock hours of instruction in real estate courses approved by the director.

Nothing in this section of this 1972 amendatory act shall apply to persons who are licensed as salesmen under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked.

Sec. 8. Section 15, chapter 252, Laws of 1941 as last amended by section 5, chapter 235, Laws of 1953 and RCW 18.85.090 are each amended to read as follows:

The commission shall ~~((prepare))~~ be responsible for the preparation of the examination ~~((questions))~~ to be submitted to applicants, and shall make and file with the director a list, which may be signed by ~~((a))~~ a majority of the members of the commission conducting the examination, of all applicants who successfully passed the examination and of those who failed.

Any applicant who fails to pass the examination may apply again ~~((: PROVIDED, That))~~.

No applicant shall be permitted to take the examination for a real estate broker's license without first satisfying the director that he :

(1) Has had a minimum of ((one)) two years of actual experience as a full time real estate salesman in this state or in another state having comparable requirements within the five years previous to applying for said examination or is, in the opinion of the director, otherwise and similarly qualified, or is otherwise qualified, ((or is otherwise qualified)) by reason of practical experience in a business allied with or related to real estate;

(2) Is eighteen years of age or older;

(3) Has a high school diploma or its equivalent;

(4) Has furnished proof, as the director may require, that he has completed successfully ninety clock hours of instruction in real estate.

The requirements of subsections (1) through (4) of this section shall not apply to persons who are licensed as brokers under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked; PROVIDED, That requirements for brokers created by this 1972 amendatory act shall apply to any person who is licensed as a salesman on or before the effective date of this 1972 amendatory act.

if such person shall apply to become a broker or associate broker after this 1972 amendatory act is in effect.

Sec. 9. Section 8, chapter 222, Laws of 1951 and RCW 18.85.100 are each amended to read as follows:

It shall be unlawful for any person to act as a real estate broker, associate real estate broker, or real estate salesman without first obtaining a license therefor, and otherwise complying with the provisions of this chapter.

No suit or action shall be brought for the collection of compensation as a real estate broker, associate real estate broker, or real estate salesman, without alleging and proving that the plaintiff was a duly licensed real estate broker, associate real estate broker, or real estate salesman ~~((at the time the alleged cause of action arose))~~ prior to the time of offering to perform any such act or service or procuring any promise or contract for the payment of compensation for any such contemplated act or service.

Sec. 10. Section 3, chapter 252, Laws of 1941 as amended by section 9, chapter 222, Laws of 1951 and RCW 18.85.110 are each amended to read as follows:

This chapter shall not apply to (1) any person who purchases property and/or a business opportunity for his own account, or who, as the owner of property, and/or a business opportunity, in any ~~((wise))~~ way disposes of the same; nor, (2) any duly authorized attorney in fact, or an attorney at law in the performance of his duties; nor, (3) any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust ~~((; nor, (4) any escrow agent))~~.

Sec. 11. Section 11, chapter 222, Laws of 1951 and RCW 18.85.130 are each amended to read as follows:

The director shall provide each original applicant for a license with a manual containing a sample list of questions and answers pertaining to real estate law and the operation of the business and may provide the same at cost to any licensee or to other members of the public. The director shall ascertain by written examination, that each applicant, and in case of a corporation, or copartnership, that each officer, agent, or member thereof whom it proposes to act as a licensee, has:

(1) Appropriate knowledge of the English language, including reading, writing, spelling, and arithmetic;

(2) An understanding of the principles of real estate conveyancing, the general purposes and legal effect of deeds, mortgages, land contracts of sale, exchanges, rental and option agreements, and leases;

(3) An understanding of the principles of land economics and

appraisals;

(4) An understanding of the obligations between principal and agent;

(5) An understanding of the principles of real estate practice and the canons of business ethics pertaining thereto; and,

(6) An understanding of the provisions of this chapter.

The examination for real estate brokers shall be more exacting than that for real estate salesmen.

All moneys received for the sale of the manual to licensees and members of the public shall be placed in the real estate commission fund to be returned to the current biennium operating budget.

Sec. 12. Section 12, chapter 222, Laws of 1951 as amended by section 7, chapter 235, Laws of 1953 and RCW 18.85.140 are each amended to read as follows:

Before receiving his license every real estate broker must pay a license fee of twenty-five dollars, every associate real estate broker must pay a license fee of twenty-five dollars, and every real estate salesman must pay a license fee of fifteen dollars. Every license issued under the provisions of this chapter expires on the ((thirty-first day of December of the year of its issue)) applicant's birthday following issuance of the license which date will henceforth be the renewal date. Licenses issued to corporations and partnerships expire December 31st, which date will henceforth be their renewal date. On or before the ((first day of January thereafter)) renewal date an annual renewal license fee in the same amount must be paid.

If the application for a renewal license is not received by the director on or before ((January 1st)) the renewal date, the renewal license fee shall be thirty-five dollars for a real estate broker and associate real estate broker and twenty dollars for a real estate salesman. Acceptance by the director of an application for renewal after ((January 1st)) the renewal date shall not be a waiver of the delinquency.

The director shall issue to each broker, associate broker, and salesman a license and a pocket identification card in such form and size as he shall prescribe.

Sec. 13. Section 13, chapter 222, Laws of 1951 as amended by section 8, chapter 235, Laws of 1953 and RCW 18.85.150 are each amended to read as follows:

The director may issue a temporary salesman's permit pending examination, to any applicant who, in his opinion, is qualified, except for the examination provided for in this chapter, when a satisfactory credit and character report shall have been made by the employing broker upon a form to be supplied by the director, with

full responsibility for such temporary salesman to rest with the employing broker, no temporary permit thus granted to be transferable from the originating broker to any other broker. The application fee for such temporary permit shall be five dollars which shall not be refunded for any cause, nor shall such application fee be considered any part of any license or examination fee. The examination fee for an applicant for a temporary permit shall be fifteen dollars, no part of which shall be refunded for any cause. Such temporary permit shall be valid only until the results of the next examination for licenses are available which in no event shall be longer than six months. The director, however, shall not require any such applicant to take such examination until at least sixty days have elapsed after the issuance of the temporary permit. Only one temporary permit shall be issued to any one person. No person issued a temporary permit who fails to take or pass the examination shall be entitled to have returned any fees previously paid. Failure to take the examination next following the sixty day period after issuance of the temporary permit shall cause forfeiture of the temporary permit and of any and all fees paid.

The holder of a temporary permit is required to obtain thirty hours of instruction in real estate within seventy days after his temporary permit is issued. Such instruction may be furnished by his broker or personnel in the office he is licensed to, any prelicense school, community college or other institution providing education. The employing broker and such temporary permit holder shall certify the completion of such instruction within five days thereafter upon forms provided by the director: PROVIDED, That failure to make such certification or falsification thereof shall be ground for disciplinary action under this 1972 amendatory act.

A temporary broker's permit may, in the discretion of the director, be issued to the legally accredited representative of a deceased broker, the senior qualified salesman in that office or other qualified representative of the deceased, which shall be valid for a period not exceeding four months and in the case of a partnership or a corporation, the same rule shall prevail in the selection of a person to whom a temporary broker's permit may be issued.

NEW SECTION. Sec. 14. There is added to chapter 252, Laws of 1941 and to chapter 18.85 RCW a new section to read as follows:

Responsibility for any salesman, associate broker or branch manager in conduct covered by this 1972 amendatory act shall rest with the broker to which such licensees shall be licensed.

In addition to the broker, a branch manager shall bear responsibility for salesmen and associate brokers operating under the branch manager at a branch office.

Sec. 15. Section 21, chapter 222, Laws of 1951 as amended by section 9, chapter 235, Laws of 1953 and RCW 18.85.161 are each amended to read as follows:

A nonresident broker may apply for and be issued a nonresident broker's license upon compliance with all of the provisions of this chapter. He shall not be required to maintain a definite place of business within this state, but shall retain in this state all funds arising from transactions within this state, until such funds are distributed to the proper parties involved, and he shall be subject to the requirements of this chapter relating to the handling and depositing of closing funds.

Any privileges accorded herein to a nonresident shall apply only to a licensed real estate broker of ~~((one))~~ two years' experience or more and only so long as the broker shall (1) maintain an active place of business within the state of his domicile, and (2) maintain his license in good standing in the state of his domicile: PROVIDED, That such nonresident is domiciled in a state which extends similar recognition and courtesies to licensed real estate brokers of this state. When any broker moves into this state from a state having similar reciprocal laws and desires a license, and if such broker has maintained a license in his home state in good standing prior to his moving into this state, he shall, in the discretion of the director, not be required to take the state examination for a license.

The director may waive the requirement of examination of any applicant for a license in the case of an application from a nonresident who is licensed in a state having similar requirements, under the laws of which, similar recognition and courtesies are extended to licensees of this state by mutual written agreement of the directors and commissions of the concerned states.

Salesmen employed by a nonresident broker who has been issued a nonresident broker's license may operate for such broker in this state upon payment of the license fee required of salesmen during such time as they continue licensed under the nonresident broker in this state and if such salesman maintains a license in good standing under his broker in his home state.

Sec. 16. Section 10, chapter 252, Laws of 1941 as last amended by section 14, chapter 222, Laws of 1951 and RCW 18.85.170 are each amended to read as follows:

No license issued under the provisions of this chapter shall authorize any person other than the person to whom it is issued to do any act by virtue thereof nor to operate in any other manner than under his own name except:

(1) When a license is issued to a corporation it shall entitle one officer thereof, to be named by the corporation in its

application, who shall qualify the same as any other agent, to act as a real estate broker on behalf of said corporation, without the payment of additional fees;

(2) When a license is issued to a copartnership it shall entitle one member thereof to be named in the application, who shall qualify to act as a real estate broker on behalf of the copartnership, without the payment of additional license fees;

(3) A licensed broker, associate broker, or salesman may operate and/or advertise under a name other than the one under which the license is issued by obtaining the written consent of the director to do so;

(4) A broker may establish one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the office, if any, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the real estate firm on which either the name of the main or branch offices appears.

Sec. 17. Section 42, chapter 52, Laws of 1957 and RCW 18.85.190 are each amended to read as follows:

A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of five dollars for each branch office. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have ((at least one licensed broker)) a branch manager who shall be an associate broker authorized by the designated broker to perform the duties ((of a broker as herein described)) of a branch manager.

A branch office license shall not be required where real estate sales activity is conducted on and, limited to a particular subdivision or tract, if a licensed office or branch office is located within thirty-five miles of the subdivision or tract. A real estate broker shall apply for a branch office license if real estate sales activity on the particular subdivision or tract is five days or more per week.

Sec. 18. Section 27, chapter 252, Laws of 1941 as last amended by section 10, chapter 235, Laws of 1953 and RCW 18.85.210 are each amended to read as follows:

The director ((shall)) may publish annually a list of names and addresses of brokers and salesmen licensed under the provisions

hereof, together with a copy of this chapter (~~not later than August 45th~~) and such information relative to the enforcement of the provisions hereof as he may deem of interest to the public; and he (~~shall~~) may mail one copy thereof to each licensed broker. (~~The director may, if it seems advisable, recommend standard forms for use by real estate brokers and include them in the manual or directory.~~)

Sec. 19. Section 19, chapter 252, Laws of 1941 as last amended by section 3, chapter 22, Laws of 1967 and RCW 18.85.230 are each amended to read as follows:

The director may, upon his own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman, regardless of whether the transaction was for his own account or in his capacity as broker, and may temporarily suspend or permanently revoke or deny the license of any holder who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) (~~A crime against the laws of this or any other state or government, involving moral turpitude or dishonest dealings~~) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon (~~to his damage or injury~~), if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully (~~relying~~) relies upon the word, representation or conduct of the licensee (~~acts to his injury or damage~~);

(6) Accepting the services of, or continuing in a

representative capacity, any salesman who has not been granted a license, or after his license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his own use or to the use of his principal or of any other person, when delivered to him in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his knowledge to, or to produce any document, book or record in his possession for inspection of the director or his authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesman or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesman or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker or salesman has an interest unless his interest is clearly stated in the appraisal report;

(17) Misrepresentation of his membership in any local, state or national real estate association;

(18) (~~Discriminating against any person or persons because of~~

race, creed, color or national origin while acting in the capacity of a real estate broker, associate real estate broker, or real estate salesman: PROVIDED, That prior to taking any action to suspend, revoke or deny the license of any broker or salesman upon grounds specified in this subsection, the director shall issue an order to any such broker or salesman to cease and desist in such act or practice of discrimination and upon receipt of an assurance in writing of discontinuance thereof shall take no further action to suspend, revoke or deny the license of such broker or salesman unless within six months thereafter such broker or salesman engages in a further act or practice of discrimination. Such assurance of discontinuance shall not be considered an admission of a violation for any purpose.)

Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law:

(19) Failing to keep an escrow or trustee account of funds deposited with him relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a salesman, associate broker or branch manager of a commission or any valuable consideration for the performance of any acts specified in this 1972 amendatory act, from any person, except the licensed real estate broker with whom he is licensed;

(23) To direct any transaction involving his principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his principal;

(24) Failing to disclose to an owner his intention or true position if he directly or indirectly through third party, purchases for himself or acquires or intends to acquire any interest in, or any option to purchase, property;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his licensed associate brokers and salesmen within the scope of this 1972 amendatory act;

(26) Any conduct in a real estate transaction which

demonstrates bad faith, dishonesty, untrustworthiness or incompetency.

Sec. 20. Section 25, chapter 222, Laws of 1951 and RCW 18.85.271 are each amended to read as follows:

If the director shall decide, after such hearing, that the evidence supports the accusation by a preponderance of evidence, he may revoke the license in question or withhold renewal of any such license or suspend any such license. In such event he shall enter an order to that effect and shall file the same in his office and immediately mail a copy thereof to the affected party at the address of record with the department. Such order shall not be operative for a period of ten days from the date thereof. ~~((If the licensee or applicant shall feel aggrieved by the decision of the director revoking or withholding the license, he may appeal to the superior court in the county in which he has his principal place of business by giving notice of such appeal to the director, and giving a) Any licensee or applicant aggrieved by a final decision by the director in a contested case whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the Administrative Procedure Act, chapter 34.04 RCW. Upon instituting appeal in the superior court, the appellant shall give a cash bond to the state of Washington, which bond shall be filed with the clerk of the court ((of said county)), in the sum of five hundred dollars to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, such bond and notice to be filed within ((ten)) thirty days from the date of the director's decision.~~

Sec. 21. Section 17, chapter 222, Laws of 1951 as last amended by section 62, chapter 81, Laws of 1971 and RCW 18.85.290 are each amended to read as follows:

~~((The superior court to which the appeal is taken shall summarily hear and determine the question involved upon the appeal, and such determination shall be based solely on the transcript of the record. Should the court find that the director has exceeded his authority or that his findings are not supported by a fair preponderance of the evidence, the order of the director shall be reversed or modified.))~~

If said appellant shall fail to perfect his appeal or fail to pay the expense of preparing the transcript as provided herein, said stay of proceedings shall automatically terminate.

~~((An appeal may be taken by an appellant whose license has been revoked or suspended by the director, from the final order of the superior court. The proceedings on appeal to the supreme court or the court of appeals shall be limited to a review of the~~

proceedings by the director and the superior court in the same manner and subject to the same procedure and requirements as provided for in the case of an appeal in a civil action from a judgment of the superior court of this state:)) An aggrieved party may secure review of a final judgment of the superior court under this 1972 amendatory act by appeal therefrom. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

NEW SECTION. Sec. 22. There is added to chapter 252, Laws of 1941 and to chapter 18.85 RCW a new section to read as follows:

The provisions of this 1972 amendatory act are to be severable and if any section, subdivision, or clause of this act shall be held to be unconstitutional or invalid, such decision shall not effect the validity of the remaining portion of the act.

Passed the House February 2, 1972.

Passed the Senate February 16, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 1 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows: Veto
Message

"...This bill revises and strengthens the existing real estate license law. I commend the industry and the Real Estate Division for their involvement in the drafting of this piece of legislation.

In Section 1 there appears a definition of real estate broker. The amendatory language of this bill was designed to exclude from that definition persons promoting interests in camper clubs which have been issued a promotion permit by the Securities Division of the State of Washington. Those persons promoting such interests which have not been issued a promotion permit would be required under the language of Section 1 to obtain a real estate broker's license. The amendatory language finally enacted contains obvious errors that make the legislative intent unclear. I have therefore vetoed an item in Section 1 in order to clarify the legislative intent to enable the Real Estate Division to exempt persons promoting registered camping clubs from the licensing requirements of the Real Estate License Act.

The remainder of House Bill 228 is approved."

CHAPTER 140

[House Bill No. 279]

WATER POLLUTION--LOCAL GOVERNMENT SEWERAGE PLANTS--
DISCHARGE INTO WATERS OF THE STATE

AN ACT Relating to water pollution; and adding a new section to chapter 90.48 RCW.

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

NEW SECTION. Section 1. There is added to chapter 90.48 RCW a new section to read as follows:

Any county or any municipal or public corporation operating or proposing to operate a sewerage system, including any system which collects only domestic sewerage, which results in the disposal of waste material into the waters of the state shall procure a permit from the department of ecology before so disposing of such materials. This section is intended to extend the permit system of RCW 90.48.160 to counties and municipal or public corporations and the provisions of RCW 90.48.170 through 90.48.210 and 90.52.040 shall be applicable to the permit requirement imposed under this section. With respect to any sewerage system already in operation on the effective date of this section, the permit required hereby shall be procured not later than January 1, 1975. With respect to any sewerage system not in operation on the effective date of this section, the permit required hereby shall be procured prior to any disposal of waste material into waters of the state from such system.

Passed the House February 15, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 25, 1972 with the exception of one item in section 1 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...In 1955 our state's water pollution control waste discharge permit program was enacted. After fifteen years of experience, it has become obvious that this program, which benefits not only the people but the discharger and the regulating agency, is the heart of our state's water quality enhancement effort. The purpose of House Bill 279 is to provide for a truly comprehensive permit program by making it applicable to the one large group of discharges not now within its coverage, the discharges from county and municipal

Veto
Message

sewerage plants.

Veto
Message

I am vetoing the last two sentences of the bill, portions of which establish an effective date for requiring permits for municipal discharges in 1975. I believe that the need to ensure the continuing state effort to maximize water quality is too great to delay implementation of municipal waste coverage for three more years. Additionally, there is a high probability that Congress will establish a 'national waste elimination permit program' within the near future. This new federal program contemplates state control of waste discharge permits if the state law meets federal criteria; criteria which include a requirement that the state program cover all major discharges into public waters. By this veto the state will be in a much better posture to continue its program without interruption by a federal agency should the proposed federal legislation be enacted prior to the next session of our legislature.

To allay any concerns of local governments presently operating sewerage systems, I have instructed the administering agency, the Department of Ecology, to provide an implementing procedure which allows local governments a reasonable time after the effective date of the act to prepare and file the applications necessary to secure the permits required under the bill.

The remainder of House Bill No. 279 is approved."

CHAPTER 141
[Substitute House Bill No. 411]
GAMBLING

AN ACT Relating to gambling; and amending sections 2, 3, 4, 5, 6, 8 and 16, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.310, 9.47.320, 9.47.330, 9.47.340, 9.47.350, 9.47.370 and 9.47.400.

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

Section 1. Section 2, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.310 are each amended to read as follows:

As used in RCW 9.47.300 through 9.47.440:

(1) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the

contestants may also be a factor therein.

(2) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance and games of physical skill.

(3) "Player", except as otherwise in RCW 9.47.400 provided, means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(4) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.47.400, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.47.400, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity; or

(c) He engages in bookmaking.

Conduct under subparagraph (a), except as exempted under RCW 9.47.400, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the

arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than ((nonprofessional)) gambling activities as set forth in RCW 9.47.400, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling.

(5) "Gambling device" means: (a) Any device or mechanism used for professional gambling by the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism used for professional gambling which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation used in professional gambling. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won, or have a mechanism or a chute for dispensing coins or a facsimile thereof, which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device.

(6) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found shall be presumed to be intended to be used for professional gambling.

(7) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the Federal

Communications Commission.

(8) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(9) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(10) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(11) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapter 15.76 and 36.37 RCW, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(12) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(13) "Amusement game" means a game played for entertainment in which:

- (a) The contestant actively participates;

(b) The outcome depends in a material degree upon the skill of the contestant;

(c) Only merchandise prizes are awarded;

(d) The outcome is not in the control of the operator;

(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and

(f) Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW.

(14) "Bona fide charitable or nonprofit organization" means any organization duly existing under the provisions of chapters 24.12, 24.20 or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, which has been organized and is operated primarily for purposes other than the operation of bingo games, raffles, amusement games, and which receives not more than ~~((five))~~ twenty thousand dollars or twenty-five percent of its gross receipts, whichever is the greater, in any calendar year from the operation of bingo, raffles, amusement games, but these limitations on receipts shall not apply to any organization which conducts only one raffle per calendar year, the total gross income from which does not exceed twenty thousand dollars, and which does not conduct bingo games ~~((7))~~ and/or amusement games; PROVIDED, That the money or gross receipt limitations hereinabove set forth in this subsection shall not include the amount of cash prizes actually paid out in the operation of bingo games or the actual cost to an organization of any prizes given in the conduct of a raffle. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

(15) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner

authorizes, participates in, or knowingly accepts benefits from any violation of RCW 9.47.300 through 9.47.440 committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

Sec. 2. Section 3, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.320 are each amended to read as follows:

Whoever engages in professional gambling, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this section and the provisions of chapter 9.59 RCW shall not apply to those ((nonprofessional)) gambling activities enumerated in RCW 9.47.400 or to any act or acts in furtherance thereof.

Sec. 3. Section 4, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.330 are each amended to read as follows:

(1) All gambling devices as defined in RCW 9.47.310 are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing RCW 9.47.300 through 9.47.440.

(2) No property right in any gambling device as defined in RCW 9.47.310 shall exist or be recognized in any person, except the possessory right of officers enforcing RCW 9.47.300 through 9.47.440.

(3) All furnishings, fixtures, equipment and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection and the provisions of chapter 9.59 RCW shall not apply to such items utilized in ((nonprofessional)) gambling activities

enumerated in RCW 9.47.400 or any act or acts in furtherance thereof.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs or transports any gambling device as defined in RCW 9.47.310 or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this subsection and the provisions of chapter 9.59 RCW shall not apply to devices used in those ((nonprofessional)) gambling activities enumerated in RCW 9.47.400, or to any act or acts in furtherance thereof. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores or transports any gambling record, or buys, sells, offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this subsection and the provisions of chapter 9.59 RCW shall not apply to records relating to ((nonprofessional)) gambling activities((,)) enumerated in RCW 9.47.400 or to any act or acts in furtherance thereof. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

Sec. 4. Section 5, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.340 are each amended to read as follows:

Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information, shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this section and the provisions of chapter 9.59 RCW shall not apply to such information transmitted or received or equipment installed or maintained relating to ((nonprofessional)) gambling activities as enumerated in RCW 9.47.400 or to any act or acts in furtherance thereof.

Sec. 5. Section 6, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.350 are each amended to read as follows:

(1) All gambling premises are common nuisances and shall be subject to abatement by injunction or as otherwise provided by law. The plaintiff in any action brought under this subsection against any gambling premises, need not show special injury and may, in the discretion of the court, be relieved of all requirements as to giving security.

(2) When any property or premise held under a mortgage,

contract or leasehold is determined by a court having jurisdiction to be a gambling premises, all rights and interests of the holder therein shall terminate and the owner shall be entitled to immediate possession at his election: PROVIDED, HOWEVER, That this subsection and the provisions of chapter 9.59 RCW shall not apply to those premises in which (~~nonprofessional~~) gambling activities set out in RCW 9.47.400, or any act or acts in furtherance thereof are carried on.

(3) When any property or premises for which one or more licenses, permits or certificates issued by this state, or any political subdivision or other public agency thereof, are in effect, is determined by a court having jurisdiction to be a gambling premises, all such licenses, permits and certificates shall be deemed voided and no longer in effect, and no license, permit or certificate so voided shall be issued or reissued for such property or premises for a period of sixty days thereafter. Enforcement of this subsection shall be the duty of all peace officers and all taxing and licensing officials of this state and its political subdivisions and other public agencies. This subsection shall not apply to property or premises in which (~~nonprofessional~~) gambling activities set out in RCW 9.47.400, or any act or acts in furtherance thereof, are carried on.

Sec. 6. Section 8, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.370 are each amended to read as follows:

The premises and paraphernalia and all the books and records of any bona fide charitable or nonprofit organization conducting (~~nonprofessional~~) gambling activities such as bingo, raffles, or amusement games as defined in RCW 9.47.300 through 9.47.440, shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the attorney general, the state patrol or the prosecuting attorney, sheriff of the county, or legal counsel, or chief of police of any city or town in which said organization or person is located for the purpose of determining compliance or noncompliance with the provisions of RCW 9.47.300 through 9.47.440 or any local ordinances relating thereto. The department of revenue shall be provided at such reasonable intervals as the department shall determine with a report, under oath, detailing all receipts and disbursements in connection with such (~~nonprofessional~~) gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of RCW 9.47.300 through 9.47.440 or any local ordinances relating thereto. Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency.

Sec. 7. Section 16, chapter 280, Laws of 1971 ex. sess. and

RCW 9.47.400 are each amended to read as follows:

(A person or an organization is not engaged in "professional gambling" as defined in RCW 9.47.310, subsection (5) when (1) such person or organization is engaged in such nonprofessional gambling activities as bingo, raffles, or amusement games, all as defined in RCW 9.47.300 through 9.47.440.) The penalties provided for professional gambling in RCW 9.47.320, 9.47.330, 9.47.340, and 9.47.350 (2) and (3), as now or hereafter amended, shall not apply to bingo games, raffles or amusement games when such games are conducted as defined in RCW 9.47.310 (11), (12), (13) and (14), as now or hereafter amended.

NEW SECTION. Sec. 8. If any provision of this 1972 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 19, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 1 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...This bill amends the comprehensive revision of the state's gambling laws enacted by the Legislature in 1971. The words 'and games of physical skill' have been added to the definition of 'gambling' in RCW 9.47.310. While this change was apparently intended only to clarify that the gambling bill, consistent with present case law, does not apply to wagers between participants in contests of physical skill, it goes further and creates a dangerous ambiguity. It could now be argued that all wagers, whether by participants or spectators, on contests of physical skill are exempted from the definition of gambling. I have therefore vetoed this phrase to erase the ambiguous construction, and I am confident it will cause no change in the law which has not applied to wagers between participants in games of physical skill.

Veto
Message

With the exception of this item in section 1, the bill is approved."

CHAPTER 142

[Substitute House Bill No. 413]

EDUCATION--DISTRICT PERSONNEL, DEFENSES, INSURANCE--
TEACHERS, LEAVE, REPLACEMENT--REALTY SALES, AGENTS--RULES,
INTERPRETATION

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or intermediate school district arising out of the performance or failure of performance of duties for, or employment with any such district, the board of directors of the school district or intermediate school district board, as the case may be, may grant a request by such person that the prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an intermediate school district, from any appropriation made for the support of the intermediate school district, to which said person is attached: PROVIDED, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his employment with or duties for the district.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Any school district board of directors and intermediate school district board are authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or intermediate school district from any action, claim or proceeding instituted against him arising out of the performance or failure of performance of duties for or employment with such institution and to hold him harmless from any expenses connected with the defense, settlement or monetary judgments from such actions.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as

follows:

Certificated employees subject to the provisions of this chapter shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts: PROVIDED, That
V- certificated employees hired under the provisions of this section shall be accorded preferential treatment for future employment by the hiring district in the event that positions for which they qualify subsequently become available.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

In addition to the powers conferred under RCW 28A.58.045, the board of directors of any school district may, in the event the board finds that a sale of real property cannot be made in the manner provided by RCW 28A.58.045, engage an agent to negotiate the sale of any real property, the sale of which is authorized under RCW 28A.58.045: PROVIDED, That the board shall not obligate the school district to pay a fee for any such agent's services unless a sale be concluded for not less than ninety percent of the appraised value thereof.

NEW SECTION. Sec. 5. There is added to chapter 28A.58 RCW a new section to read as follows:

The rules adopted pursuant to RCW 28A.58.101 shall be interpreted to insure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 19, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 3 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...Section 3 of this bill permits school districts to hire certificated employees to replace staff personnel who have been granted leaves by the district without being bound by the qualifications chapter with its rules on the termination of teachers once hired. The proviso in section 3 mandates that school districts give preferential treatment to teachers hired to fill these vacancies if a permanent staff position subsequently becomes available in the district. This proviso is not limited to a specific time period so teachers hired to fill a vacancy could return to the district a number of years after their initial temporary employment and demand preferential treatment under this section. Additionally, this proviso would eliminate the practice of many school districts that hire experienced teachers on a one-year basis to fill leave vacancies when they could not afford to hire a teacher at that experience level on a permanent status. If these teachers must be given preferential treatment for vacancies which occur after the one year for which they were first hired, school districts may well be forced to hire only inexperienced teachers for such positions.

Veto
Message

I believe that school districts must be bound by the provisions now existing in the common school code when hiring and retaining teachers on a permanent basis but should also be given the flexibility contemplated by the first portion of this section to hire teachers for a short term to fill vacancies created by permanent staff members on leave. I have therefore vetoed the proviso in section 3 of the bill.

With the exception of this item in section 3, the remainder of the bill is approved."

CHAPTER 143

[House Bill No. 521]

TUBERCULOSIS AND TUBERCULOSIS HOSPITALIZATION

AN ACT Relating to tuberculosis and tuberculosis hospitalization; amending section 11, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.070; adding new sections to chapter 70.30 RCW; adding new sections to chapter 70.35 RCW; repealing section 1, chapter 172, Laws of 1913, section 8, chapter 54, Laws of 1967 and RCW 70.30.010; repealing section 2, chapter 172, Laws of 1913, section 1, chapter 68, Laws of 1945 and RCW 70.30.020;

repealing section 3, chapter 172, Laws of 1913, section 9, chapter 54, Laws of 1967 and RCW 70.30.040; repealing section 4, chapter 172, Laws of 1913, section 10, chapter 54, Laws of 1967 and RCW 70.30.050; repealing section 5, chapter 172, Laws of 1913, section 11, chapter 54, Laws of 1967 and RCW 70.30.060; repealing section 12, chapter 54, Laws of 1967 and RCW 70.30.071; repealing section 7, chapter 172, Laws of 1913, section 1, chapter 80, Laws of 1915, section 13, chapter 54, Laws of 1967 and RCW 70.30.080; repealing section 9, chapter 172, Laws of 1913, section 14, chapter 54, Laws of 1967 and RCW 70.30.100; repealing section 15, chapter 172, Laws of 1913, section 3, chapter 80, Laws of 1915 and RCW 70.30.130; repealing section 12, chapter 172, Laws of 1913 and RCW 70.30.160; repealing section 2, chapter 4, Laws of 1953 ex. sess., section 12, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.015; repealing section 1, chapter 4, Laws of 1953 ex. sess. section 2, chapter 117, Laws of 1959, section 13, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.021; repealing section 3, chapter 162, Laws of 1943, section 3, chapter 66, Laws of 1945 and RCW 70.32.030; repealing section 4, chapter 162, Laws of 1943, section 4, chapter 66, Laws of 1945, section 15, chapter 54, Laws of 1967 and RCW 70.32.040; repealing section 3, chapter 4, Laws of 1953 ex. sess., section 18, chapter 54, Laws of 1967, section 1, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.080; repealing section 2, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.085; and repealing section 25, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.070.

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

Section 1. Section 11, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.070 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and followup of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In order to carry on work effectively in these fields there shall be levied for tuberculosis hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of one-eighth of a mill against the actual value of the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, fifty percent of the receipts therefrom to be forwarded quarterly in January, April, July and October of each year by the treasurers of such county, other than the headquarters county where tuberculosis control activities will be carried out by the hospital,

to the treasurer of the headquarters district county, who shall be treasurer for the district. ((The commission shall return a total of thirty-five percent of moneys received from the levy provided under this section to the chief health officers of the counties, other than the headquarters county, which funds are to be allocated to specific counties based on caseload in the counties pursuant to standards promulgated by the district commission. Such returned) The retained fifty percent of the funds are to be used by the chief health officers to carry out tuberculosis control on a local county level pursuant to rules and regulations adopted by the district commission. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of the district commissioners by the treasurer in the same manner as general county obligations are paid.

NEW SECTION. Sec. 2. There is added to chapter 70.30 RCW a new section to read as follows:

Any person residing in the state and needing treatment for tuberculosis, may apply in person to the local health officer or to any licensed physician for examination and if such physician has reasonable cause to believe that said person is suffering from tuberculosis in any form he may apply to the local health officer or tuberculosis hospital director for admission of said person to the appropriate tuberculosis facility.

NEW SECTION. Sec. 3. There is added to chapter 70.30 RCW a new section to read as follows:

Upon admission of a patient to a tuberculosis hospital, the secretary or the hospital director, as appropriate, or their designees, shall determine the patient's ability to pay for his care in whole or in part. If the patient or said relatives are not financially able to contribute in whole or in part to his care in the facility, said patient shall be admitted free of charge, or upon the payment of a portion of the charges.

NEW SECTION. Sec. 4. There is added to chapter 70.30 RCW a new section to read as follows:

All hospitals established or maintained for the treatment of persons suffering from tuberculosis shall be subject to annual inspection, or more frequently if required by federal law, by agents of the department of social and health services, and the medical director shall admit such agents into every part of the facility and its buildings, and give them access on demand to all records, reports, books, papers, and accounts pertaining to the facility.

NEW SECTION. Sec. 5. There is added to chapter 70.35 RCW a new section to read as follows:

Upon certificate of the district tuberculosis control officer or his designee that any county in the district has an unexpended balance of the funds returned to the county from the above-provided for levy, over and above the amount required for adequate tuberculosis control, including case finding, prevention and follow-up of known cases of tuberculosis within such county, the 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 certified unexpended balance, or any portion thereof to the county health department, or to a health district encompassing the entire county, for use in furtherance of other communicable disease prevention or control, or for other general county health purposes. The sum herein provided for, that is the fifty percent of such levy returned to the county, and income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of such county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the legislative authority of the county and the district tuberculosis control officer a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balance of cash on hand.

NEW SECTION. Sec. 6. There is added to chapter 70.35 RCW a new section to read as follows:

Each county of the district or health district within a county may contract on such terms as are agreeable to the county commissioners of such county or health district and the commission of the tuberculosis hospital district for the performance of services by the hospital superintendent to carry out tuberculosis control in the county and to appoint the hospital superintendent as the tuberculosis control officer for such county or health district.

NEW SECTION. Sec. 7. The following acts and parts of acts are each repealed:

(1) Section 1, chapter 172, Laws of 1913, section 8, chapter 54, Laws of 1967 and RCW 70.30.010;

(2) Section 2, chapter 172, Laws of 1913, section 1, chapter 68, Laws of 1945 and RCW 70.30.020;

(3) Section 3, chapter 172, Laws of 1913, section 9, chapter 54, Laws of 1967 and RCW 70.30.040;

(4) Section 4, chapter 172, Laws of 1913, section 10, chapter 54, Laws of 1967 and RCW 70.30.050;

(5) Section 5, chapter 172, Laws of 1913, section 11, chapter 54, Laws of 1967 and RCW 70.30.060;

- (6) Section 12, chapter 54, Laws of 1967 and RCW 70.30.071.
- (7) Section 7, chapter 172, Laws of 1913, section 1, chapter 80, Laws of 1915, section 13, chapter 54, Laws of 1967 and RCW 70.30.080;
- (8) Section 9, chapter 172, Laws of 1913, section 14, chapter 54, Laws of 1967 and RCW 70.30.100;
- (9) Section 15, chapter 172, Laws of 1913, section 3, chapter 80, Laws of 1915 and RCW 70.30.130;
- (10) Section 12, chapter 172, Laws of 1913 and RCW 70.30.160.
- (11) Section 2, chapter 4, Laws of 1953 ex. sess., section 12, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.015;
- (12) Section 1, chapter 4, Laws of 1953 ex. sess., section 2, chapter 117, Laws of 1959, section 13, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.021;
- (13) Section 3, chapter 162, Laws of 1943, section 3, chapter 66, Laws of 1945 and RCW 70.32.030;
- (14) Section 4, chapter 162, Laws of 1943, section 4, chapter 66, Laws of 1945, section 15, chapter 54, Laws of 1967 and RCW 70.32.040;
- (15) Section 3, chapter 4, Laws of 1953 ex. sess., section 18, chapter 54, Laws of 1967, section 1, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.080;
- (16) Section 2, chapter 161, Laws of 1969 ex. sess. and RCW 70.32.085; and
- (17) Section 25, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.070.

Passed the House February 16, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 25, 1972 with the exception of of two items in section 5 which are vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...This bill makes various changes in the laws pertaining to tuberculosis and tuberculosis hospitalization. Section 1 modifies the formula and mechanism for distribution of the one-eighth mill allocated by RCW 70.35.070 to the Eastern Tuberculosis Hospital District. Under the present law the millage is collected by the Eastern Tuberculosis Hospital District which retains 65% of the millage and returns 35% to the counties for local tuberculosis control activities. House Bill 521 amends that formula and mechanism for distribution by providing that 50% of the funds shall be

Veto
Message

retained by the counties for local tuberculosis control.

Veto
Message

Section 5 of the bill describes the uses which can be made by the counties of any unexpended balance of the tuberculosis funds available at the county level. By oversight, reference is made in section 5 to funds which have been returned to the county. Because of the change in the mechanism for distribution as described above, the references to funds returned to the county in section 5 do not carry out the legislative intent of section one which makes clear that such funds are to be retained by the counties. Accordingly, I have vetoed two items from section 5 to remove what otherwise would be an ambiguity in this legislation.

The remainder of House Bill 521 is approved."

CHAPTER 144

[Engrossed Senate Bill No. 4]

TAX ON TRAVEL TRAILERS AND CAMPERS

AN ACT Relating to revenue and taxation; amending section 82.50.030, chapter 15, Laws of 1961 as last amended by section 37, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.030; and amending section 56, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.410.

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

Section 1. Section 82.50.030, chapter 15, Laws of 1961 as last amended by section 37, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.030 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each calendar year shall be two percent of the fair market value of the mobile home ((~~r~~)) and one percent of the fair market value of the travel trailer ((~~r~~)) or the camper, as determined in the manner provided in this chapter: PROVIDED, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon a mobile home, travel trailer, or camper used for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the mobile home, travel trailer, or camper is first used: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A mobile home, travel trailer, or camper shall be deemed used for the first time in this state when such vehicle or such camper was not previously licensed by this state for the year or any part

thereof immediately preceding the year in which application for license is made.

Sec. 2. Section 56, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.410 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each calendar year shall be ((two)) one percent of the fair market value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon a travel trailer or camper used for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the travel trailer or camper is first used: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A travel trailer or camper shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the year or any part thereof immediately preceding the year in which application for license is made.

Passed the Senate February 18, 1972.

Passed the House February 18, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 145

[Engrossed Senate Bill No. 28]

STATE TREASURER--REFUSAL TO PAY WARRANTS--
DEPOSIT PRACTICES--ADVISORY COMMITTEE

AN ACT Relating to state government; amending section 43.08.130, chapter 8, Laws of 1965 and RCW 43.08.130; adding a new section to chapter 43.08 RCW; creating new sections; providing for the expiration of certain sections hereof; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. A study conducted by the legislative budget committee has determined that state treasury deposit practices are a culmination of practices spanning many years and that efforts to improve the efficiency of treasury management are constrained by archaic statutory restrictions and restraints. The study has further determined that there are commonly acceptable criteria for determining bank deposit allocations which require day-to-day treasury data accumulation over an extended period of time. It is the purpose of this 1972 amendatory act to amend restrictive statutes and provide for the development and orderly implementation of a

formalized deposit procedure for the state treasury which, in turn, will maximize the state's return on state funds deposited in commercial financial institutions while providing compensation to such institutions for services rendered to the state.

Sec. 2. Section 43.08.130, chapter 8, Laws of 1965 and RCW 43.08.130 are each amended to read as follows:

If the state treasurer wilfully refuses to pay except in accordance with the provisions of RCW 43.08.070 or by cash or check any warrant designated as payable in the the state treasurer's office which is lawfully drawn upon ((him)) the state treasury, or knowingly pays any warrant otherwise than as provided by law, ((he shall forfeit and pay fourfold the amount thereof to)) then any person injured thereby ((? to be recovered)) may recover by action against the treasurer and the sureties on his official bond.

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

The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW 9.54.050 if he maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

NEW SECTION. Sec. 4. The state treasurer is hereby directed to devise a formal methodology to determine treasury working capital requirements. Commonly accepted measurement criteria shall be used to determine judgmental values for banking services rendered, with consideration given to collected balances as related to revenue deposits and warrant processing.

The state treasurer shall develop a formalized procedure for apportioning a minimum level of demand deposits among qualified public depositories, giving due consideration to the activities of the accounts maintained therein, the value of the banking services rendered or to be rendered to the state, or such other factors as may be deemed appropriate.

NEW SECTION. Sec. 5. The state treasurer, with the advice of the state treasurer's advisory committee, created by section 6 of this 1972 amendatory act, shall develop a formalized procedure to carry out the provisions of this 1972 amendatory act and shall make a report on or before December 1, 1972 to the legislative budget committee setting forth his proposed methodology supported by data accumulation, and make any statutory amendment recommendations that he deems advisable.

NEW SECTION. Sec. 6. In order to assist the state treasurer in the development of a formalized procedure there is hereby created the state treasurer's advisory committee consisting of nine members.

The members of the advisory committee shall be as follows:

(1) The state treasurer, or his designee, who shall also serve as ex officio chairman;

(2) The chairman of the legislative budget committee, or his designee;

(3) The chairman of the legislative council or his designee;

(4) The director of the office of program planning and fiscal management, or his designee;

(5) The executive secretary of the state finance committee, or his designee;

(6) The president of the Washington bankers' association, or his designee; and

(7) The president of the Association of Washington Cities, or his designee;

(8) The president of the Washington State Association of Counties, or his designee;

(9) One member to be appointed by the state treasurer who shall represent a depository bank located in Olympia which is classified as an active account by the state treasurer.

The terms of the members of the advisory committee shall begin on the effective date of this 1972 amendatory act and such terms shall end on December 31, 1972.

The committee shall meet at least quarterly at a time and place designated by the chairman.

Excluding state employees, members of the advisory committee shall receive twenty-five dollars per day for each day or fraction thereof spent in the performance of their duties pursuant to the provisions of this 1972 amendatory act and shall be reimbursed at the rate of ten cents per mile for each mile traveled in the performance of such duties.

NEW SECTION. Sec. 7. The state treasurer's advisory committee shall:

(1) Assist the state treasurer in selecting criteria for determining the treasury working capital level and deposit allocations;

(2) Review the data accumulation and treasury cash flow and investment practices, taking particular cognizance of the legislative budget committee's findings and conclusions regarding the same, and make recommendations to the state treasurer for changes in administrative procedures and statutes which are deemed desirable by the members of the committee; and

(3) Assist in the preparation of the state treasurer's report to the legislative budget committee, and any advisory committee member or members not in agreement shall submit in writing a dissenting report.

(4) To review the feasibility of providing guidelines to local officials regarding the deposit and investment practices of local government agencies, and, if deemed required, to draw up an appropriate work plan for the completion of such a study.

NEW SECTION. Sec. 8. There is hereby appropriated from the investment reserve account, the sum of thirty-five thousand dollars or so much thereof as shall be necessary to carry out the provisions of sections 1, 4, 5, 6 and 7 of this 1972 amendatory act.

NEW SECTION. Sec. 9. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 10. Sections 1, 4, 5, 6 and 7 of this 1972 amendatory act shall expire and be of no further effect on December 31, 1972.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 146

[Engrossed Senate Bill No. 45]

EDUCATION--APPORTIONMENT OF STATE FUNDS--

TAX DELINQUENCIES

AN ACT Relating to the apportionment of state funds to common school districts; amending section 15, chapter 15, Laws of 1970 ex. sess. and RCW 28A.48.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and RCW 28A.41; and declaring an emergency and making effective dates.

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

Section 1. Section 15, chapter 15, Laws of 1970 ex. sess. and RCW 28A.48.010 are each amended 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:

- September10%
- October 8%
- November6.5%

December ((6+5)) <u>8.5%</u>
January 13%
February 13%
March 11%
April 5%
May 5%
June ((5)) <u>3%</u>
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)) the apportionment 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)) each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting July 1 of the then calendar year and ending June 30 of the next calendar year. 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)) ten percent of the total amount to become due and apportionable during the school district's ((fiscal)) apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance ((7)) and if the funds are available therefor ((7 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: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

Each school district shall estimate and report to the

superintendent of public instruction by June 15, of each year the amount of moneys the district will fail to receive during their present fiscal year due to the nonpayment of local property taxes from the regular levy within the school district less an estimated amount for delinquent payments from prior year regular levies; such net estimate shall be based upon the amount of moneys the district failed to receive because of nonpayment of regular levy property taxes during the first six months of the then fiscal year and during the last six months of the preceding fiscal year. The superintendent of public instruction shall present in his budget submittal to the governor an amount sufficient to reimburse the school districts for moneys lost due to such nonpayment of taxes as described in this section, which moneys shall be deemed amounts needed for state support to the common schools under RCW 28A.41.050.

NEW SECTION. Sec. 3. This 1972 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 section 1 shall take effect July 1, 1972, and section 2 shall take effect immediately.

Passed the Senate February 18, 1972.

Passed the House February 18, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 147

[Engrossed Second Substitute Senate Bill No. 206]

WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the Washington state teachers' retirement system; providing for retirement of certain members at age fifty-five with twenty-five years of service with no actuarial reduction in benefits; changing certain options and allowances upon a member's disability becoming permanent; adjusting certain current and prior pensions with respect to the cost-of-living; permitting deductions from retirement benefits for health care premiums; authorizing transfer from the teachers' retirement system to the Washington public employees' retirement system and for new employees hereinafter qualified for the teachers' retirement system to become members of the Washington public employees' retirement system; amending section 48, chapter 80, Laws of 1947 as last amended by section 2, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.480; amending section 1, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.4932;

amending section 7, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.4943; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; making appropriations; and providing an effective date.

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

Section 1. Section 48, chapter 80, Laws of 1947 as last amended by section 2, chapter 35, Laws of 1970 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 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 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)) his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended.

Sec. 2. Section 1, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.4932 are each amended 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 and 41.32.550, 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.

(8) Effective July 1, 1972, every prior pension and every current pension which became effective prior to July 1, 1971, and 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 board of trustees finds to exist between the index for calendar year 1970 and the index for calendar year 1969.

(9) Effective July 1, 1972, every current pension which became effective July 1, 1969, through and including June 30, 1970, shall be further adjusted to that dollar amount which bears the ratio to its original dollar amount which the board of trustees finds to exist between the index for calendar year 1969 and the index for calendar year 1968.

Sec. 3. Section 7, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.4943 are each amended to read as follows:

The funds necessary for the payment of benefits under subsections (4), (5), (6) and (7) of RCW 41.32.4932 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 RCW 41.32.480, 41.32.497 and 41.32.550 as the same were amended by chapter 35, Laws of 1970 ex. sess., shall be provided in accordance with RCW 41.32.401(~~PROVIDED, That all funds required for the payment of benefits, under RCW 41.32.480, 41.32.4932, 41.32.4943, 41.32.497, 41.32.550 and 28.81.170 (reenacted as RCW 28B.10.465), 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. 4. There is added to chapter 41.32 RCW a new section to read as follows:

Any group of not less than one hundred retired members may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm or corporation furnishing or

providing medical, surgical and hospital care or other health care insurance upon the approval by the board of trustees of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted.

NEW SECTION. Sec. 5. A publicly elected official who having served twelve consecutive years in office and who, retiring from office on or before January 10, 1973 and who is currently a member of the Washington State Teachers' Retirement System, may transfer to the Washington Public Employees' Retirement System provided such transfer is made by February 1, 1973.

NEW SECTION. Sec. 6. There is hereby appropriated from the general fund to the Washington state teachers' retirement system for the biennium ending June 30, 1973, the sum of twenty-five thousand dollars, or so much thereof as necessary to carry out the purposes of section 1 of this 1972 amendatory act.

NEW SECTION. Sec. 7. There is hereby appropriated from the general fund to the Washington state teachers' retirement system for the biennium ending June 30, 1973, the sum of one million two hundred thousand dollars, or so much thereof as necessary to carry out the purposes of section 2 of this 1972 amendatory act.

NEW SECTION. Sec. 8. Notwithstanding any other provision of law, any funds appropriated to the Washington state teachers' retirement system from the general fund for the biennium ending June 30, 1973, shall be reduced by the appropriations contained in this act.

NEW SECTION. Sec. 9. The effective date of this 1972 amendatory act shall be July 1, 1972.

NEW SECTION. Sec. 10. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 19, 1972.

Passed the House February 18, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 148

[Engrossed Senate Bill No. 207]

TAXATION OF TIMBER AND FOREST LANDS

AN ACT Relating to revenue and taxation of timber and forest lands;

amending section 7, chapter 294, Laws of 1971 ex. sess. and RCW 82.04.291; amending section 8, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.080; and amending section 9, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.090; amending section 12, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.120; amending section 14, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.140; amending section 18, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.180; repealing section 84.32.010, chapter 15, Laws of 1961 and RCW 84.32.010; repealing section 84.32.020, chapter 15, Laws of 1961 and RCW 84.32.020; repealing section 84.32.030, chapter 15, Laws of 1961 and RCW 84.32.030; repealing section 84.32.050, chapter 15, Laws of 1961 and RCW 84.32.050; repealing section 84.32.070, chapter 15, Laws of 1961 and RCW 84.32.070; repealing section 84.32.080, chapter 15, Laws of 1961 and RCW 84.32.080; repealing section 84.32.090, chapter 15, Laws of 1961 and RCW 84.32.090; repealing section 84.32.100, chapter 15, Laws of 1961 and RCW 84.32.100; repealing section 84.32.110, chapter 15, Laws of 1961 and RCW 84.32.110; and repealing section 84.32.120, chapter 15, Laws of 1961 and RCW 84.32.120.

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

Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. and RCW 82.04.291 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and ~~((two))~~ three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be ~~((determined and fixed by the first session of the legislature commencing on or after January 1, 1972; whether regular or extraordinary, in accordance with the purposes and intent of RCW 84.33.180.))~~ two and nine tenths percent;

(c) For timber harvested on or after October 1, 1974, the rate shall be determined and fixed by the first session of the legislature commencing on or after January 1, ~~((1972))~~ 1973, whether regular or extraordinary, in accordance with the purposes and intent of RCW 84.33.180.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately

owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) On or before July 1, 1972 and as necessary thereafter, the department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Before September 1, 1972 for use during the fourth quarter of 1972 and all of 1973, and before December 1 of each year commencing with 1973, for use during the succeeding year, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blowdown, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any

additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the forest tax committee established pursuant to RCW 84.33.180 prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before October 31, 1972, with respect to stumpage values set by the department of revenue for the fourth quarter of 1972 and all of 1973, and on or before January 31 of each succeeding year commencing with 1974, with respect to stumpage values set by the department of revenue for such year, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax fund A and a state timber tax fund B, separate and apart from the state general fund. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax fund A and state timber tax fund B as follows:

YEAR OF COLLECTION	FUND A	FUND B
1973 through 1978	100%	0%
1979	75%	25%
1980	50%	50%
1981	25%	75%
1982 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and December 31, 1974 inclusive. The revenues from such surtax shall be deposited in a separate fund designated the state timber reserve fund, which is hereby created in the state treasury separate and apart from the state general fund. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve fund pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such fund to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer

on or before each such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

(10) Subsection (1) of this section is enacted to be fully effective commencing upon May 21, 1971, even though all rates of tax are not specified. The forest tax committee established pursuant to RCW 84.33.180 shall, as its first priority and in addition to its other responsibilities, develop a recommendation with respect to rates for presentation to the first session of the legislature commencing on or after January 1, 1972, whether regular or extraordinary.

Sec. 2. Section 8, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate millage rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate millage rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year

((a) above):

YEAR	PORTION OF TIMBER ROLL
1972	25%
1973	55%

1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the tenth day of the second month of each calendar quarter, commencing February 10, 1973 and ending November 10, 1981, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax fund A collected upon timber harvested in the preceding calendar quarter, but in no event shall any quarterly payment to a taxing district, when added to the payments made to such district the previous quarters of the same year, exceed the timber factor for such district determined in December of the preceding year. The balance in state timber tax fund A, if any, after the distribution to taxing districts on November 10 each year commencing with 1973 and ending with 1981, shall be transferred to the state timber reserve fund.

(3) If the balance in state timber tax fund A immediately prior to such November 10 distribution to taxing districts is not sufficient to permit a payment which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber reserve fund to state timber tax fund A.

(4) The balance, if any, in the state timber reserve fund after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax fund B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years

as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate millage rate calculated pursuant to RCW 84.33.060 and chapter 84.52 PCW and actually utilized the immediately preceding October in extending property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate millage rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

(6) On the tenth day of the second month of each calendar quarter commencing February 10, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax fund B collected upon timber harvested in the preceding calendar quarter.

Sec. 3. Section 9, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.090 are each amended to read as follows:

(1) For the purpose of calculating the limit of indebtedness which may be incurred by any taxing district, the value of the taxable property of any taxing district, as that term is used in chapter 39.36 RCW and any other statutes governing limitation of indebtedness of taxing districts, shall include the value of timber as shown from time to time on the timber roll prepared in accordance with RCW 84.33.050.

(2) For the purposes of calculating the amount to be distributed to a school district pursuant to RCW 28A.48.110, there shall be added to the "assessed valuation of all taxable property" within such district an amount equal to the product of the assessment ratio applied generally by the assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll prepared in accordance with RCW 84.33.050 for such year.

<u>YEAR</u>	<u>PORTION OF TIMBER ROLL</u>
<u>1972</u>	<u>25%</u>
<u>1973</u>	<u>55%</u>
<u>1974 and thereafter</u>	<u>100%</u>

Section 4. Section 5, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.050 are each amended to read as follows:

(1) In preparing the assessment roll as of January 1, 1971 for taxes payable in 1972, the assessor of each timber county shall list all timber within such county on January 1, 1971 at the 1970 timber value. For each year commencing with 1972, the assessor of each

timber county shall prepare a timber roll, which shall be separate and apart from the assessment roll, listing all timber within such county on January 1, 1972 at values determined as follows:

(a) For the five years commencing with 1972, the value shall be the 1970 timber value;

(b) For each succeeding five year period, the first of which commences on January 1, 1977, the value shall be such 1970 timber value increased or decreased in proportion to the percentage change, if any, which has occurred between the last year of the preceding five year period and 1973 in the average stumpage value per unit of measure of all timber harvested in such county. Such percentage change shall be determined by the department of revenue on the basis of information contained in the excise tax returns filed pursuant to RCW 82.04.291.

(2) As used in subsection (1) of this section, "1970 timber value" means the value for timber calculated in the same manner and using the same values and valuation factors actually used by such assessor in determining the value of timber for the January 1, 1970 assessment roll, except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and except that if the value of timber in any county on January 1, 1970 was not separately determined and shown on such assessment roll, 1970 timber value shall mean the value reconstructed from available records and information in accordance with rules to be prescribed by the department of revenue.

(3) The assessor of each timber county shall add to the assessment roll showing values of property as of January 1 of the years listed below, an "assessed valuation" of the portion, indicated below opposite each such year, of the value of timber as shown on the timber roll for such year. Such assessed valuation shall be calculated by multiplying such portion of the timber roll by the assessment ratio applied generally by such assessor in computing the assessed valuation of other property in his county. The millage rates, calculated pursuant to RCW 84.33.060 for each taxing district within which there was timber on January 1 of such year, shall be extended against such "assessed valuation" of timber within such district as well as against the assessed value of all other property within such district as shown on such assessment roll.

YEAR	PORTION OF TIMBER ROLL
1972	75%
1973	45%
1974 and thereafter	None

(4) Timber may be added to the timber roll, at the value

specified in subsection (1) of this section, commencing as of January 1 following the designation of the land upon which such timber stands pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, but only if the value of such timber was not separately determined and shown on the assessment roll as of either January 1, 1970 or January 1, 1972;

(5) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1st following the sale or transfer of the land upon which such timber stands from an ownership in which such land was exempt from ad valorem taxation to an ownership in which such land is no longer exempt.

(6) The value of timber shall be deleted from the timber roll upon the sale or transfer of the land upon which such timber stands to an ownership in which such land is exempt from ad valorem taxation.

Sec. 5. Section 12, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.120 are each amended to read as follows:

(1) On or before March 1, 1972 and January 1 of each year commencing with 1973, subject to review by the forest tax committee established pursuant to RCW 84.33.180 and after compliance with the procedures set forth in chapter 34.04 RCW for adoption of rules, the department of revenue shall determine the true and fair value of each grade of hure forest land and shall certify such values to the county assessors. Such values shall be determined on the basis that the only use of the land is for growing and harvesting timber, and other potential uses shall not be considered in fixing such values.

(2) In preparing the assessment rolls as of January 1, 1971 for taxes payable in 1972, the assessor shall list each parcel of forest land at a value not to exceed the value used on the 1970 assessment roll for such land. In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him by the department of revenue, and he shall compute the assessed value of such land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county.

(3) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and subsections (1) and (2) of this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application with

due regard to all relevant evidence without any one or more items of evidence necessarily being determinative.

(4) The assessor may in any year commencing with 1972 discontinue assessing and valuing pursuant to the procedures set forth in RCW 84.33.110 and subsections (1) and (2) of this section any land, except designated forest land, for which a higher and better use exists than growing and harvesting timber. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (3) of this section or RCW 84.33.130.

Sec. 6. Section 14, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.140 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Passage of sixty days following the sale or transfer of such land to a new owner without receipt of an application pursuant to RCW 84.33.130 from the new owner;

(c) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that such land is no longer primarily devoted to and used for growing and harvesting timber.

Removal of designation upon occurrence of any of subsections (a) through (c) above shall apply only to the land affected, and upon occurrence of subsection (d) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal ~~((7))~~ a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot

numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the millage rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Any compensating tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

Sec. 7. Section 18, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.180 are each amended to read as follows:

(1) There is hereby created a committee to be known as the forest tax committee, which shall consist of ~~((eleven))~~ fifteen members: ~~((two))~~ four senators, ~~((one))~~ two from each political

party, to be appointed by the president of the senate; ~~((two))~~ four representatives, ~~((one))~~ two from each political party, to be appointed by the speaker of the house of representatives; two county assessors to be selected by the ~~((four))~~ eight appointed legislative members from a list of five assessors to be submitted by the Washington state association of county assessors; the director of the department of revenue or his designated representative; the commissioner of public lands or his designated representative; the superintendent of public instruction or his designated representative and two representatives of private timber or timber land owners throughout the state to be selected by the ~~((four))~~ eight appointed legislative members from a list of five such representative persons submitted by the Washington forest protection association. Members shall be appointed and selected on or before June 30 of every odd-numbered year to serve two year terms. Except for such designees as the director of the department of revenue or the commissioner of public lands might appoint, membership shall not be dependent upon continuance in elective office or other status that may be required for initial qualification as a member, and should any vacancy occur, it shall be filled in the same manner as for the original appointment. Certificates of appointment of members shall be filed by the legislative members so appointing in the office of the president of the senate and in the office of the speaker of the house.

(2) The initial meeting of the forest tax committee each odd-numbered year shall be held within thirty days after the filing of all certificates of appointment, notice thereof to be given to the director of the department of revenue, and shall be called by the director of the department of revenue who shall act as temporary chairman. At such first meeting, the committee shall elect a chairman and a vice chairman. The chairman shall appoint a secretary and such other staff as the legislative members of the committee deem necessary.

(3) Except for the director of the department of revenue and the commissioner of public lands or their designees who shall receive expenses as provided in RCW 43.03.050 and 43.03.060, as now or hereafter amended, members of the committee shall receive allowances while attending meetings of the committee or while engaged in other committee business in the amount provided in RCW 44.04.120, as now or hereafter amended. All expenses incurred by the committee or the members thereof shall be paid upon voucher forms signed by the chairman of the committee. Vouchers shall be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

(4) The duties and responsibilities of the committee shall include, without limitation, the following:

(a) A continuing review of the provisions of this chapter, RCW 82.04.291 and 28A.41.130, including the tax rate provisions, and the implementation thereof to determine the need for any revision, and preparation of any needed legislation;

(b) Review of chapters 84.28 (~~84.327~~) and 84.34 RCW and any other laws relating to taxation of timber and forest land, and preparation of legislation for introduction in the 1973 session of the legislature to integrate into this chapter, RCW 82.04.291 and 28A.41.130 the taxation of forest lands and timber classified and taxed under such laws;

(c) Supervision and control of the activities of any consultants retained by the committee for preparation of any special studies or reports;

(d) Preparation of a report summarizing committee actions and findings for submission to each regular session of the legislature;

(e) A continuing study, in cooperation with the department of revenue, to develop appropriate procedures and standards to be used in determining the value of bare forest land in accordance with the provisions of RCW 84.33.120(1), and make recommendations to the 1973 session of the legislature relative to such procedures and standards.

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

(1) Section 84.32.010, chapter 15, Laws of 1961 and RCW 84.32.010;

(2) Section 84.32.020, chapter 15, Laws of 1961 and RCW 84.32.020;

(3) Section 84.32.030, chapter 15, Laws of 1961 and RCW 84.32.030;

(4) Section 84.32.050, chapter 15, Laws of 1961 and RCW 84.32.050;

(5) Section 84.32.070, chapter 15, Laws of 1961 and RCW 84.32.070;

(6) Section 84.32.080, chapter 15, Laws of 1961 and RCW 84.32.080;

(7) Section 84.32.090, chapter 15, Laws of 1961 and RCW 84.32.090;

(8) Section 84.32.100, chapter 15, Laws of 1961 and RCW 84.32.100;

(9) Section 84.32.110, chapter 15, Laws of 1961 and RCW 84.32.110; and

(10) Section 84.32.120, chapter 15, Laws of 1961 and RCW 84.32.120.

Passed the Senate February 19, 1972.

Passed the House February 19, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 149

[Reengrossed Senate Bill No. 240]

HIGHER EDUCATION--STUDENTS, RESIDENT, NONRESIDENT

AN ACT Relating to institutions of higher education; amending section 2, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.012; amending section 3, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.013; amending section 22, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.620; and declaring an emergency,

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

Section 1. Section 2, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.012 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean a student who has had a domicile in the state of Washington for the period of ~~((time required for voting for state officials in this state at))~~ one year immediately prior to the time of commencement of the first day of the semester or quarter for which he has registered at any institution and has in fact established ~~((an intention to become))~~ a bona fide ~~((domiciliary of))~~ domicile in this state for other than educational purposes: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for educational purposes only, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he has in fact established a bona fide domicile in this state for other than educational purposes.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.011 through 28B.15.014 as now or hereafter amended.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.

(5) The term "minor" shall mean a male or female person who is not deemed and taken to be of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended; the term "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody, and earnings of such minor and whose parents no longer in any way support or maintain such minor.

(6) The term "qualified person" shall mean a person qualified to determine his own domicile. A person of full age and majority for all purposes under RCW 26.28.010, as now law or hereafter amended, or an emancipated minor is so qualified.

(7) The term "parent-qualified student" shall mean a student having a parent who has a domicile in the state of Washington but who does not have legal custody of the student because of divorce or legal separation.

(8) The terms "he" or "his" shall apply to the female as well as the male sex unless the context clearly requires otherwise.

Sec. 2. Section 3, chapter 273, Laws of 1971 ex. sess. and RCW 28B.15.013 are each amended to read as follows:

(1) The establishment of a new domicile in the state of Washington by a qualified person formerly domiciled in another state has occurred if he is physically present in Washington and can show satisfactory proof that he is without a present intention to return to such other state or to acquire a domicile at some other place outside of Washington.

(2) Except as provided in subsection (3) ~~((f))~~ (d) of this section, an unemancipated minor shall be classified as a resident student only if his parents or legally appointed guardian or person having legal custody shall have established a domicile in this state.

(3) Unless proven to the contrary it shall be presumed that:

(a) ~~((Residence for one year in the state of Washington shall be satisfactory proof of the establishment of a Washington domicile, except as otherwise provided in subsection (3) (e) of this section.~~

~~(b))~~ (b) The domicile of an unemancipated minor is that of his father; or if no father, that of his mother; or if there is a legally appointed guardian, that of such guardian: PROVIDED, That if one parent has legal custody of the minor, the domicile of such minor shall be that of such parent except as otherwise provided in subsection (3) ~~((f))~~ (d) of this section.

~~((e))~~ (b) The domicile of ~~((a married woman, unless legally separated, is that of her husband, except that if such woman is married after the commencement of the semester or quarter for which she is registered as a resident student at an institution she shall continue to be classified as a resident student until she ceases to be so registered for a semester or a quarter (except summer session);~~

or unless she moves from Washington and establishes a domicile in another state)) any qualified person, including a married woman, shall be determined according to the individual's situation and circumstances rather than by marital status or sex.

((d)) (c) A person does not lose a domicile in the state of Washington by reason of his residence in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas; any resident student who remains in this state when his parents, having theretofore been domiciled in this state, remove from this state, shall be entitled to classification as a resident student so long as his attendance (except summer sessions) at an institution in this state is continuous.

((e) Here residence to attend an institution shall not of itself be evidence of the establishment of a Washington domicile: PROVIDED, That attendance at such an institution shall not preclude other proof of the establishment of a Washington domicile.

((f)) (d) The establishment of a domicile in the state of Washington in accordance with the provisions of this section by the parent of a parent-qualified student shall entitle the student to classification as a resident student.

(4) To aid the institution in deciding whether a student, parent, legally appointed guardian or the person having legal custody of a student is domiciled in the state of Washington the following rules shall be applied:

(a) Failure to register or to pay state taxes or fees on a motor vehicle, mobile home, travel trailer, boat, or any other item of personal property for which state registration or the payment of a state tax or fee is required is conclusive evidence of a failure to establish a Washington domicile.

(b) Attendance at an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof is conclusive evidence of a failure to establish a Washington domicile.

(c) Permanent full time employment in Washington by a person ((shall)) will be ((prima facie evidence of)) a factor in considering the establishment of a Washington domicile.

(d) Registration to vote for state officials in Washington ((shall)) will be ((prima facie evidence of)) a factor in considering the establishment of a Washington domicile.

(e) Any person not a citizen of the United States cannot establish a Washington domicile until such person is eligible and has applied for an immigration visa, unless such person is the dependent minor of a parent or legal guardian who is domiciled in Washington.

(5) After a student has registered at an institution his classification shall remain unchanged in the absence of satisfactory evidence to the contrary. A student wishing to apply for a change in classification shall reduce such evidence to writing and file it with the institution. In any case involving an application for a change from nonresident to resident status, the burden of proof shall rest with the applicant. Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution and, if approved, shall take effect ((at the time)) on the first day of the ((student's next registration)) semester or quarter following the ((determination of the change by institution authority)) date such evidence was filed with the institution. Any determination of classification shall be considered a ruling on a contested case subject to review only under procedures prescribed by chapter 28B.19 RCW.

Sec. 3. Section 22, chapter 279, Laws of 1971 ex.sess. and RCW 28B.15.620 are each amended as follows;

Veterans of the Vietnam conflict who have served in the southeast Asia theater of operations attending institutions of higher learning shall be exempted from the payment of any increase in tuition and fees as are imposed by this 1971 amendatory act and shall not be required to pay more than the total amount of tuition and fees in effect on March 29, 1971: PROVIDED FURTHER, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on such date as shall thereafter be determined by duly adopted concurrent resolution of the legislature of this state or by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Vietnam ((and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or resident of the state of Washington)) and who qualify as a resident student under RCW 28B.15.012.

NEW SECTION. Sec. 4. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 150

[Substitute Senate Bill No. 412]

COUNTIES--TAX TITLE LANDS, DISPOSITION

AN ACT Relating to tax title lands; granting certain powers to the legislative authorities of the several counties; and adding a new chapter to Title 36 RCW.

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

NEW SECTION. Section 1. The purpose of this act is to increase the power of county legislative authorities over tax title lands. The legislative authority of each county shall have the power to devote tax title lands to public use under its own control or the control of other governmental or quasi-governmental agencies, to exchange such lands for lands worth at least ninety percent of the value of the land exchanged, and to manage such lands to produce maximum revenue therefrom in the manner which derives the most income from such lands. The further purpose of this act is to relieve the courts of the obligation of supervising the county legislative authorities in the management and disposition of tax title lands.

NEW SECTION. Sec. 2. The term "tax title lands" as used in this act shall mean any tract of land acquired by the county for lack of other bidders at a tax foreclosure sale.

NEW SECTION. Sec. 3. Notwithstanding any provision of law to the contrary, or provisions of law limiting the authority granted in this act, the legislative authority of any county shall have the authority to manage and exchange tax title lands heretofore or hereafter acquired in the manner and on the terms and conditions set forth in this act.

NEW SECTION. Sec. 4. Whenever the legislative authority of any county deems tax title lands valuable for public use it shall have authority to convey such lands to the county in its proprietary capacity, free from any trust, upon payment by the county of the amount of delinquent taxes, and interest thereon, owing on the land at the time the county acquired same at tax foreclosure sale: PROVIDED, That in the event such lands shall be subsequently sold or leased, or income derived therefrom, the proceeds shall first go to reimburse the county for the cost of such sale or lease, for the cost of any improvements placed thereon at county expense, and the costs of managing such lands, with the balance of such proceeds to be distributed in the same manner as general taxes collected in the year in which such moneys are received by the county.

NEW SECTION. Sec. 5. The legislative authority of a county shall have authority to manage tax title lands acquired by it and to make improvements thereon which the legislative authority deems will enhance the value of such lands, or enhance the amount of income to

be derived therefrom. Any proceeds received from the rental of such lands by the legislative authority shall first be used to reimburse the legislative authority for costs of management and costs of rental, and costs of any improvements to such lands paid for by the county and after such reimbursements have been made the balance shall be distributed in the same manner as general taxes collected in the year in which such proceeds are received by the county.

NEW SECTION. Sec. 6. The legislative authority of a county shall have authority to exchange parcels of tax title lands for lands of substantially the same market value with other governmental or municipal agencies or private parties or corporations by private negotiation and such lands received by the county in exchange may be held and managed in the same manner as the lands conveyed in exchange by the county, and the proceeds from any subsequent sales or rentals of such land by the county shall be applied and distributed in the same manner as would have been done had such proceeds and income been received by the county for the lands conveyed in exchange by the county: PROVIDED, That before any such exchange is made the lands to be exchanged by the county and the lands to be received by the county shall be appraised by two appraisers appointed by the court for such purpose: PROVIDED FURTHER, That both appraisers agree that the land to be received by the county in such exchange is worth at least ninety percent of the value of the land to be given by the county in such exchange.

NEW SECTION. Sec. 7. The legislative authority of a county shall have authority to lease tax title lands to public or private agencies or persons. The procedures and regulations of RCW 36.34.150 through 36.34.200 shall be followed: PROVIDED, That before any such lease agreement is executed the terms of the lease are approved by resolution of the board of directors of the school district which would be entitled to share in the proceeds of the income received therefrom at the time the lease is executed.

NEW SECTION. Sec. 8. The provisions of this act shall be deemed as alternatives to, and not be limited by, the provisions of RCW 39.33.010, 36.34.130, and 84.64.310, nor shall the authority granted in this act be held to be subjected to or qualified by the terms of such statutory provisions.

NEW SECTION. Sec. 9. Nothing in this act shall affect any land deeded in trust to the state forest board or its successors pursuant to the provisions of title 76 RCW.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 36 RCW.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 25, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 151

[Engrossed Substitute Senate Bill No. 438]

WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AN ACT Relating to public employment; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.010; amending section 11, chapter 274, Laws of 1947 as last amended by section 2, chapter 127, Laws of 1967 and RCW 41.40.100; amending section 18, chapter 274, Laws of 1947 as last amended by section 7, chapter 128, Laws of 1969 and RCW 41.40.170; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.180; amending section 20, chapter 274, Laws of 1947 as last amended by section 5, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.190; amending section 22, chapter 274, Laws of 1947 and RCW 41.40.210; amending section 23, chapter 274, Laws of 1947 as last amended by section 8, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.220; amending section 26, chapter 274, Laws of 1947 as last amended by section 10, chapter 128, Laws of 1969 and RCW 41.40.250; amending section 28, chapter 274, Laws of 1947 as last amended by section 11, chapter 128, Laws of 1969 and RCW 41.40.270; amending section 34, chapter 274, Laws of 1947 as last amended by section 10, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.330; amending section 4, chapter 231, Laws of 1957 as last amended by section 11, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.361; repealing section 25, chapter 274, Laws of 1947 and RCW 41.40.240; adding new sections to chapter 41.40 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.010 are each amended to read as follows:

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

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision or association of political subdivisions of the state admitted into the retirement system; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the

time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947, including all service after October 1, 1947, to any municipal corporation of the state of Washington prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer contributions which would have been paid to the retirement system on account of such service by an employer admitted to the retirement system, shall have been paid to the retirement system prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(b) In the case of all other members, all service as a member, and any additional service to the employer if the employer has paid the employer contributions for such service;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1972 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1972, of five percent of such member's salary during said period of probationary service.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions ((for the purchase of annuities)) standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) ("Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions for RCW 41.40.336, other than contributions to the retirement system expense fund

{22}) "Actuarial equivalent" means a benefit of equal value

when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

((123)) [22] "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

((124)) [23] "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

((125)) [24] "Ineligible position" means any position which does not conform with the requirements set forth in subdivision ((124)) [23].

((126)) [25] "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

((127)) [26] "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

Sec. 2. Section 11, chapter 274, Laws of 1947 as last amended by section 2, chapter 127, Laws of 1967 and RCW 41.40.100 are each amended to read as follows:

For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members for the purchase of annuities. The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the employees' savings fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his ((annuity payments)) retirement, shall be transferred from the employees' savings fund to the benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all ((pensions and in

which shall be held the reserves for annuity payments) retirement allowances and death benefits, if any, in respect of any beneficiary ((receiving annuity payments)). The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account fund shall be the fund from which shall be paid all ((pensions, and all annuities)) retirement allowances, or benefits in lieu thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the ((then present value)) excess, if any, of ((the annuity portion of his retirement allowance, computed upon the interest and mortality basis then in use by the retirement system for the computation of annuities)) his individual account at the date of his retirement over any service retirement allowance received since that date.

(3) An income fund is hereby created for the purpose of crediting regular interest on the amounts in the various other funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall quarterly allow regular interest to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and shall be quarterly credited on the previous quarterly balance by the retirement board and paid from the income fund.

All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in RCW 41.40.150(3) and 41.40.170, shall thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund. The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

Sec. 3. Section 18, chapter 274, Laws of 1947 as last amended by section 7, chapter 128, Laws of 1969 and RCW 41.40.170 are each amended to read as follows:

(1) A member ((of the retirement system)) who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof ((7 or if he has applied or shall apply for reinstatement of employment and is refused employment for reasons beyond his control within one year from termination of the military service shall upon resumption of service within ten years from termination of military service or shall in all events after completing twenty-five years of creditable service have his service in such armed forces credited to him as a member of the retirement system: PROVIDED, That no such military service in excess of five years shall be credited: AND PROVIDED FURTHER, That he restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following his first resumption of employment)).

(2) If he has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his control, he shall, upon resumption of service within ten years have such service credited to him.

(3) In any event, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as a member whether or not he left the employ of an employer to enter such armed service: PROVIDED, That in no instance, described in subsection (1), (2) and (3) of this section, shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following his first resumption of employment: AND PROVIDED FURTHER, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance, described in subsection (1), (2) and (3) of this section, shall military service be credited to any member who is receiving full military retirement benefits pursuant to 10 USC 3911 or 3914, as now or hereafter amended.

Sec. 4. Section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.180 are each amended to read as follows:

(1) On and after April 1, 1949, any member with five years of

creditable service who has attained age sixty ((or over)) and any original member who has attained age sixty may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: PROVIDED, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: PROVIDED, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: PROVIDED FURTHER, That any member holding elective office, having a fixed term to which he has been elected; who has attained age seventy may, at any time thereafter while still in office, apply for and receive a retirement allowance under RCW 41.40.190 and RCW 41.40.290, if otherwise eligible therefor, while continuing to serve as an elective official but such person shall no longer be a member of the retirement system after his retirement as provided for in this subsection.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) On and after May 21, 1971 any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(5) The retirement board is authorized to waive advance notice of retirement upon good cause shown.

NEW SECTION. Sec. 5. There is added to chapter 41.40 RCW a new section designated RCW 41.40.185 to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as

may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after the effective date of this 1972 amendatory act shall consist of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) or (3) of this section of more than sixty percent of his average final compensation: PROVIDED, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.

(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written

designation duly executed and filed with the retirement board at the time of his retirement.

(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

Sec. 6. Section 20, chapter 274, Laws of 1947 as last amended by section 5, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.190 are each amended to read as follows:

(Upon retirement from service, as provided for in RCW 41.40.186, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after May 24, 1974) In lieu of the retirement allowance provided in RCW 41.40.185, an individual who was a member, on the effective date of this 1972 amendatory act, may after complying with RCW 41.40.180 or 41.40.210 make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1),

(2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount (PROVIDED, That in order to be eligible to receive the annuity portion derived from the member's accumulated contributions under subdivision (4) and the pension portions provided by the employer under subdivisions (2) and (3) of this section, a new member must have at least five years of membership service credited to his service account, unless he becomes eligible for benefits provided for herein under REW 41-46-200, 41-46-210 and 41-46-220).

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington state Constitution.

(6) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest

in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

~~((7) Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180 (2), 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowances paid to members eligible to retire under any other provisions of this chapter shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.))~~

NEW SECTION. Sec. 7. There is added to chapter 41.40 RCW a new section to read as follows:

Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of this

1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

Sec. 8. Section 22, chapter 274, Laws of 1947 and RCW 41.40.210 are each amended to read as follows:

Upon retirement for disability, as provided in RCW 41.40.200, a member who has attained age sixty, regardless of his creditable service shall receive a service retirement allowance (~~as provided for in REW 41.40.199~~).

Sec. 9. Section 23, chapter 274, Laws of 1947 as last amended by section 8, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.220 are each amended to read as follows:

Upon retirement for disability, as provided in RCW 41.40.200, a member who has not attained age sixty shall receive the following benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

(1) A disability retirement pension of two-thirds of his average final compensation to his attainment of age sixty, subject to the provisions of RCW 41.40.310. The disability retirement pension provided by the employer shall not exceed forty-two hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a (~~pension, as provided for in REW 41.40.199, subdivisions (2), (3), and (4), together with an annuity which shall be the equivalent of the annuity he would have received had he continued contributions to the employees' savings fund; said contributions to be based upon his final compensation at the time of his disability~~) service retirement allowance as provided in RCW 41.40.210. Such disabled member shall be given membership service for the period of time prior to age sixty he was out of such service due to such disability.

(3) During the period a disabled member is receiving a disability pension, as provided for in subdivision (1) of this section, his contributions to the employees' savings fund shall be suspended and his balance in the employees' savings fund, standing to his credit as of the date his disability pension is to begin, shall remain in the employees' savings fund: PROVIDED, That if the disabled member should die before attaining age sixty, while a disability beneficiary, upon receipt by the retirement board of proper proof of death, his accumulated contributions standing to his credit in the employees' savings fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board: PROVIDED, HOWEVER, That if there be no such designated person or persons still living at the time of the member's

death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representative.

NEW SECTION. Sec. 10. There is added to chapter 41.40 RCW a new section which shall read as follows:

Upon retirement, a member shall receive a nonduty disability retirement allowance equal to two percent of average final compensation for each year of service: PROVIDED, That such allowance shall be reduced by two percent of itself for each year or fraction thereof that his age is less than fifty-five years: PROVIDED FURTHER, That in no case may the allowance provided by this section exceed sixty percent of average final compensation.

Sec. 11. Section 26, chapter 274, Laws of 1947 as last amended by section 10, chapter 128, Laws of 1969 and RCW 41.40.250 are each amended to read as follows:

~~((Upon retirement for disability, as provided in RCW 41.40.230, a member who has not attained age sixty shall receive a disability retirement allowance;))~~ In lieu of the nonduty disability retirement allowance provided in RCW 41.40.240, an individual who was a member, on the effective date of this 1972 amendatory act may upon qualifying pursuant to RCW 41.40.230, make an irrevocable election to receive the nonduty disability retirement allowance provided in subsections (1) and (2) of this section subject to the provisions of RCW 41.40.310 and 41.40.320. Upon attaining or becoming disabled after age sixty he shall receive a service retirement allowance as provided for in RCW 41.40.190 except that the annuity portion thereof shall consist of a continuation of the cash refund annuity previously provided to him. His disability retirement allowance prior to age sixty shall consist of:

(1) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension, in addition to the annuity, equal to one one-hundredth of his average final compensation for each year of service. If the recipient of a retirement allowance under this section shall die before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated

person or persons still living at the time of his death nor a surviving spouse, then to his legal representatives.

Sec. 12. Section 28, chapter 274, Laws of 1947 as last amended by section 11, chapter 128, Laws of 1969 and RCW 41.40.270 are each amended to read as follows:

(1) Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board((= PROVIDED; That)). If there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives((= PROVIDED; HOWEVER; That this section, unless elected; shall not apply to any member who shall hereafter die while still in service leaving a surviving spouse who is entitled to, and elects to take an option II benefit as provided for in RCW 41.40.190:)); (2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, and who has designated a beneficiary, the designated beneficiary may elect to waive the payment provided by subsection (1) of this section and option II of RCW 41.40.190(6) shall automatically be given effect as if selected for the benefit of the surviving spouse, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; (3) PROVIDED FURTHER, That subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either options II or ((option)) III in RCW 41.40.190 or 41.40.185. The beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

Sec. 13. Section 34, chapter 274, Laws of 1947 as last amended by section 10, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.330 are each amended to read as follows:

(1) ((Beginning October 1, 1947;)) Each employee who is a member of the retirement system shall contribute five percent of ((that part of)) his total compensation earnable((, not in excess of thirty-six hundred dollars in a calendar year, except as provided herein and in subsection (2) hereof, to the employees' savings fund, and shall contribute one dollar and fifty cents per annum to the retirement system expense fund)): PROVIDED, HOWEVER, That ((beginning January 1, 1950; such)) a retirement system expense fund contribution ((shall be increased to the amount)) of two dollars and fifty cents per annum ((and)) shall be ((made by)) transferred in semiannual payments of one dollar and twenty-five cents ((beginning January 1, 1950; and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership: AND PROVIDED FURTHER, That beginning July 1, 1969, the expense fund contributions shall be transferred)) from ((all)) each employee account balance((s)) in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after ((April 1, 1953)) July 1, 1973, each employee who is a member of the retirement system shall contribute ((five)) six percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system((, an amount equal to five percent of such member's compensation earnable;)) the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190 (5) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable.

Sec. 14. Section 4, chapter 231, Laws of 1957 as last amended by section 11, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.361 are each amended to read as follows:

(1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all

members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: PROVIDED, That as to state employers effective July 1, 1973 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of (~~six~~) seven percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution and the unfunded liability contribution. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of

all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: PROVIDED, All additional contributions hereunder and under the provisions of RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty six one-hundredths percent of compensation.

NEW SECTION. Sec. 15. Section 25, chapter 274, Laws of 1947 and RCW 41.40.240 are each hereby repealed.

NEW SECTION. Sec. 16. This 1972 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 16, 1972.

Passed the House February 11, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 6 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...This significant piece of legislation makes major changes in the retirement system for state and local employees. The improvements contained in this bill are desirable and have my full endorsement.

Veto
Message

In section 6 of the bill, amendatory language is

inserted in RCW 41.40.190 which provides to persons who are members of the Retirement System a choice of benefits under either the new formula or the existing retirement formula, but does not provide that choice to persons who may become members of the system in the future. I have determined that it is appropriate to veto from section 6 the item which limits the choice of benefits to present members only in order to extend the choice of benefits to both present and future members of the system equally.

Veto
Message

With the exception of the item deleted in section 6, I have approved the remainder of the bill."

CHAPTER 152

[Engrossed Senate Bill No. 146]

WASHINGTON STATE PATROL--SECTION ON IDENTIFICATION--
ADVISORY COUNCIL ON CRIMINAL JUSTICE SERVICES

AN ACT Relating to state government; creating a section for identification within the Washington state patrol; adding new sections to chapter 43.43 RCW; repealing section 3, chapter 27, Laws of 1967 ex. sess. and RCW 43.43.520; repealing section 8, chapter 63, Laws of 1970 ex. sess. and RCW 43.43.660; repealing section 43.89.020, chapter 8, Laws of 1965, section 3, chapter 60, Laws of 1965 ex. sess. and RCW 43.89.020; repealing sections 1 through 6, chapter 256, Laws of 1969 ex. sess. and RCW 72.50.120 through 72.50.170; 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 established within the Washington state patrol a section on identification hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

NEW SECTION. Sec. 2. Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies a transcript of the criminal offender record information available pertaining to any person of whom the section has a record.

For the purposes of sections 1 through 21 of this act the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

Applications for information shall be by a data communications network used exclusively by criminal justice agencies or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in section 13(3) of this act.

Any person who, in violation of this 1972 act, furnishes to any person or other agency information obtained from the section shall be civilly liable, as provided in RCW 72.50.170.

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in section 13(3) of this act. The applicant may appeal such determination and denial of information to the advisory council created in section 18 of this act and the council may direct that the section furnish such information to the applicant.

NEW SECTION. Sec. 3. Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or

disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies, upon the filing of an application as provided in section 2 of this act.

Although no application for information has been made to the section as provided in section 2 of this act, the section may transmit such information in the chief's discretion, to such agencies as are authorized by section 2 of this act to make application for it.

NEW SECTION. Sec. 4. The section shall, consistent with the procedures set forth in this 1972 act, cooperate with all other criminal justice agencies, within or without the state, in an exchange of information regarding convicted criminals and those suspected of or wanted for the commission of crimes, to the end that proper identification may rapidly be made and the ends of justice served.

NEW SECTION. Sec. 5. At the request of any criminal justice agency within this state, the section may assist such agency in the establishment of local identification and records systems.

NEW SECTION. Sec. 6. Any copy of a criminal offender record, photograph, fingerprint, or other paper or document in the files of the section, certified by the chief or his designee to be a true and complete copy of the original or of information on file with the section, shall be admissible in evidence in any court of this state pursuant to the provisions of RCW 5.44.040.

NEW SECTION. Sec. 7. (1) When any person, having no prior criminal record, whose fingerprints and/or other identifying data were submitted to and filed at the section, shall be found not guilty of the offense for which the fingerprints and/or other identifying data were sent to the section, or be released without a conviction being obtained, his fingerprints and/or other identifying data and all copies thereof on file at the section shall be destroyed by the section, provided such person requests said destruction after the finding of not guilty or after the release. The section shall, upon destruction of the record pursuant to this section, notify said person of the destruction.

(2) Any individual shall have the right to inspect criminal offender record information on file with the section which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his record and whom the individual designates to modify it accordingly.

Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

(3) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: PROVIDED, That the section may charge a reasonable fee for fingerprinting.

NEW SECTION. Sec. 8. (1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor: PROVIDED, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

NEW SECTION. Sec. 9. Except as provided in section 12 of this act relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to section 8 of this act.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to section 8 of this act. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof.

NEW SECTION. Sec. 10. (1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in section 8 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to sections 8 and 9 of this act.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.020 the department of social and health services shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington State Patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

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

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

residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

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

NEW SECTION. Sec. 11. In exercising their duties and authority under sections 8 and 9 of this act, the sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may consistent with constitutional and legal requirements, use such reasonable force as is necessary to compel an unwilling person to submit to being photographed, or fingerprinted, or to submit to any other identification procedure, except interrogation, which will result in obtaining physical evidence serving to identify such person. No one having the custody of any person subject to the identification procedures provided for in this act, and no one acting in his aid or under his direction, and no one concerned in such publication as is provided for in section 9 of this act, shall incur any liability, civil or criminal, for anything lawfully done in the exercise of the provisions of this act.

NEW SECTION. Sec. 12. (1) The recording of fingerprints, photographs and other identification data of any person under the age of eighteen shall be accomplished pursuant to Title 13 RCW as now or hereafter revised or supplemented.

(2) For the purpose of this act, any person eighteen years or older shall be considered an adult when charged with the commission of any criminal offense, and his records shall not be subject to the restrictions in subsection (1) of this section.

NEW SECTION. Sec. 13. (1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his fingerprints to be made, such agency may comply with his request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only".

(2) The section shall accept and file such fingerprints

submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his identification data.

(3) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, the applicant may request any law enforcement agency to make an impression of his fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or if there is no record of his commission of any crimes, a statement to that effect.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes.

NEW SECTION. Sec. 14. The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under RCW 10.76 or RCW 71.06 for treatment or under a sentence of imprisonment for any crime as provided for in section 8 shall within seventy-two hours, report to the section, any inter-institutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under RCW 10.76 or RCW 71.06 shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency.

NEW SECTION. Sec. 15. It shall be the duty of the sheriff or director of public safety of every county, or the chief of police of every city or town, or the chief officer of other law enforcement agencies operating within this state, coroners or medical examiners, to record whenever possible the fingerprints and such other identification data as may be useful to establish identity, of all unidentified dead bodies found within their respective jurisdictions, and to furnish to the section all data so obtained. The section

shall search its files and otherwise make a reasonable effort to determine the identity of the deceased and notify the contributing agency of the finding.

In all cases where there is found to exist a criminal record for the deceased, the section shall notify the federal bureau of investigation and each criminal justice agency, within or outside the state in whose jurisdiction the decedent has been arrested, of the date and place of death of decedent.

NEW SECTION. Sec. 16. The legislative authority of any county, city or town may authorize its sheriff, director of public safety or chief of police to enter into any contract with another public agency which is necessary to carry out the provisions of this act.

NEW SECTION. Sec. 17. All fingerprint cards, photographs, file cabinets, equipment, and other records collected and filed by the bureau of criminal identification, and now in the department of social and health services shall be transferred to the Washington state patrol for use by the section on identification created by this act.

NEW SECTION. Sec. 18. The legislature finds that there is a need for the Washington state patrol to establish a program which will consolidate existing programs of criminal justice services within its jurisdiction so that such services may be more effectively utilized by the criminal justice agencies of this state. The chief, with the advice of the state advisory council on criminal justice services created in section 19 of this act, shall establish such a program which shall include but not be limited to the identification section, all auxiliary systems including the Washington crime information center and the teletypewriter communications network, the drug control assistance unit, and any other services the chief deems necessary which are not directly related to traffic control.

NEW SECTION. Sec. 19. There is hereby created the Washington state advisory council on criminal justice services. The advisory council shall consist of eleven members, nine to be appointed by the governor. The chief of the Washington state patrol shall be a member and shall act as chairman and the secretary of the department of social and health services or his designee shall be an ex officio member.

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- (1) One member shall be a sheriff or director of public safety.
 - (2) One member shall be a chief of police.
 - (3) One member shall be an active law enforcement officer other than a sheriff, director of public safety, or chief.
 - (4) One member shall be a member of the Washington association of prosecuting attorneys.

- (5) One member shall be the special agent in charge of the Seattle division of the federal bureau of investigation or his duly authorized representative.
- (6) One member shall be an elected legislative official or mayor of a city.
- (7) One member shall be an elected legislative official of a county.
- (8) One member shall be a superior court judge.
- (9) One member shall be a district court judge.

The members of the initial council shall be appointed within thirty days of the effective date of this act. Of the members of the initial council, three shall be appointed for terms ending June 30, 1976, three shall be appointed for terms ending June 30, 1975 and three shall be appointed for terms ending June 30, 1973. Thereafter, each member of the council 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 council shall continue in office until his successor is appointed.

NEW SECTION. Sec. 20. The council shall meet not less than quarterly at a date and place of its choice, and at such other times as shall be designated by the chairman or upon the written request of a majority of the council.

NEW SECTION. Sec. 21. The advisory council shall review the provisions of sections 1 through 18 of this act and the administration thereof and shall consult with and advise the chief of the state patrol on matters pertaining to the policies of criminal justice services program.

The council shall appoint technical advisory committees comprised of members of criminal justice agencies having demonstrated technical expertise in the various fields of specialty within the program.

NEW SECTION. Sec. 22. 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. 23. Any person who wilfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who wilfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with this act, or any member, officer, employee or agent of the section, the council or any participating agency, who wilfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be fined not more than five thousand dollars, or imprisoned not more than one year

or both.

NEW SECTION. Sec. 24. The following acts or parts of acts are repealed:

(1) Section 3, chapter 27, Laws of 1967 ex. sess. and RCW 43.43.520;

(2) Section 8, chapter 63, Laws of 1970 ex. sess. and RCW 43.43.660;

(3) Section 43.89.020, chapter 8, Laws of 1965, section 3, chapter 60, Laws of 1965 ex. sess. and RCW 43.89.020; and

(4) Sections 1 through 6, chapter 256, Laws of 1969 ex. sess. and RCW 72.50.120 through 72.50.170.

NEW SECTION. Sec. 25. State records shall be destroyed in a manner to be prescribed by the chief.

NEW SECTION. Sec. 26. Sections 1 through 21 of this act shall be added to chapter 43.43 RCW.

NEW SECTION. Sec. 27. There is hereby appropriated to the Washington State Patrol from the general fund for the biennium ending June 30, 1973, the sum of ten thousand dollars, or so much thereof as shall be necessary to carry out the provisions of this 1972 amendatory act.

NEW SECTION. Sec. 28. 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 18, 1972.

Passed the House February 17, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 19 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...The passage of Senate Bill 146 provides the opportunity for a substantial improvement in the system of criminal justice in the State of Washington. The creation of a section on criminal identification in the State Patrol will provide major assistance to state and local law enforcement and the entire court system.

Veto
Message

Section 19 of the bill creates the Washington State Advisory Council on Criminal Justice Services. The Advisory Council is to consist of eleven members, nine to be appointed by the Governor, plus the Chief of the Washington State Patrol who shall be the Chairman and the Secretary of the

Department of Social and Health Services or his designee. The nine persons appointed by the Governor are defined by quite precise categories in the bill. While membership reflecting the interests described in section 19 is generally desirable, it is excessively restrictive to mandate in every instance the categories of persons who must be included on the Council. Accordingly, I have vetoed that item from section 19 which requires that specific categories of persons be appointed to the Advisory Council.

Veto
Message

With the exception of this one item in section 19, I have approved the remainder of the bill."

CHAPTER 153

[Substitute House Bill No. 29]

OUTDOOR RECREATION--ALL-TERRAIN VEHICLES

AN ACT Relating to outdoor recreation; amending section 2, chapter 216, Laws of 1967 as amended by section 2, chapter 24, Laws of 1969 ex. sess. and RCW 4.24.210; amending section 8, chapter 76, Laws of 1970 ex. sess. as amended by section 2, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.080; amending section 6, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.010; amending section 7, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.020; amending section 8, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.030; amending section 9, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.040; amending section 10, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.050; amending section 11, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.060; amending section 12, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.070; amending section 13, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.080; amending section 14, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.090; amending section 16, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.110; amending section 17, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.120; amending section 20, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.150; amending section 21, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.160; amending section 22, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.170; amending section 24, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.190; amending section 4, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.040; amending section 7, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.070; amending section 8, chapter 29, Laws of 1971 ex. sess. and RCW

46.10.080; amending section 11, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.110; amending section 12, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.120; amending section 27, chapter 47, Laws of 1971 ex. sess.; adding new sections to chapter 46.09 RCW; adding a new section to chapter 29, Laws of 1971 ex. sess. and to chapter 46.10 RCW; repealing section 15, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.100; making appropriations; and declaring an emergency.

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

Section 1. Section 8, chapter 76, Laws of 1970 ex. sess. as amended by section 2, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.080 are each amended to read as follows:

The following ((five)) seven categories of trails or areas are hereby established for purposes of this chapter:

(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 state-wide 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(=);

(6) All-terrain vehicle trails which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. Such trails may be included as a part of the trail systems enumerated in subsections (1) through (5) of this section or may be separately designated;

(7) Off-road and off-trail areas which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. IAC shall coordinate an inventory and classification of such areas giving consideration to the type of use such areas will receive from persons operating four-wheel drive vehicles and two-wheel vehicles.

The planning and designation of trails shall take into account and give due regard to the interest 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 the IAC will assure that full consideration is given to including trails from all categories within the system. As it relates to all classes of trails and to all types of trail users, it is herein declared as state policy to increase recreational trail access to and within state and federally owned lands ((under the jurisdiction of the department of natural resources, the department of game, and the state parks and recreation commission)) and private lands where access may be obtained. It is the intent of the legislature that public recreation facilities be developed as fully as possible to provide greater recreation opportunities for the citizens of the state. The purpose of this 1972 amendatory act is to increase the availability of trails and areas for all-terrain vehicles by granting authority to state and local governments to maintain a system of ATV trails and areas, and to fund the program to provide for such development. State lands should be used as fully as possible for all public recreation which is compatible with the income-producing requirements of the various trusts.

Sec. 2. Section 6, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.010 are each amended to read as follows:

The provisions of this chapter shall apply to all lands in this state. Nothing in ((this 1974 amendatory act)) chapter 43.09 RCW, RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

Sec. 3. Section 7, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.020 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

"All-terrain vehicle" shall mean any self-propelled vehicle ((capable of)) when used for cross-country travel on trails and nonhighway roads or ((immediately over)) any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, four-((wheeled)) wheel drive vehicles, motorcycles, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicles, snowmobiles or any military or law enforcement vehicles.

"ATV ((registration)) use permit" means the ((registration of)) permit system established for an all-terrain vehicle, in this

state, pursuant to this chapter.

"Trail" for the purpose of this chapter, shall mean a corridor designated and maintained for recreational travel; by whatever mode of transportation (foot, animal, or vehicular) authorized by the managing authority of the property that the trail traverses.

"Owner" shall mean the person other than the lienholder, having an interest in or title to an all-terrain vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any all-terrain vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling all-terrain vehicles at wholesale or retail in this state.

"Department" shall mean the department of motor vehicles.

"Director" shall mean the director of the department of motor vehicles.

"Committee" shall mean the interagency committee for outdoor recreation.

"Hunt" shall mean any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

(("Roadway", for purposes of this chapter, shall mean any roads generally capable of being traveled on by conventional two-wheel drive passenger automobiles. It shall not include, private roads, abandoned railway grades, skids, and similar routes generally incapable of being traveled by conventional two-wheel drive vehicles.))

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation commission and the state game department: PROVIDED, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" shall mean any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place.

Sec. 4. Section 3, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.030 are each amended to read as follows:

(A certificate of title shall be issued by the department for

any all-terrain vehicle in a similar manner as provided for motor vehicles in chapter 46.42 RCW and such rules and regulations as the department may adopt.) The department shall provide for the issuance of use permits for all-terrain vehicles and may appoint agents for collecting fees and issuing permits. The provisions of RCW 46.01.130 and 46.01.140 shall apply to the issuance of use permits for all-terrain vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees: PROVIDED, That filing fees for ATV use permits collected by the director shall be certified to the state treasurer and deposited to the credit of the outdoor recreation account.

Sec. 5. Section 9, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.040 are each amended to read as follows:

Except as provided in this chapter, no person shall operate any all-terrain vehicle within this state after ((August 9, 1974)) the effective date of sections 2 through 21 of this 1972 amendatory act unless such all-terrain vehicle has been ((registered)) assigned an ATV use permit and displays an ATV tag in accordance with the provisions of this chapter: PROVIDED, That the 1972 registration, licensing, and display thereof shall be deemed to have complied with this section for the 1972 registration period.

Sec. 6. Section 10, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.050 are each amended to read as follows:

ATV ((registration)) use permits and ATV tags shall be required under the provisions of this chapter except for the following:

(1) All-terrain vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) All-terrain vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An all-terrain vehicle ((owned and/or kept outside of this state, when)) operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.

(4) All-terrain vehicles operated on lands owned or leased by the ATV owner or operator or lands on which the operator has permission to operate without an ATV ((registration)) use permit.

(5) All-terrain vehicles which are ((operated exclusively on roadways)) validly licensed to operate over a highway of this state or if owned by nonresidents of this state, all-terrain vehicles which are validly licensed for operation over public highways in the state of the owner's residence.

(6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement or those two-wheeled vehicles with engines which develop five or less horsepower, ((on)) or those two-wheeled vehicles with a wheelbase of forty-two inches or less, or those two-wheeled vehicles which are equipped with wheels of fourteen inches or less rim diameter.

(7) All-terrain vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(8) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.

Sec. 7. Section 11, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.060 are each amended to read as follows:

The ATV ((registration)) use permit period established by the department shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW.

Sec. 8. Section 12, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.070 are each amended to read as follows:

Application for an ATV ((registration)) use permit shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the all-terrain vehicle ((to be registered)), and shall be signed by at least one such owner, and shall be accompanied by a ((registration)) use permit fee of five dollars. Upon receipt of the application and the application fee, such all-terrain vehicle shall be ((registered and an ATV registration number)); assigned a use permit number tag or decal, which shall be affixed to the all-terrain vehicle in a manner prescribed by the department. The department may utilize applications, registration and license forms and registration numbering provided for use prior to the effective date of this 1972 amendatory act for the balance of 1972 and such shall constitute use permits, tags or decals for 1972.

The ATV ((registration)) use permit provided in this section shall be valid for a period of one year. ((At the end of such period of ATV registration, every owner of an all-terrain vehicle in this state shall renew his ATV registration)) Use permits shall be renewable each year in such manner as the department may prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring an all-terrain vehicle ((already validly registered)) for which a use permit has been issued under the provisions of this chapter must, within ((ten)) fifteen days of the acquisition or purchase of such all-terrain vehicle make application

to the department or its authorized agent for transfer of such ATV ((registration)) use permit, and such application shall be accompanied by a transfer fee of one dollar.

Any out-of-state owner of an all-terrain vehicle ((not registered in this state)) shall, when operating in this state, comply with the provisions of this chapter and if an ATV ((registration)) use permit is required under this chapter, he shall obtain a nonresident ATV ((registration)) use permit number and tag, valid for not more than sixty days or an annual permit and tag. Application for such a permit shall state name and address of each owner of the all-terrain vehicle ((to be registered)) and shall be signed by at least one such owner and shall be accompanied by a ((registration)) fee of two dollars. The ((registration)) permit shall be carried on the vehicle at all times during its operation in this state.

Sec. 9. Section 13, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.080 are each amended to read as follows:

((Six months after August 9, 1974, it shall be unlawful for any dealer to test or demonstrate or rent any all-terrain vehicle, within the state, without an ATV registration when the same is required by the provisions of this chapter.))

(1) Each dealer of all-terrain vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW, shall obtain a dealer ATV permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for a dealer ATV permit and the fee provided for in subsection (2) of this section, such dealer shall be registered and an ATV dealer permit number assigned.

(2) The ATV fee for dealers shall be twenty-five dollars per year, which shall be deposited in the outdoor recreation account, and such fee shall cover all of the all-terrain vehicles owned by a dealer and not rented: PROVIDED, That all-terrain vehicles rented on a regular, commercial basis by a dealer shall have separate use permits under the provisions of this 1972 amendatory act.

(3) Upon the issuance of an ATV dealer permit each dealer shall purchase, at a cost to be determined by the department, ATV dealer number plates of a size and color to be determined by the department, which shall contain the dealer ATV permit number assigned to the dealer. Each all-terrain vehicle operated by a dealer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions as provided for in chapter 46.70 RCW or this section, in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display number plates as prescribed in subsection (3) of this

section, and no dealer or representative thereof shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ATV dealer permit numbers shall be nontransferable.

(6) On and after January 1, 1973, it shall be unlawful for any dealer to sell any all-terrain vehicle at wholesale or retail, or to test or demonstrate any all-terrain vehicle within the state, unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ATV dealer permit number in accordance with the provisions of this section.

Sec. 10. Section 14, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.090 are each amended to read as follows:

((An ATV registration number shall be assigned to an all-terrain vehicle in this state at the time of its original ATV registration by the department in a similar manner as provided in RCW 46.64.130 and 46.64.140 and such rules and regulations as the department may adopt. The department shall, upon assignment of such ATV registration number, issue and deliver to the owner a certificate of ATV registration, in such form as the department shall prescribe. The certificate of ATV registration shall not be valid unless signed by the person who signed the application for ATV registration.

At the time of the original ATV registration, and at the time of each subsequent renewal thereof, the department shall issue to the ATV registrant a date tag or tags indicating the validity of the current ATV registration and the expiration date thereof, which validating date tag, or tags, shall be affixed to the all-terrain vehicle in such manner as the department may prescribe. Notwithstanding the fact that an all-terrain vehicle has been assigned an ATV registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current ATV registration certificate have been issued and are in the possession of the operator.))

All ATV use permit tags and ATV dealer tags shall be displayed in a manner prescribed by the department on all-terrain vehicles when required by this 1972 amendatory act except as provided in section 6 of this 1972 amendatory act.

Sec. 11. Section 16, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.110 are each amended to read as follows:

The moneys collected by the department as ATV ((registration)) use permit fees shall be distributed from time to time but at least once a year in the following manner:

(1) ((Twenty-five percent each year for the first two years after August 9, 1971, and twenty percent each year for each year thereafter shall be retained by the department.)) The department shall retain enough money to cover expenses incurred in the administration

of this chapter; PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

(2) ((Twenty percent each year for the first two years after August 9, 1974, and twenty-five percent each year for each year thereafter shall be distributed to the treasurers of those counties of this state having significant all-terrain vehicle use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties; and shall be deposited in the county general fund and expended to defray the cost of their enforcing this chapter.

(3) Fifty-five percent each year shall be remitted to the state treasurer for deposit into the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation; and such amount shall be distributed to the department of natural resources; department of game; and to the parks and recreation commission on a pro rata basis determined by the number of miles of agency designated and maintained ATV trails. Such agency designation shall be reviewed and revised by the committee at least once each biennium and the pro rata distribution made current with the number of miles of agency designated and maintained ATV trails. These moneys shall be expended by each agency only for all-terrain vehicle trail-related expenses.)) The remaining funds shall be deposited in the outdoor recreation account of the general fund to be distributed by the interagency committee to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. The interagency committee shall prescribe methods, rules, and standards by which such departments, counties or municipalities may apply for and obtain moneys from the outdoor recreation account for defraying expenses and costs for planning, development, acquisition, and management of ATV recreational areas and trails and the committee shall also apply for applicable federal matching funds; PROVIDED, That agencies constructing all-terrain vehicle trails, campgrounds, and recreational areas and facilities, shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources or other agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such all-terrain vehicle trails, campgrounds and recreational areas and facilities.

The department of natural resources may use up to five percent of the use permit fees for administration cost and for implementing this chapter.

Sec. 12. Section 17, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.120 are each amended to read as follows:

It shall be unlawful for any person to operate any all-terrain vehicle:

(1) While under the influence of intoxicating liquor or (~~narcotics or other drugs~~) a controlled substance;

(2) In such a manner as to endanger the property of another;

(3) On lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(4) On lands not owned by the operator or owner of the all-terrain vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(5) Without a spark arrestor approved by the department of natural resources;

(6) Without an adequate, and operating, muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise. All-terrain vehicles manufactured after January 4, 1973, shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol (~~(+ PROVIDED HOWEVER, That all-terrain vehicles used in organized competition may use a bypass, expansion chamber, or cutout device if the area has been designated as fire safe by the appropriate agency)~~);

(7) On lands not owned by the operator or owner of the all-terrain vehicle upon the shoulder or inside bank or slope of any (~~roadway~~) nonhighway road or highway, or upon the median of any divided highway;

(8) On lands not owned by the operator or owner of the all-terrain vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(9) On lands not owned by the operator or owner of the all-terrain vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel;

(10) On any public lands in violation of rules and regulations of the agency administering such lands.

Sec. 13. Section 20, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.150 are each amended to read as follows:

Motor vehicle fuel used and purchased for providing the motive power for all-terrain vehicles (~~(on other than public highways,)~~) shall be considered a nonhighway use of fuel, and for purposes of this chapter shall be known as ATV fuel. Persons purchasing and using ATV fuel shall not be entitled to a refund of the motor vehicle

fuel excise tax paid in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

Sec. 14. Section 21, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.160 are each amended to read as follows:

From time to time, but at least once each four years the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax which is taxed on ((nonhighway use of)) all-terrain vehicle fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four-year period to the legislature. To offset the cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund, the sum of twenty thousand dollars in the first biennium after August 9, 1971, and ten thousand dollars in each succeeding biennium in which such a determination is to be made.

Sec. 15. Section 22, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.170 are each amended to read as follows:

From time to time, but at least once each biennium, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on all-terrain vehicle fuel in an amount not to exceed one million dollars for the 1971-73 biennium, and the treasurer shall refund such amounts and place them in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to ~~((the department of natural resources, the department of game, and the parks and recreation commission))~~ departments of state government, to counties, and to municipalities on a ~~((pro rata))~~ basis determined by the ~~((number of miles of agency designated and maintained))~~ amount of present or proposed ATV trails or areas on which they permit ATV use. Such ~~((agency designation))~~ distribution shall be reviewed and may be revised by the committee at least once each biennium ~~((and the pro rata distribution made current with the number of miles of agency designated and maintained ATV trails))~~. These moneys shall be expended by each agency only for all-terrain vehicle ~~((trail-))~~ trail and area related expenses.

Sec. 16. Section 24, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.190 are each amended to read as follows:

(1) Except as provided in RCW 46.09.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any all-terrain vehicle shall be liable for any damage to property including damage

to trees, shrubs, growing crops injured as the result of travel by such all-terrain vehicle. The owner of such property may recover from the person responsible (~~nominal damages of not less than one hundred dollars or~~) three times the amount of damage (~~if whichever is greater~~).

Sec. 17. Section 2, chapter 216, Laws of 1967 as amended by section 2, chapter 24, Laws of 1969 ex. sess. and RCW 4.24.210 are each amended to read as follows:

Any public or private landowners or others in lawful possession and control of agricultural or forest lands or water areas or channels and rural lands adjacent to such areas or channels who allow members of the public to use them for the purposes of outdoor recreation, which term includes hunting, fishing, camping, picnicking, swimming, hiking, pleasure driving, the pleasure driving of all-terrain vehicles, snowmobiles, and other vehicles, boating, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users: PROVIDED, That nothing in this section shall prevent the liability of such a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted: PROVIDED FURTHER, That nothing in RCW 4.24.200 and 4.24.210 limits or expands in any way the doctrine of attractive nuisance.

NEW SECTION. Sec. 18. There is added to chapter 46.09 RCW a new section to read as follows:

The department of natural resources shall coordinate the implementation and administration of this chapter.

NEW SECTION. Sec. 19. There is added to chapter 46.09 RCW a new section to read as follows:

All 1971 registration fees collected pursuant to chapter 47, Laws of 1971 ex. sess. and chapter 46.09 RCW by the department of motor vehicles from August 9, 1971, through the effective date of this 1972 amendatory act shall be credited to the 1972 or 1973 permit fee.

Sec. 20. Section 4, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.040 are each amended to read as follows:

Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of (~~fifteen~~) five dollars. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number

assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of ~~((three))~~ one year~~((s))~~. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of ~~((three))~~ one year~~((s))~~, upon payment of a renewal fee of ~~((fifteen))~~ five dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

Sec. 21. Section 7, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.070 are each amended to read as follows:

The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon ~~((each))~~ the right side of the front cowling of said snowmobile ~~((in painted numbers or decals no less than three inches high, and shall be of contrasting color with the surface on which they are applied and shall be maintained in a legible condition))~~ on a plate of such size as authorized by the department of motor vehicles; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed.

Sec. 22. Section 8, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county general fund and expended to defray the cost of ~~((enforcing))~~ administering this chapter.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition or operation thereof.

Sec. 23. Section 11, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.110 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.10.100, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed by the responsible governing body to motor vehicle traffic during the winter months; or

~~((Where))~~ When the responsible governing body gives notice that such roadway or highway is ~~((posted))~~ open to ~~((permit))~~ snowmobiles or all-terrain vehicle use; or

In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile ~~((impractical))~~; or

When traveling along a designated snowmobile trail.

Sec. 24. Section 12, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.120 are each amended to read as follows:

No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and ~~((eighteen))~~ sixteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification; PROVIDED, That persons under sixteen years of age who have not been

certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator.

NEW SECTION. Sec. 25. There is added to chapter 29, Laws of 1971 ex. sess. and to chapter 46.10 RCW a new section to read as follows:

Notwithstanding any other provisions of this chapter, the local governing body may provide for the safety and convenience of snowmobiles and snowmobile operators. Such provisions may include, but shall not necessarily be limited to, the clearing of areas for parking automobiles, the construction and maintenance of rest areas, and the designation and development of given areas for snowmobile use.

Sec. 26. Section 27, chapter 47, Laws of 1971 ex. sess. is amended to read as follows:

To carry out the provisions of ((section 46{3} of this 1971)) this 1972 amendatory act, there is appropriated to the interagency committee for outdoor recreation from the outdoor recreation account those moneys as provided from ATV ((registration fees)) permit fees and dealer permit and tag fees, in the sum of one million dollars, or such lesser amounts ((as represent fifty-five percent)) of the all-terrain vehicle ((registration)) use permit fees and dealer permit and tag fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of ((section 22 of this 1971)) this 1972 amendatory act there is appropriated to the interagency committee for outdoor recreation from the outdoor recreation account, those moneys as provided from ATV fuel tax refunds, in the sum of one million dollars, or such lesser amount, as represents the refund of tax on motor vehicle fuel which has been determined to be a tax on all-terrain vehicle fuel, or so much thereof as may be necessary.

To carry out the provisions of ((section 24 of this 1971)) this 1972 amendatory act, there is appropriated to the department from the motor vehicle fund, the sum of twenty thousand dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 27. Section 15, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.100 is hereby repealed.

NEW SECTION. Sec. 28. This 1972 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 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 27, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 154
[Substitute House Bill No. 313]
VETERANS BONUS

AN ACT Relating to veterans' benefits; providing for the payment of a bonus or in lieu thereof credits for higher education purposes to certain veterans of the armed forces from the state of Washington from the current statutory excise tax on cigarettes and such additional means as the legislature shall provide; providing a burial allowance; amending section 2, chapter 272, Laws of 1959 as amended by section 2, chapter 299, Laws of 1971 ex. sess. and RCW 73.32.130; making an appropriation; and providing penalties.

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

NEW SECTION. Section 1. Since the people of the state of Washington have recognized the sacrifices of its sons in the service of their country during World War I, World War II and subsequently in the Korean conflict, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflicts threaten to defeat the ideals for which said battles were waged and make it necessary for many of our sons to once again bear arms for the preservation of justice and peace, it is fitting and proper that we again recognize that service and give that helping hand to those who have given and are giving so much to us and have brought and are bringing so much honor to our great state.

The legislature in authorizing this compensation recognizes that all prior bonds issued for compensation of those veterans of World War II and the Korean conflict will be fully retired during the year 1972 and that taxes upon cigarettes referred to in RCW 82.24.020 provide ample funds to retire any new veterans' bonus payment as provided for in this 1972 amendatory act without an added burden of taxation upon the citizens of this state.

NEW SECTION. Sec. 2. (1) There shall be paid to each person who has been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Viet Nam, or in the case of a reduction in hostilities, on a date determined by proclamation of the governor, and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or

resident of the state of Washington, and received the Viet Nam Service Medal, the sum of two hundred and fifty dollars for service between said dates: PROVIDED, HOWEVER, That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to August 5, 1964, shall not be eligible to receive compensation under the terms of this 1972 amendatory act: PROVIDED FURTHER, That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this 1972 amendatory act: AND PROVIDED FURTHER, That no person shall be eligible to receive compensation under this 1972 amendatory act having prior thereto applied for and received compensation hereunder.

(2) In lieu of awaiting receipt of the stated money amounts as provided in subsection (1) above, any qualified person may elect to receive credit for tuition, incidental fees or other fees in such amount at any state institution of higher education, including community colleges and vocational technical institutions, or at private institutions of higher education within the state, such credit to be immediately available upon the processing of such person's claim for a bonus under this 1972 amendatory act; institutions of higher education entering into this program under this 1972 amendatory act shall be reimbursed at such time as the bonus payment would otherwise be made.

(3) In case of the death of any such person prior to said termination date as referred to in subsection (1) above, or at such time as such person would have been eligible for benefits hereunder, an equal amount shall be paid to his surviving widow if not remarried at the time compensation is requested, or in case he left no widow or in case his widow remarried and he has left children, then to his surviving children, or in the event he left no widow eligible for payment hereunder, or children surviving on such date, then to his surviving parent or parents: PROVIDED, HOWEVER, That no such parent who has been deprived of custody of such child by a decree of a court of competent jurisdiction shall be entitled to any compensation under this 1972 amendatory act.

(4) It is the purpose of the legislature that benefits payable under the provisions of this 1972 amendatory act shall be comparable to those paid to veterans under former laws, the increase in dollar amount herein reflecting an approximation of the increase in the cost of living as indicated by the consumer price index of the United States Department of Labor, Bureau of Labor Statistics.

NEW SECTION. Sec. 3. The word "person" as used in section 2 of this 1972 amendatory act shall not include persons who, during the period of their service, refused on conscientious, political or other

grounds to subject themselves to full military discipline and unqualified service or who were separated from such service under conditions other than honorable, and who have not subsequently been officially restored to an honorable status, and such persons shall not be entitled to the benefits of this 1972 amendatory act: PROVIDED, That the word "person" as used in section 2 of this 1972 amendatory act shall include those persons with honorable discharge who claimed exemptions from combatant training and service by reason of religious training and belief and whose claims were sustained under authority of the selective training and service act of 1940 and executive order No. 8606, but who were inducted into the armed forces and assigned to noncombatant service and who did not otherwise refuse to subject themselves to full military discipline and unqualified service.

NEW SECTION. Sec. 4. All disbursements made under this 1972 amendatory act for compensation shall be made upon the presentation of a certificate or claim form to be prescribed by the state treasurer.

Such form for persons applying for benefits shall be duly verified by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction, or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by a competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The state treasurer may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants.

Such certificate shall be presented to the state treasurer or his representative, together with evidence of honorable service satisfactory to the state treasurer.

The claim for institutions seeking reimbursement under section 2(2) of this 1972 amendatory act shall contain such information as the treasurer shall deem necessary to determine the authenticity thereof.

The state treasurer shall draw warrants in payment of such compensation claims against the war veterans' compensation fund, which has heretofore been established in the state treasury. Claims for such compensation may be filed after the effective date of this 1972 amendatory act but no payments shall be made prior to January 2, 1973.

The state treasurer may make such reasonable requirements for application procedure as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

NEW SECTION. Sec. 5. Where compensation is payable under this 1972 amendatory act to any person who is physically or mentally incompetent at the time application is made, said compensation may be paid to any guardian, committee, conservator, or curator duly appointed, pursuant to the laws of the state of residence of said incompetent to control and manage the person and/or estate of the incompetent, or such compensation may be paid to any chief officer of any state or federal institution having custody of such incompetent: PROVIDED, HOWEVER, The chief officer of any state or federal institution shall use any compensation received pursuant to this section for the personal benefit of the incompetent, exclusive of care and maintenance.

The guardian, committee, conservator, curator, chief officer or person in charge shall make application for the incompetent's compensation upon the form regularly provided for such purpose pursuant to section 4 of this 1972 amendatory act, and in addition, shall certify under oath that the applicant is the guardian, committee, conservator, curator, chief officer, or person in charge as above set forth, and shall further certify that the compensation received shall be used for the personal benefit of the incompetent as provided herein and in accord with the laws applicable to the administration of their office.

Any compensation paid upon the basis of the above certification shall be complete settlement and satisfaction of any claim made pursuant to the provisions of this 1972 amendatory act as if made to a person not incompetent.

NEW SECTION. Sec. 6. The state treasurer shall furnish free of charge upon the application therefor certificates or claim forms upon which applications may be made and may establish at different points within the state offices at which there shall be kept on file for the use of persons covered by this 1972 amendatory act a sufficient number of such certificates, so that there is no unnecessary delay in the payment of compensation. The state treasurer may authorize the county auditor or county clerk, or both, of any county of the state to act for him in receiving such certificates, and shall furnish them with sufficient certificates to enable them to accept the same. The state treasurer shall procure such printing, office supplies and equipment and employ such persons as may be necessary to properly carry out the provisions of this 1972 amendatory act. All expenses incurred by him in the administration of this 1972 amendatory act shall be paid by warrants drawn upon the war veterans' compensation fund.

Sec. 7. Section 2, chapter 272, Laws of 1959 as amended by section 2, chapter 299, Laws of 1971 ex. sess. and RCW 73.32.130 are each amended to read as follows:

For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund a sum in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the state general fund all money in excess of such amount.

When all bonds herein authorized and all interest thereon have been fully paid, all proceeds thereafter received from the excise tax on cigarettes imposed by chapter 82.24 RCW as now or hereafter amended, shall be paid into the war veterans' compensation fund, herewith created, for distribution to veterans who served during the Viet Nam conflict as provided by this 1972 amendatory act: PROVIDED, That, whenever the receipts into the war veterans' compensation fund

during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred to the state general fund.

The amounts directed to be paid into the war veterans' compensation fund as provided by this 1972 amendatory act shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, against all cigarette tax revenues collected pursuant to RCW 82.24.020, 73.32.130, and 28A.47.440.

NEW SECTION. Sec. 8. For the purpose of carrying out the provisions of this 1972 amendatory act, there is hereby appropriated from the war veterans' compensation fund the sum of nine million dollars, or so much thereof as is required to meet the annual obligations, which shall be used for the payment of the compensation provided in this 1972 amendatory act, and for paying the expenses of the administration thereof: PROVIDED, That not more than two hundred thousand dollars of such amount shall be used as administrative expenses for the biennium ending June 30, 1973 and the state treasurer shall issue no warrants for payment of administrative expenses in excess of this amount.

NEW SECTION. Sec. 9. Any person who with intent to defraud, subscribes to any false oath or makes any false representation, either in the execution of the certificates or claim forms provided for by this 1972 amendatory act, or who with intent to defraud, presents to the state treasurer, or any other state or county officer, any certificate or claim form for the purpose of obtaining funds provided by this 1972 amendatory act, which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this 1972 amendatory act, shall be guilty of a felony.

NEW SECTION. Sec. 10. No charge shall be made by any agent, notary public, or attorney for any service in connection with obtaining a certificate to obtain the allowance provided for by this 1972 amendatory act, and no person shall, for a consideration, discount or attempt to discount, or for a consideration, advance money upon any certificate or certificates issued pursuant to this 1972 amendatory act. Any violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 11. The executive officer of the veterans' rehabilitation council shall advise with and assist the state treasurer in the performance of the duties of the treasurer under this 1972 amendatory act, and when so called upon, the executive officer shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the war veterans' compensation fund.

NEW SECTION. Sec. 12. Upon the death of any person qualified to receive compensation pursuant to this 1972 amendatory act or who would have been qualified to receive compensation except for death occurring while serving in federal service as a member of the armed military or naval forces of the United States, there shall be paid to his widow, parent, child, next of kin or other person assuming responsibility or having the duty to provide for his burial, the sum of two hundred fifty dollars to aid in defraying funeral and other burial costs. Payment shall be made, after application therefor, in the same manner as is provided in this 1972 amendatory act for payment of compensation. The state treasurer shall promulgate such rules and regulations and provide such procedures as may be necessary to properly administer the provisions of this section.

Any payment under this section shall be deemed and construed to be a part of the term "compensation" as used in this 1972 amendatory act and shall be made from the war veterans' compensation fund.

NEW SECTION. Sec. 13. No certificate or claim for compensation under this 1972 amendatory act shall be accepted after twelve o'clock noon one year after the termination date referred to in subsection (1) of section 2 of this 1972 amendatory act, nor shall any warrant be drawn for the payment of any compensation authorized by this 1972 amendatory act unless a formal application has been filed on or before the hour and day set forth above.

NEW SECTION. Sec. 14. If any section or provision of this 1972 amendatory act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this act.

Passed the House February 9, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 27, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 155

[Engrossed Substitute House Bill No. 112]

SUPPLEMENTAL BUDGET

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

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

NEW SECTION. Section 1. That a supplemental budget is hereby

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

NEW SECTION. Sec. 2. FOR THE SUPREME COURT

General Fund Appropriation: PROVIDED,

That \$15,000 shall be available to defray the expenses of the

Conferences of Chief Justices..... \$ 35,100

NEW SECTION. Sec. 3. FOR THE COURT ADMINISTRATOR

General Fund Appropriation: For Superior Court

Judges..... \$ 88,751

General Fund Appropriation: For Judges' Retirement

Fund Contributions: PROVIDED, That if judges

elect to transfer membership from the retirement system created by chapter 2.12 RCW to

the retirement system created by chapter 267,

Laws of 1971, 1st. ex. sess., the Court

Administrator shall transfer a proportionate

amount of any funds appropriated for either

judges' retirement fund contributions or

additional retirement fund contributions in

accordance with RCW 2.12.060..... \$ 39,771

NEW SECTION. Sec. 4. FOR THE UNIFORM LAW COMMISSION

General Fund Appropriation..... \$ 1,700

NEW SECTION. Sec. 5. FOR THE GOVERNOR ELECT

General Fund Appropriation: To carry out the provisions

of RCW 43.06.055 providing for expenses of

a newly elected governor other than the

incumbent..... \$ 40,000

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation..... \$ 235,523

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF

GENERAL ADMINISTRATION

General Fund Appropriation: For the Division of

Banking: PROVIDED, That total Division

expenditures for the 1971-73 biennium shall

not exceed revenue generated from banking

and small loan licenses and fees..... \$ 73,785

General Fund Appropriation: For the Division

of Savings and Loan: PROVIDED, That

total Division expenditures for the
1971-73 biennium shall not exceed
revenue generated from licenses and
fees levied on activities under the
jurisdiction of the Division of

Savings and Loan..... \$ 28,836

NEW SECTION. Sec. 8. FOR THE PUBLIC PENSION COMMISSION

General Fund Appropriation..... \$ 20,000

NEW SECTION. Sec. 9. FOR THE WASHINGTON PUBLIC
EMPLOYEES' RETIREMENT SYSTEM

General Fund Appropriation: For administration

of the Judges' Retirement System..... \$ 26,759

Retirement System Expense Fund Appropriation.... \$ 197,958

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

PUBLIC ASSISTANCE

General Fund Appropriation: To increase

Nursing Home and Intermediate
Care facility per diem rates;
PROVIDED, That of this appropriation
\$491,854 shall be in state funds
and used exclusively for the purpose
of providing daily payment rates to
Class I Nursing Homes at \$11.28 and
Class II Nursing Homes at \$8.79 and
Intermediate Care facilities at

\$6.63..... \$ 982,558

PUBLIC ASSISTANCE

General Fund Appropriation: To provide sufficient

funds to ease the impact of current limitations
on length of hospital stay by allowing exceptions:

PROVIDED, That of this appropriation not more
than \$250,000 shall be from state funds.... \$ 500,000

PUBLIC ASSISTANCE

General Fund Appropriation: To provide

sufficient funds to restore the
scope of service for drugs for
those persons who qualify for
federally Aided Medical Care to
the level received by grant

recipients..... \$ 700,000

PUBLIC ASSISTANCE

General Fund Appropriation: To provide sufficient

funds to restore the scope of service which has
been limited to acute and emergent care only for

those persons who qualify for Federally Aided Medical Care to the level received by grant recipients effective July 1, 1972: AND PROVIDED FURTHER, That of this appropriation \$1,331,250 shall be in state funds utilized exclusively for this purpose..... \$ 2,662,500

PUBLIC ASSISTANCE

General Fund Appropriation: To provide sufficient funds to reduce the \$200 deductible base amount for medical only recipients to \$100..... \$ 750,000

HEALTH PROGRAMS

General Fund Appropriation: PROVIDED, That \$208,938, or so much thereof as necessary, be allocated to the Division of Health from state sources for continued support of local kidney centers for the remainder of the 1971-73 biennium..... \$ 495,913

INSTITUTIONAL PROGRAMS

General Fund Appropriation: PROVIDED, That \$1,500,000 presently available within the Institutional programs for Fort Worden remain unexpended at the end of the 1971-72 fiscal year: PROVIDED, That \$200,000 or so much thereof as may be necessary shall be utilized for a state-wide methadon program: PROVIDED, That such program follow both state and federal guidelines pertaining to methadon programs and shall make maximum use of already existing Department of Social and Health Services facilities: AND PROVIDED FURTHER, That the Department of Social and Health Services shall make every effort to maximize the use of available federal money for the implementation of such programs: AND PROVIDED FURTHER, That \$55,000 shall be used to meet local and federal matching funds for construction at Merry Glen School: PROVIDED, That \$50,000 or so much thereof as may be necessary shall be provided to the State Parks and Recreation

Commission to do a comprehensive study of the recreational facility needs related to the North Cascades State Highway and the effect of such facilities on the local economy: AND PROVIDED FURTHER, That \$50,000 shall, or so much thereof as may be necessary, be available to the Department of Social and Health Services to conduct a study to determine the feasibility of utilizing Northern State Hospital as a regional Social and Health Center:

AND PROVIDED FURTHER, That \$100,000 or so much thereof as may be necessary shall be provided to the Department of Commerce and Economic Development to assist local government within Skagit County and other interested parties to prepare an economic development plan designed for the area: AND PROVIDED FURTHER, That the Department of Social and Health Services shall continue to operate Northern State Hospital for the remainder of the 1971-73 biennium: AND PROVIDED FURTHER, That the Department of Social and Health Services shall allocate \$30,000 or so much thereof as is necessary to implement the Department of Personnel salary survey findings for the Schools for the Blind and Deaf in compliance with the recommendations presented at the August 7, 1970 Personnel Board Meeting: AND PROVIDED FURTHER, That the Department of Social and Health Services shall provide training through the vocational rehabilitation program for rehabilitating welfare recipients through the earn and learn program: PROVIDED, That \$10,000 shall be from state funds and \$30,000 shall be from federal funds..... \$ 7,791,165

General Fund Appropriation: To repair or to replace electric, water, steam and sewer lines, boilers, install.

emergency generators; reduce air and water pollution; roof repairs, parking area repairs, road repairs and other minor repairs to buildings at various institutions, including repairs to meet health inspectors recommendations..... \$ 2,855,523

General Fund Appropriation: For increased costs to upgrade fire and safety standards per recommendations of state fire marshals and safety inspectors..... \$ 200,000

General Fund Appropriation: For remodeling costs at the Reformatory to provide a treatment facility for mentally disturbed residents of adult correctional institutions..... \$ 125,000

General Fund Appropriation: For capital improvements required to certify all five schools for the retarded as skilled nursing homes so that the state may receive partial reimbursement from the Federal Government under Title XIX of the Social Security Act..... \$ 300,000

URBAN, RACIAL, AND RURAL DISADVANTAGED PROGRAMS

General Fund Appropriation: PROVIDED, That these funds are to be allocated to the Superintendent of Public Instruction for reallocation to local school districts for programs which meet the guidelines established by the Department of Social and Health Services: PROVIDED FURTHER, That \$350,000 may be used to fund the Supplementary Education and Cultural Enrichment Program where related to efforts of this Urban, Racial, and Rural Disadvantaged program: PROVIDED FURTHER, That \$200,000 shall be used by the Superintendent of Public Instruction for individual grants to needy and disadvantaged elementary and secondary pupils attending public and private schools approved by the state board of education who demonstrate a financial inability to meet the total cost of supplies, books, tuition, incidental and other fees for any school term or who, because of adverse cultural, educational, environmental

or other circumstances, are deemed as being highly improbable of continuing in the schools in which such pupils are enrolled and that such financial assistance, after other scholarships, grants, and assistance are deducted, shall not exceed three hundred dollars per secondary pupil (grades 9-12) and one hundred dollars per elementary pupil (grades 1-8)..... \$2,381,215

NEW SECTION. Sec. 11. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation..... \$ 250,718

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation..... \$ 113,685

Accident Fund Appropriation..... \$ 500,192

Medical Aid Fund Appropriation..... \$ 40,379

NEW SECTION. Sec. 13. FOR THE OCEANOGRAPHIC COMMISSION

General Fund Appropriation..... \$ 24,444

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation: PROVIDED, That not to exceed \$1,500 shall be made available to the Columbia River Gorge Commission for efforts contributing to the Department of Ecology Shoreline Management activities..... \$ 392,275

General Fund-Litter Control Account: PROVIDED, That prior to November 8, 1972, actual expenditures from and obligations against this account shall not exceed actual revenues collectible..... \$ 1,131,838

NEW SECTION. Sec. 15. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation..... \$ 219,025

General Fund-Outdoor Recreation Account Appropriation: To purchase and develop park sites, develop boat moorages, group camp facilities, historical sites and markers, and archeological investigations..... \$ 4,392,941

NEW SECTION. Sec. 16. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund-Outdoor Recreation Account Appropriation: PROVIDED, That not to exceed \$82,430 will

be used for administrative expenses..... \$10,771,936

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF

FISHERIES

General Fund Appropriation to be used exclusively
for purposes of fish feeding and increasing hatchery
production..... \$ 350,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF GAME

General Fund-Outdoor Recreation Account Appropriation:
To purchase and develop land..... \$ 3,536,017

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF

NATURAL RESOURCES

General Fund-Outdoor Recreation Account Appropriation:
For acquisition and development of
recreational areas in forested and
waterfront locations..... \$ 989,957

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF

AGRICULTURE

General Fund Appropriation..... \$ 19,042

NEW SECTION. Sec. 21. FOR THE WASHINGTON

STATE PATROL

Motor Vehicle Fund Appropriation: For purchase
of land in Kittitas County..... \$ 5,000

NEW SECTION. Sec. 22. FOR THE DEPARTMENT

OF MOTOR VEHICLES

General Fund Appropriation: PROVIDED,
That not more than \$35,199
be used for the publication
of a listing of registered
contractors: PROVIDED, That \$20,000 shall
be allocated to the Securities
Division..... \$ 126,435

General Fund-Real Estate Commission Account
Appropriation..... \$ 75,000

Motor Vehicle Fund Appropriation..... \$ 293,674

Highway Safety Fund: For operation of five
mobile drivers' license examining
stations..... \$ 92,737

NEW SECTION. Sec. 23. FOR THE SUPERINTENDENT

OF PUBLIC INSTRUCTION (Including Board of Education)

General Fund Appropriation: For General
Apportionment: PROVIDED, That
\$50,000 from the General Fund
appropriation for apportionment
shall be utilized by the
Superintendent of Public

Instruction for conducting a study of school financing including modification or development of school distribution systems for state funds for common schools: PROVIDED FURTHER, That a study shall be conducted by the Superintendent of Public Instruction relating to reducing pupil transportation costs..... \$20,920,688

Current State School Fund Appropriation: For General Apportionment..... \$ 50,000

General Fund Appropriation: PROVIDED, That the funds contained in this appropriation are to be distributed to local school districts through the per pupil guarantee and are to be utilized so as to generally implement the following priorities. (1) Providing up to a 3% salary increase in excess of increments, for both classified and certified personnel. (2) To the extent that the state financed salary increase of 3% relieves special levy burdens, the local district should place a first priority on reducing special levies.

V- [(3) In the event that a local school district has decided on a lower salary level than provided for in this compensation plan, the differential savings may be used for other high priority services: PROVIDED,

That the State Superintendent shall utilize not to exceed \$1,050,000 for the purpose of payments to school districts in amounts equal to the difference between the funds payable through the per-pupil support level for salary increases and the funds calculated by the Superintendent of Public Instruction necessary to pay a 3% salary increase in

the district in 1972-73: PROVIDED
 FURTHER, That these additional
 funds will be distributed outside
 the equalization formula with any
 excess appropriation reverting to
 the General Fund..... \$15,528,783

NEW SECTION. Sec. 24. FOR THE STATE BOARD

FOR COMMUNITY COLLEGES

General Fund Appropriation..... \$ 181,714

NEW SECTION. Sec. 25. FOR THE UNIVERSITY

OF WASHINGTON

General Fund Appropriation: PROVIDED, That the
 \$941,255 presently contained within the
 funds available to the University of
 Washington for lease payments to the
 State Building Authority remain
 unexpended at the end of the 1971-1972
 fiscal year..... \$ 222,788

NEW SECTION. Sec. 26. FOR THE WASHINGTON STATE

UNIVERSITY

General Fund Appropriation: PROVIDED, That the
 \$248,445 presently contained within the
 funds available to the Washington State
 University for lease payments to the
 State Building Authority remain unexpended
 at the end of the 1971-1972 fiscal year... \$ 164,628

NEW SECTION. Sec. 27. FOR THE CENTRAL WASHINGTON

STATE COLLEGE

General Fund Appropriation: PROVIDED, That
 the \$372,595 presently contained within
 the funds available to the Central
 Washington State College for lease
 payments to the State Building
 Authority remain unexpended at the
 end of the 1971-1972 fiscal year..... \$ 123,194

NEW SECTION. Sec. 28. FOR THE EVERGREEN STATE

COLLEGE

General Fund Appropriation: PROVIDED, That the
 \$1,518,911 presently contained within the
 funds available to The Evergreen State
 College for lease payments to the State
 Building Authority remain unexpended at
 the end of the 1971-1972 fiscal year..... \$ 415,313

General Fund-The Evergreen State College Capital
 Projects Account Appropriation: For

construction of Phase I of the campus loop road..... \$ 259,260
General Fund-The Evergreen State College Capital Projects Account Appropriation: For clearing and grading of college parkway... \$ 284,865
FOR CONSTRUCTION OF SEMINAR BUILDING, PHASE I (Total \$2,690,000)

General Fund Appropriation: PROVIDED, That \$125,000 of this appropriation shall be used exclusively for the purpose of providing architectural working drawings for a proposed music and drama building..... \$ 368,407

General Fund-State Building and Higher Education Account Appropriation: PROVIDED, That this amount shall only be available from unexpended balances of Referendum Number 19 projects..... \$ 2,446,593

NEW SECTION. Sec. 29. FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: For Utility facilities expansion and modernization..... \$ 1,631,590

General Fund Appropriation: For the purchase of necessary movable equipment for Northwest-Environmental Studies Center, Auditorium-Music Addition and Old Main remodeling..... \$ 675,000

General Fund-Western Washington State College Capital Projects Account Appropriation: For the exclusive purpose of remodeling Old Main..... \$ 245,000

NEW SECTION. Sec. 30. FOR THE GOVERNOR-SPECIAL

APPROPRIATIONS

For a three percent cost of living increase effective September 1, 1972, to be allotted to state agencies and institutions of higher education.

General Fund Appropriation..... \$ 9,783,402
Allocations for said purposes to special funded agencies from specified funds as follows:

- (1) LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation..... \$ 424

- (2) FOR THE STATE TREASURER

General Fund-Investment Reserve Account	
Appropriation.....	\$ 4,969
Motor Vehicle Fund Appropriation.....	\$ 119
(3) FOR THE ATTORNEY GENERAL	
Legal Services Revolving Fund Appropriation.....	\$ 65,899
(4) FOR THE OFFICE OF PROGRAM PLANNING	
AND FISCAL MANAGEMENT	
Motor Vehicle Excise Fund Appropriation.....	\$ 1,384
(5) FOR THE DEPARTMENT OF PERSONNEL	
Department of Personnel Service Revolving Fund	
Appropriation.....	\$ 28,308
(6) FOR THE PUBLIC EMPLOYEES RETIREMENT	
SYSTEM	
Retirement System Expense Fund Appropriation.....	\$ 12,446
(7) FOR THE FINANCE COMMITTEE	
General Fund-Investment Reserve Account	
Appropriation.....	\$ 5,955
(8) FOR THE DEPARTMENT OF GENERAL	
ADMINISTRATION	
General Administration Facilities and Services	
Revolving Fund Appropriation.....	\$ 37,552
(9) FOR THE AERONAUTICS COMMISSION	
General Fund-Aeronautics Account Appropriation...	\$ 2,670
General Fund-Search and Rescue Account	
Appropriation.....	\$ 254
(10) FOR THE HORSE RACING COMMISSION	
Horse Racing Commission Fund Appropriation.....	\$ 1,162
(11) FOR THE INDUSTRIAL INSURANCE APPEALS	
BOARD	
Accident Fund Appropriation.....	\$ 8,511
Medical Aid Fund Appropriation.....	\$ 8,511
(12) FOR THE LIQUOR CONTROL BOARD	
Liquor Board Revolving Fund Appropriation.....	\$ 223,710
(13) FOR THE PUGET SOUND PILOTAGE	
COMMISSION	
General Fund-Puget Sound Pilotage Account	
Appropriation.....	\$ 38
(14) FOR THE UTILITIES AND TRANSPORTATION	
COMMISSION	
Public Service Revolving Fund Appropriation.....	\$ 50,119
(15) FOR THE BOARD FOR VOLUNTEER FIREMEN	
Volunteer Firemen Relief and Pension Fund	
Appropriation.....	\$ 440
(16) FOR THE STATE PATROL	
Motor Vehicle Fund Appropriation.....	\$ 337,905

(17) FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation.....	\$ 909
(18) FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund-Electrical License Account	
Appropriation.....	\$ 19,382
Accident Fund Appropriation.....	\$ 47,704
Medical Aid Fund Appropriation.....	\$ 181,645
(19) FOR THE DEPARTMENT OF MOTOR VEHICLES	
General Fund-Architects License Account	
Appropriation.....	\$ 608
General Fund-Commercial Automobile Driver Training School Account Appropriation.....	
	\$ 4
General Fund-Opticians Account Appropriation.....	\$ 13
General Fund-Optometry Account Appropriation.....	\$ 79
General Fund-Professional Engineers Account	
Appropriation.....	\$ 1,430
General Fund-Real Estate Commission Account	
Appropriation.....	\$ 7,110
General Fund-Sanitaricians' Licensing Account	
Appropriation.....	\$ 32
General Fund-State Board of Psychological Examiners Account Appropriation.....	
	\$ 34
Highway Safety Fund Appropriation.....	\$ 116,010
Motor Vehicle Fund Appropriation.....	\$ 68,627
(20) FOR THE MILITARY DEPARTMENT	
Armory Fund Appropriation.....	\$ 6,171
(21) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	
General Fund-Traffic Safety Account	
Appropriation.....	\$ 633
(22) FOR THE TEACHERS' RETIREMENT SYSTEM	
Teachers' Retirement Fund Appropriation.....	\$ 7,289
(23) FOR THE HIGHER EDUCATION PERSONNEL BOARD	
Higher Education Personnel Board Service Fund	
Appropriation.....	\$ 4,304
(24) FOR THE DEPARTMENT OF HIGHWAYS	
Motor Vehicle Fund Appropriation.....	\$ 1,322,266
(25) FOR THE COUNTY ROADS ADMINISTRATION BOARD	
Motor Vehicle Fund Appropriation.....	\$ 1,123
(26) FOR THE DEPARTMENT OF ECOLOGY	
General Fund-Reclamation Revolving Account	
Appropriation.....	\$ 4,656

(27) FOR THE INTERAGENCY COMMITTEE FOR
 OUTDOOR RECREATION
 General Fund-Outdoor Recreation Account
 Appropriation..... \$ 4,516

(28) FOR THE DEPARTMENT OF GAME
 Game Fund Appropriation..... \$ 147,554

(29) FOR THE DEPARTMENT OF NATURAL RESOURCES
 General Fund-Forest Development Account
 Appropriation..... \$ 23,771
 General Fund-Resources Management Cost Account
 Appropriation..... \$ 102,567

(30) FOR THE DEPARTMENT OF AGRICULTURE
 General Fund-Commercial Feed Account
 Appropriation..... \$ 1,285
 General Fund-Commission Merchants Account
 Appropriation..... \$ 1,063
 General Fund-Egg Inspection Account
 Appropriation..... \$ 2,611
 General Fund-Feeds and Fertilizer Account
 Appropriation..... \$ 95
 General Fund-Agriculture, Mineral and Lime
 Account Appropriation..... \$ 1,814
 General Fund-Nursery Inspection Account
 Appropriation..... \$ 1,390
 General Fund-Seed Account Appropriation..... \$ 2,913
 Grain and Hay Inspection Fund Appropriation..... \$ 30,249

(31) FOR THE EMPLOYMENT SECURITY
 DEPARTMENT
 Unemployment Compensation Administration Fund
 Appropriation..... \$ 529,571

NEW SECTION. Sec. 31. FOR THE TEACHERS'
 RETIREMENT SYSTEM
 General Fund Appropriation..... \$20,000,000

NEW SECTION. Sec. 32. FOR THE WASHINGTON STATE LAND PLANNING
 COMMISSION
 General Fund Appropriation..... \$ 29,000

NEW SECTION. Sec. 33. FOR THE AERONAUTICS COMMISSION
 General Fund-Aeronautics Account Appropriation:
 For necessary fencing and landscaping at
 Sullivan Lake Airport: PROVIDED, That
 notwithstanding any other provisions of
 law, the General Fund-Aeronautics Account
 operating appropriation presently
 available for 1971-73 fiscal biennium to
 the Aeronautics Commission is to be

allotted in such a way as to conserve an
equal amount of funds..... \$ 15,000

NEW SECTION. Sec. 34. FOR THE STATE TREASURER--INTEREST ON REGISTERED WARRANTS

Investment Reserve Account Appropriation:

PROVIDED, That this amount shall only be available to pay interest on registered warrants that may be issued: PROVIDED FURTHER, That any interest paid from this appropriation for any treasury fund or account shall be deducted from the deposit interest distribution that would be available for the particular fund or account. The funds so deducted shall then be credited to the Investment Reserve Account..... \$ 500,000

NEW SECTION. Sec. 35. FOR THE SECRETARY OF STATE

General Fund Appropriation: PROVIDED,

That these funds shall only be used for processing initiative measures, advertising constitutional amendments, and publication and distribution of the state election pamphlet as provided by law..... \$ 377,683

NEW SECTION. Sec. 36. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation: PROVIDED, That

effective April 1, 1972 the responsibility for the maintenance of the Fort Worden facility shall be transferred from the Department of Social and Health Services to the State Parks and Recreation Commission: PROVIDED, That the Office of Program Planning and Fiscal Management shall take the necessary steps to insure that \$83,212 in funds currently available to the Department of Social and Health Services for maintenance of the Fort Worden facility shall remain unallotted and unexpended at the end of the biennium: PROVIDED FURTHER, That \$50,000 shall be available for the

expressed purpose of preparing a master plan for the development of the Fort Worden facility and adjacent state park area to be presented to the

1973 session of the legislature..... \$ 133,212

NEW SECTION. Sec. 37. There is hereby appropriated from the Motor Vehicle Fund to the Washington State Highway Commission the sum of three hundred thirty thousand dollars or so much thereof as may be necessary for the location, design and construction of the main access road from SR 155 in the vicinity of milepost 15.6 to Steamboat Rock state park. No moneys shall be expended from this appropriation until an agreement has been entered into by the Washington State Highway Commission and the Parks and Recreation Commission providing that the Parks and Recreation Commission shall reimburse the Washington State Highway Commission for the cost of the access road in not to exceed twelve years from the date of its completion.

NEW SECTION. Sec. 38. FOR THE WASHINGTON STATE HIGHWAY COMMISSION

General Fund Appropriation: For supportive services to off-the-job training programs for highway construction workers: PROVIDED, That this appropriation or so much thereof as shall be expended shall be fully reimbursable from federal funds authorized by P.L. 91-605, Title 1 on or before June 30, 1973..... \$ 69,734

NEW SECTION. Sec. 39. There is hereby appropriated from the motor vehicle fund to Washington State Highway Commission for the biennium ending June 30, 1973, the sum of one hundred seventy thousand dollars or so much thereof as may be necessary, for the design, acquisition of right of way and construction of a car pool park and ride area in conjunction with improvement of the interchange on Interstate 5 at South 320th Street in King County.

NEW SECTION. Sec. 40. There is hereby appropriated from the motor vehicle fund to the Washington State Highway Commission for the biennium ending June 30, 1973, the sum of two hundred seventeen thousand one hundred eighty dollars to be disbursed to plaintiffs in the case of Morrison-Knudsen Company, Inc., et al., v. State of Washington, Department of Highways, in full settlement of judgment against the state, including all costs, in Thurston county cause number 37973.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

NEW SECTION. Sec. 41. Notwithstanding any other provisions of law, the Department of Social and Health Services is authorized to

expand social service program expenditures in programs previously established by the legislature: PROVIDED, That such action will not require the commitment of increased state funds: PROVIDED, That such expansion will not be initiated unless there are substantial indications as certified by the Office of Program Planning and Fiscal Management with notification to the Legislative Budget Committee that the federal government intends to place a ceiling on the "open end" fund for social service programs and that such action by the federal government would affect the potential federal matching revenues of the State of Washington: PROVIDED FURTHER, That the Department of Social and Health Services will report to the 1973 legislature the use of this authorization including the state funds saved.

NEW SECTION. Sec. 42. Notwithstanding any other provisions of law, there shall be appropriated to the State Superintendent of Public Instruction for distribution to any of the vocational-technical institutes under his jurisdiction whose actual attendance exceeds their current allocation during this biennium any excess of the current appropriation to the State Board for Community College Education for the Olympia Vocational-Technical Institute that remains if that institution does not meet or exceed its current allocation for vocational education programs.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation: PROVIDED,
That these funds shall be used
by the department for a state-wide
effective employment program..... \$ 150,000

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: PROVIDED,
That the Department of Social
and Health Services shall use
funds appropriated by this
section for programs to identify
and to develop ways to assist
employable members of the work
force of the state of Washington
who have become unemployed because
of technological change or external
economic forces: PROVIDED FURTHER,
That these funds are to be utilized
to fund the efforts of the
Department of Social and Health
Services in cooperation with the
Department of Employment Security

and/or other public or private nonprofit agencies that can assist in the research and planning necessary to identify client populations and develop programs that will be alternatives to welfare for these persons not now considered in most local, state and federal assistance programs:

PROVIDED FURTHER, That not more than \$50,000 of this appropriation shall be from state funds..... \$ 200,000

NEW SECTION. Sec. 45. FOR THE LEGISLATIVE COUNCIL

General Fund Appropriation: For 1973 Convention of the National Conference of State Legislative Leaders.. \$ 25,000

NEW SECTION. Sec. 46. FOR THE LEGISLATIVE BUDGET

COMMITTEE

General Fund Appropriation: PROVIDED, That the Legislative Budget Committee, with liaison with the Public Pension Commission, shall conduct a study of the procedures and programs by which the Teachers' Retirement System and the Public Employees' Retirement System may be merged while protecting the vested rights of the members of each system: PROVIDED FURTHER, That the Legislative Budget Committee shall conduct a study, with liaison with the Public Pension Commission, of the alternative ways of funding state retirement systems: PROVIDED FURTHER, That the findings and recommendations of each study be distributed to members of the Legislature prior to the 1973 regular session of the Legislature..... \$ 50,000

NEW SECTION. Sec. 47. FOR THE GOVERNOR-SPECIAL

APPROPRIATIONS

General Fund Appropriation: PROVIDED, That these funds shall be employed exclusively for the purpose of establishing an Economic Recovery Program which places the highest priority upon reducing the unemployment rate as it existed on

January 10, 1972: PROVIDED FURTHER, That should chapter ..., Laws of 1972 1st ex. sess. (House Bill No. 44) not be enacted into law, \$8,000,000 of this appropriation shall not be available for allocation in accordance with this section: PROVIDED FURTHER, That up to \$12,000,000 of this amount shall only be available from General Fund Surplus Revenue in excess of \$1,892,312,000, or \$1,884,306,000 in the event that chapter ..., Laws of 1972 1st ex. sess. (House Bill No. 44) is not enacted, and credited to the General Fund from all sources, excluding Federal funds for the 1971-73 biennium as projected to be available on August 1, 1972 or earlier by the Department of Revenue, State Treasurer, and the Office of Program Planning and Fiscal Management.....\$ 20,000,000

NEW SECTION. Sec. 48. There is hereby appropriated to the Teachers' Retirement System the sum of \$63,729,478 or so much thereof as may be available from General Fund Surplus revenue in excess of \$1,904,312,000 or in the event that House Bill No. 44 fails passage, the amount shall be \$1,896,306,000 credited to the General Fund from all sources, excluding Federal funds for the 1971-73 biennium as determined by the Department of Revenue, State Treasurer, and the Office of Program Planning and Fiscal Management.

NEW SECTION. Sec. 49. FOR THE STATE LIBRARY General Fund Appropriation: For the purchase of art materials for persons in Adult Correctional Institutions..... \$ 2,000

NEW SECTION. Sec. 50. Notwithstanding any other provisions of law, the Teachers' Retirement System shall not be required to reserve any portion of their appropriation for administrative expenses for any specific purpose.

NEW SECTION. Sec. 51. Notwithstanding any other provisions of law, The General Fund appropriation presently available to Eastern Washington State College is adjusted as follows: (1) \$34,915 presently available for lease payments to the State Building Authority is to remain unexpended at the end of the 1971-1973 fiscal biennium and (2) \$4,002 in other funds available within the General Fund appropriation are to remain unexpended at the end of the 1971-1973 fiscal biennium.

NEW SECTION. Sec. 52. Notwithstanding any other provisions of law, the General Fund appropriation presently available to Western Washington State College is adjusted as follows: (1) \$206,813 presently available for lease payments to the State Building Authority is to remain unexpended at the end of the 1971-1973 fiscal biennium and (2) \$4,448 in other funds available within the General Fund appropriation are to remain unexpended at the end of the 1971-1973 fiscal biennium.

NEW SECTION. Sec. 53. Notwithstanding any other provisions of law, the Department of Social and Health Services is authorized to continue to utilize funds for the designing and implementing of computer procedures related to determining and reviewing recipient eligibility and the appropriation for this purpose remaining unexpended on February 1, 1972 is hereby revived: PROVIDED, That this authority shall be used (1) to complete the state-wide implementation of the eligibility system by July 1, 1972 and (2) to extend the scope of the original project to include preparation of an inventory of all financial and other Service Delivery Programs and activities of the Department and development of a plan for implementing an integrated service delivery system: PROVIDED FURTHER, That this authority shall be for the period up to September 30, 1972.

NEW SECTION. Sec. 54. The Washington State Patrol is authorized to spend \$2,680,998 from the state General Fund and thereby replace with state funds \$750,000 of budgeted federal funds which had been anticipated for the Crime Information Center Program.

NEW SECTION. Sec. 55. FOR TRANSFER
 General Fund-State Building and Higher Education
 Account Appropriation: To transfer, on or
 before June 1, 1972, the unexpended balance of
 projects authorized by Referendum Number 15
 (Chapter 172, Laws of 1965, Extraordinary
 Session) to the State Building and Bond
 Redemption Fund of 1965..... \$ 2,049,286

NEW SECTION. Sec. 56. FOR THE STATE LEGISLATURE.
 General Fund Appropriation:
 Senate Expenses and Subsistence of
 members..... \$ 149,600
 House of Representatives Expenses and
 Subsistence of members..... \$ 211,875

NEW SECTION. Sec. 57. 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 22, 1972.

Passed the Senate February 22, 1972.

Approved by the Governor February 27, 1972 with the exception of an item in Section 23 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...The specific item I have vetoed is as follows:

Veto
Message

In Section 23, on page 11, beginning on line 27 and ending on line 32, I am vetoing the following language:

(3) In the event that a local school district has decided on a lower salary level than provided for in this compensation plan, the differential savings may be used for other high priority services:

The preceding language is inconsistent with the actions of the 1972 Special Session of the Legislature who provided funds both inside and outside of the school apportionment formula for a 3% salary increase for all local school district employees. By vetoing this language, I intend to reduce the confusion which appears to exist with respect to the salary increase for local school district personnel.

With the exception of the above item, Substitute House Bill No. 112 is approved."

CHAPTER 156

[Engrossed Senate Bill No. 232]

LABOR RELATIONS IN HEALTH CARE ACTIVITIES

AN ACT Relating to labor relations in health care activities; and adding a new chapter to Title 49 RCW.

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

NEW SECTION. Section 1. It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the quality of the care given to patients. It

is the legislative purpose by this chapter to promote collective bargaining between health care activities and their nursing employees, to protect the right of nursing employees of health care activities to organize and select collective bargaining units of their own choosing.

It is further determined that any agreements involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the board shall designate such organization.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Health care activity" includes any hospital, nursing home, institution, agency or establishment, exclusive of those operated by the state, its municipalities, or political subdivisions, having for one of its principal purposes the preservation of health or the care of sick, aged or infirm persons:

(2) "Bargaining unit" includes any group of employees of a health care activity having substantially common interests with respect to working conditions. The composition of a bargaining unit may be determined by common consent between an employer and its employees, or, in the event either party shall apply to the director of labor and industries for a determination of the composition of a bargaining unit, it shall be determined by the director of labor and industries or his delegated representative. No bargaining unit shall be found appropriate if it includes guards together with other employees.

(3) "Employee" includes any registered nurse or licensed practical nurse or service personnel performing services for wages for a health care activity. The term shall not apply to a member of a religious order assigned to a health care activity by the order as a part of his obligations to it; nor shall it apply to persons performing services in connection with healing by prayer or spiritual means alone in accordance with the tenets and practices of recognized church or religious denominations by adherents thereof; nor shall it apply to supervisors.

(4) "Employer" includes any person, agency, corporation, company or other organization engaged in the operation of a health

care activity, whether for profitable or charitable purposes.

(5) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Supervisor includes registered nurses only if administrative supervision is his or her primary duty and activity.

(6) "Guard" means any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises.

NEW SECTION. Sec. 3. An employee association shall be deemed the properly designated representative of a bargaining unit when it can show evidence that bargaining rights have been assigned to it by a majority of the employees in the bargaining unit. Should questions arise concerning the representative status of any employee organization claiming to represent a bargaining unit of employees, upon petition by such an organization, it shall be the duty of the director of labor and industries, acting by himself or through a designee, to investigate and determine the composition of the organization. Any organization found authorized by not less than thirty percent of the employees of a bargaining unit shall be eligible to apply for an election to determine its rights to represent the unit. If more than one organization shall claim to represent any unit, the director of labor and industries, or his designee, may conduct an election by secret ballot to determine which organization shall be authorized to represent the unit. In order to be certified as a bargaining representative, an employee organization must receive, in a secret ballot election, votes from a majority of the employees who vote in the election; no bargaining representative shall be certified except in this manner. In any election held pursuant to this section, there shall be a choice on the ballot for employees to designate that they do not wish to be represented by any bargaining representative. No representation election shall be directed in any bargaining unit or any subdivision thereof within which, in the preceding twelve-month period, a valid election has been held. Thirty percent of the employees of an employer may file a petition for a secret ballot election to ascertain whether the employee organization which has been certified or is currently recognized by their employer as their bargaining representative is no longer their bargaining representative.

No employee organization shall be certified as the

representative of employees in a bargaining unit of guards, if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards. The determination shall be based upon a plurality of votes cast in such election, and shall remain in effect for a period of not less than one year. In determining appropriate bargaining units, the director shall limit such units to groups consisting of registered nurses, licensed practical nurses or service personnel: PROVIDED, HOWEVER, That if a majority of each such classification desires inclusion within a single bargaining unit, they may combine into a single unit.

NEW SECTION. Sec. 4. It shall be deemed an unfair labor practice, and unlawful, for any health care activity to:

(1) Interfere with, restrain or coerce employees in any manner in the exercise of their right of self-organization: PROVIDED, That the expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit;

(2) Initiate, create, dominate, contribute to or interfere with the formation or administration of any employee organization having bargaining as one of its functions;

(3) Discriminate in regard to hire, terms, or conditions of employment in order to discourage membership in any employee organization having collective bargaining as one of its functions;

(4) Refuse to meet and bargain in good faith with the duly designated representatives of an appropriate bargaining unit of employees; and it shall be a requirement of good faith bargaining that the parties be willing to reduce to writing, and have their representatives sign, any agreement arrived at through negotiation and discussion.

NEW SECTION. Sec. 5. It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of subsection (3) of section 4 or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

(4) Requires of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director of labor and industries finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

(5) Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

(6) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting or otherwise dealing in any of the products or services of any other employer or person, or to cease doing business with any other employer or person, and any such contract or agreement shall be unenforceable and void; or

(7) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by section 6 of this chapter.

NEW SECTION. Sec. 6. No employee organization, bargaining representative, person or employee shall authorize, sanction, engage in, or participate in a strike (including but not limited to a concerted work stoppage of any kind, concerted slowdown or concerted refusal or failure to report for work or perform work) or picketing against an employer under any circumstances, whether arising out of a recognition dispute, bargaining impasse or otherwise: PROVIDED, That nothing in this section shall prohibit picketing or other publicity for the sole purpose of truthfully advising the public of the existence of a dispute with the employer, unless an effect of such picketing or other publicity is (a) to induce any employee of the employer or any other individual, in the course of his employment, not to pick up, deliver or transfer goods, not to enter the employer's premises, or not to perform services; or (b) to induce such an employee or individual to engage in a strike.

NEW SECTION. Sec. 7. The director of labor and industries or any employee organization qualified to apply for an election under section 3 of this act or any employer may maintain in its name or in the name of its members legal action in any county in which jurisdiction of the employer or employee organization may be

obtained, to seek relief from the commission of an unfair labor practice. The court in such action shall have full power to grant either mandatory or prohibitory relief and any other relief the court may deem just and equitable.

NEW SECTION. Sec. 8. The director of labor and industries shall have the power to make such rules and regulations not inconsistent with this chapter, as he shall determine are necessary to effectuate its purpose and to enable him to carry out its provisions.

NEW SECTION. Sec. 9. In the event that a health care activity and an employees' bargaining unit shall reach an impasse, it shall be submitted to a board of arbitration composed of three arbiters for final and binding resolution. The board shall be selected in the following manner: The employer shall appoint one arbitrator and the employees shall appoint one arbitrator. The two arbitrators so selected and named shall within ten days agree upon and select the name of a third arbitrator who shall act as chairman. If, upon the expiration of the period allowed therefor the arbitrators are unable to agree on the selection of a third arbitrator, such arbitrator shall be appointed at the request of either party in accordance with the provisions of RCW 7.04.050 and he shall act as chairman of the arbitration board.

NEW SECTION. Sec. 10. The arbitration board, acting through its chairman, shall call a hearing to be held within ten days after the date of the appointment of the chairman. The board shall conduct public or private hearings. Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the board may be received in evidence. The board shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the board material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney is guilty of any contempt while in attendance at any hearing held hereunder, the board may invoke the jurisdiction of any superior court and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. The hearing conducted by the arbitrators shall be concluded within twenty days of the time of commencement and, within ten days after conclusion of the hearings, the arbitrator shall make written

findings and a written opinion upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The determination of the dispute made by the board shall be final and binding upon both parties.

NEW SECTION. Sec. 11. In making its determination, the board of arbitrators shall be mindful of the legislative purpose enumerated in section 1 of this act and as additional standards or guide lines to aid it in reaching a decision, it shall take into consideration the following factors:

(1) Wage rates or other conditions of employment of the health care activity in question as compared with prevailing wage rates or other conditions of employment in the local operating area involved.

(2) Wage rates or other working conditions as compared with wage rates or other working conditions maintained for the same or similar work of workers in the local area.

(3) The overall compensation of employees having regard not only to wages for time actually worked but also for time not actually worked, including vacations, holidays and other excused time and for all fringe benefits received.

(4) Interest and welfare of the public.

(5) Comparison of peculiarities of employment in regard to other comparable trades or professions, specifically:

(a) Physical qualifications.

(b) Educational qualifications.

(c) Job training and skills.

(6) Efficiency of operation of the health care activity.

NEW SECTION. Sec. 12. Members of the board shall be paid at the rate of fifty dollars per day in addition to travel expenses and subsistence at the rates by law provided for state employees generally. Such sums together with all expenses of the hearing shall be borne equally by the parties to the arbitration proceedings.

NEW SECTION. Sec. 13. If any portion of this chapter, or its application to any particular health care activity or class of health care activity, should be held invalid, the remainder of the chapter, or its application to other health care activities, or other classes thereof, shall not be affected.

NEW SECTION. Sec. 14. Sections 1 through 13 shall constitute a new chapter in Title 49 RCW.

Passed the Senate February 16, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 27, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 157

[Engrossed House Bill No. 44]

TAX ON CIGARETTES

AN ACT Relating to revenue and taxation; amending section 28A.47.440; chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 70, Laws of 1971 ex. sess. and RCW 28A.47.440; amending section 2, chapter 272, Laws of 1959 as amended by section 2, chapter 299, Laws of 1971 ex. sess. and RCW 73.32.130; amending section 82.24.020, chapter 15, Laws of 1961, as last amended by section 13, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.020; amending section 82.24.080, chapter 15, Laws of 1961 and RCW 82.24.080; amending section 82.24.130, chapter 15, Laws of 1961 and RCW 82.24.130; adding new sections to chapter 15, Laws of 1961 and to chapter 82.24 RCW; and declaring an emergency.

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

Section 1. Section 28A.47.440, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 70, Laws of 1971 ex. sess. and RCW 28A.47.440 are each amended to read as follows:

In addition to the taxes levied by RCW 73.32.130 and 82.24.020, there is levied and shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24 RCW, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession or distribution of cigarettes in an amount equal to the rate of one-half mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 RCW shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one-half of one percent of the value of the stamps for such additional tax purchased or affixed by them. Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb such additional tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

Revenues derived from the tax imposed by this section shall be transmitted by the department of revenue to the state treasurer in accordance with the provisions of RCW 82.32.320, to the credit of the public schools building bond redemption fund. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by

RCW 28A.47.420.

As additional security for the payment of the bonds herein authorized, all revenues derived from the tax imposed by RCW 82.24.020 over and above the amount required by RCW 73.32.130 to be paid into and retained in the war veterans' compensation bond retirement fund shall be paid into the public schools building bond redemption fund and shall be devoted exclusively to the payment of interest on and to retirement of the bonds authorized by RCW 28A.47.420: PROVIDED, That whenever the receipts into the public schools building bond redemption fund from all sources during any one year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund.

Sec. 2. Section 2, chapter 272, Laws of 1959 as amended by section 2, chapter 299, Laws of 1971 ex. sess. and RCW 73.32.130 are each amended to read as follows:

For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund, and whenever there has

accumulated in the war veterans' compensation bond retirement fund a sum in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the state general fund all money in excess of such amount.

Sec. 3. Section 82.24.020, chapter 15, Laws of 1961, as last amended by section 13, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.020 are each amended to read as follows:

There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of six and one-half mills per cigarette. For purposes of this section, and for purposes of RCW 28A.47.440 and 73.32.130, "possession" shall mean both (1) physical possession by the purchaser and, (2) when cigarettes are being transported to or held for the purchaser or his designee by a person other than the purchaser, constructive possession by the purchaser or his designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 4. Section 82.24.080, chapter 15, Laws of 1961 and RCW 82.24.080 are each amended to read as follows:

It is the intent and purpose of this chapter to levy a tax on all of the articles taxed herein, sold, used, consumed, handled, possessed, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, possesses (either physically or constructively, in accordance with RCW 82.24.020) or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles herein taxed is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, possessed, or distributed in this state.

It is also the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event occurring within this state; PROVIDED, HOWEVER, That failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

Sec. 5. Section 82.24.130, chapter 15, Laws of 1961 and RCW 82.24.130 are each amended to read as follows:

Subject to the provisions of section 6 of this 1972 amendatory act, any articles taxed herein found at any point within this state, which articles shall be held, owned((?)) or possessed((? or in the control of any person for a period of time longer than the time necessary to affix the stamps)) by any person, and not having the stamps affixed to the packages or containers are hereby declared to

be contraband goods, and may be seized by the ((commission)) department of revenue, or its duly authorized agent, or by any peace officer of the state, when directed by the ((commission)) department of revenue so to do, without a warrant, and said goods shall be offered by the ((commission)) department of revenue for sale at public auction to the highest bidder after due advertisement, but the ((commission)) department of revenue before delivering any of the goods so seized shall require the person, to whom such articles are sold, to affix the proper amount of stamps. The proceeds of sale of any goods sold hereunder shall be paid to the ((commission)) department of revenue.

The cost of seizure and sale shall be paid out of the proceeds derived from the sale before making remittance.

Any vending machine and any vehicle, not a common carrier, which may be used for the purpose of violating the provisions of this chapter shall likewise be subject to seizure and sale in the same manner.

Notwithstanding the foregoing provisions of this section, articles taxed herein which are in the possession of a wholesaler or retailer, licensed by the department, pursuant to the provisions of chapter 19.91 RCW for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband.

NEW SECTION. Sec. 6. There is added to chapter 15, Laws of 1961 and to chapter 82.24 RCW a new section to read as follows:

Every person who shall transport cigarettes not having the stamps affixed to the packages or containers, upon the public highways, roads or streets of this state shall have in his actual possession invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes so transported. If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by chapter 82.24 RCW to possess unstamped cigarettes in this state. In the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not authorized by chapter 82.24 RCW to possess unstamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130.

Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee.

In any case where the department or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the department, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes.

For purposes of this section, the term "person authorized by chapter 82.24 RCW to possess unstamped cigarettes" shall mean a wholesaler or retailer licensed pursuant to the provisions of chapter 19.91 RCW, the United States or an agency thereof, and any Indian tribal organization authorized by the department to possess unstamped cigarettes.

NEW SECTION. Sec. 7. There is added to chapter 15, Laws of 1961 and to chapter 82.24 RCW a new section to read as follows:

Notwithstanding any other provisions of this chapter, a person may acquire and physically possess, if acquired and possessed for purposes other than resale, four hundred or less cigarettes at any single time without incurring tax liability under this chapter, RCW 28A.47.440 and RCW 73.32.130.

NEW SECTION. Sec. 8. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1972 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1972 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 29, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 27, 1972 with the exception of one item in section 6 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...There has recently developed between the taxing authority of this state and certain Indian people a conflict, undesired by all parties, over the permissible scope of the state taxing authority as it relates to the sale of cigarettes in this state. More particularly, certain Indian people selling cigarettes on reservations have alleged that federal law relieves them of the state imposed duty to collect the cigarette excise tax upon sales to non-Indians.

Veto
Message

These allegations have been acted upon and the matter is presently in litigation.

Veto
Message

This bill is an attempt to eliminate this controversy by interposing the authority of the state at points removed from the reservations. To achieve this result the bill provides that the tax is imposed upon the first taxable event occurring in this state (section 4) and denominates as contraband any untaxed cigarettes which are not consigned to, or in the possession of, a person authorized to possess untaxed cigarettes (sections 5 and 6). Included among persons authorized to possess untaxed cigarettes are ' . . . any Indian tribal organization authorized by the department to possess unstamped cigarettes.' (Section 6.) In addition, Section 7 legitimatizes individual possession of two cartons or less of unstamped cigarettes if held for personal use, thus legitimatizing to that extent non-Indian purchases from Indian sellers who have not collected the tax otherwise due from such buyers.

Serious questions have been raised about the propriety of the above-quoted portion of section 6. On its face, it purports to render dependent upon department approval even those sales of cigarettes by Indians to Indians when they are occupying their own trust land over which the state has not assumed full jurisdiction. It is highly doubtful that the state possesses authority thus to regulate inter-Indian on-reservation trade taking place on trust land where the state has not assumed full jurisdiction pursuant to chapter 37.12 RCW. It is equally doubtful that the legislature wished to make the attempt and particularly so if this condition to sale is viewed as an attempt to require an additional license of federal Indian traders.

If reference is had to Laws 1969, 1st ex. sess., ch. 214, sec. 1, it will be noted that the state has already assumed authority to determine which tribes, if any, may obtain untaxed cigarettes. A reading of this 1969 act makes clear that the phrase 'authorized by the department' in House Bill 44 is not intended to constitute a new grant of authority. It is instead, merely an internal reference to the powers already assumed under Laws 1969, 1st ex. sess., ch. 214, sec. 1. As such it is at best surplusage. But at worst it may be mistaken for a grant of authority to the department to regulate inter-Indian reservation sales. For

this reason, I have vetoed the item 'by the department' in the last paragraph of section 6.

Veto
Message

By taking this action the bill authorizes possession of unstamped cigarettes by '. . . any Indian tribal organization authorized to possess unstamped cigarettes.' As such, the bill in no way can be said to interfere with pending litigation in this area in which Indian sellers are claiming such authorization under federal law. The question of which tribes are so authorized, and the source of any such authority, is thus not answered by this bill. Whether Laws 1969, 1st ex. sess., ch. 214, sec. 1, effectively grant the department this authority, and if so, to what extent, is not answered. Through this veto, however, that issue is not raised in House Bill 44; House Bill 44 ceases to be construable as granting any such authority to the department, and those claiming the invalidity of such grant are referred directly to its source, i.e., Laws 1969, 1st ex. sess., ch. 214, sec. 1.

I think it especially important to make two observations about this legislation a part of this communication. First, this legislation does not attempt, as has been reported, to impose any state taxes on the reservation and it actually legitimatizes untaxed sales in limited quantities to non-Indian buyers by Indian sellers. Second, it is my opinion that the question of the proper source of any tribal authorization to possess unstamped cigarettes, as raised in this act, should be judicially determined.

With the exception of the one item referred to above, the remainder of House Bill 44 is approved."

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1972
FIRST SPECIAL SESSION FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1972

ENGROSSED HOUSE JOINT RESOLUTION NO. 61

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state
there shall be submitted to the qualified voters of the state for
their approval and ratification, or rejection, an amendment to the
Constitution of the state of Washington by adding a new Article, to
read as follows:

Article

Section 1. Equality of rights and responsibility under the
law shall not be denied or abridged on account of sex.

Section 2. The Legislature shall have the power to enforce,
by appropriate legislation, the provisions of this article.

BE IT FURTHER RESOLVED, That the Secretary of State shall
cause notice of the foregoing Constitutional amendment to be
published at least four times during the four weeks next preceding
the election in every legal newspaper in the state.

Passed the House January 24, 1972.

Passed the Senate February 10, 1972.

Filed in Office of Secretary of State February 15, 1972.

CROSS REFERENCE TABLES

Bill No. to Chapter No. -- 1972 extraordinary session

Bill Number	Chapter Number Laws of 1972	Bill Number	Chapter Number Laws of 1972	Bill Number	Chapter Number Laws of 1972
HB 5	48	HB 221	138	SB 63	71
HB 8	28	HB 223	38	SB 68	58
HB 9	83	HB 228	139	SB 71	72
HB 12	1	HB 234	39	SP 74	73
HB 13	84	HB 237	90	SB 82	59
HB 14	123	HB 240	91	SB 83	4
HB 17	49	HB 241	113	SB 84	60
HB 20	50	HB 243	40	SB 88	5
HB 29	153	HB 244	53	SB 89	74
HB 33	85	HB 248	98	SB 90	20
HB 34	51	HB 254	41	SB 92	117
HB 35	52	HB 257	54	SB 96	96
HE 38	29	HB 261	131	SB 97	6
HB 44	157	HB 266	42	SB 98	61
HB 45	30	HB 272	92	SB 100	75
HB 46	104	HB 275	93	SB 102	62
HB 47	136	HB 277	43	SB 104	97
HB 56	3	HB 279	140	SB 109	21
HB 57	124	HB 289	114	SB 111	22
HB 79	86	HB 299	115	SB 128	23
HB 80	8	HB 313	154	SB 146	152
HB 81	9	HE 324	132	SB 149	76
HB 82	10	HB 341	82	SB 152	24
HB 83	11	HB 348	44	SB 163	63
HB 84	12	HB 381	133	SB 173	101
HB 85	13	HB 411	141	SB 181	64
HB 86	87	HB 413	142	SB 189	25
HB 90	105	HB 414	134	SB 206	147
HB 93	31	HB 417	116	SB 207	148
HB 98	106	HB 426	55	SB 232	156
HB 105	14	HB 446	45	SB 240	149
HB 112	155	HB 468	46	SB 246	65
HB 126	15	HB 469	135	SB 253	66
HB 130	137	HB 482	119	SB 263	94
HB 133	32	HB 508	47	SB 272	95
HB 139	125	HB 521	143	SB 276	67
HB 140	126	*****		SB 293	102
HE 142	107	*****		SB 296	7
HB 143	108	SB 3	56	SB 298	77
HB 147	109	SB 4	144	SB 312	68
HB 150	33	SB 6	16	SB 350	26
HB 155	34	SB 13	99	SB 355	103
HB 158	110	SB 15	17	SB 393	78
HB 159	88	SB 23	69	SB 403	79
HB 160	35	SB 27	100	SB 412	150
HB 164	36	SB 28	145	SB 414	27
HB 177	111	SB 29	122	SB 417	80
HB 186	127	SB 32	121	SB 423	81
HB 187	128	SB 38	18	SB 438	151
HB 189	129	SB 42	70		
HB 190	130	SB 45	146		
HB 194	118	SB 47	2		
HB 196	112	SB 50	120		
HB 199	37	SB 56	57		
HB 210	89	SB 62	19		

TABLE OF RCW SECTIONS AFFECTED BY 1972 Extraordinary Session

RCW		Ch.	Sec.	RCW		Ch.	Sec.
02.04.090	AMD	100	1	18.85.150	AMD	139	13
02.06.060	AMD	100	2	18.85.161	AMD	139	15
02.08.090	AMD	100	3	18.85.170	AMD	139	16
02.32.210	AMD	18	1	18.85.190	AMD	139	17
02.32.240	AMD	111	1	18.85.210	AMD	139	18
02.36.050	AMD	57	1	18.85.230	AMD	139	19
02.48.030	AMD	66	1	18.85.271	AMD	139	20
02.50	ADD	109	1	18.85.290	AMD	139	21
03.58.010	AMD	100	4	19	ADD	106	1
04.08.030	AMD	108	1	19	ADD	106	2
04.08.040	AMD	108	2	19	ADD	106	3
04.24.210	AMD	153	17	19	ADD	106	4
04.44.100	AMD	57	2	19	ADD	106	5
04.44.120	AMD	57	3	19	ADD	106	6
04.44.380	AMD	57	4	19	ADD	106	7
04.44.390	AMD	57	6	19	ADD	106	8
08.26.020	AMD	34	1	19	ADD	106	9
09.45.240	AMD	75	1	19	ADD	106	10
09.47.310	AMD	141	1	19	ADD	106	11
09.47.320	AMD	141	2	19	ADD	106	12
09.47.330	AMD	141	3	19	ADD	106	13
09.47.340	AMD	141	4	19	ADD	106	14
09.47.350	AMD	141	5	19	ADD	106	15
09.47.370	AMD	141	6	19	ADD	106	16
09.47.400	AMD	141	7	19	ADD	106	17
09.68.040	REP	122	26	19	ADD	106	18
09.87.010	AMD	122	29	19	ADD	106	19
09.95	ADD	67	1	19.60	ADD	114	2
09.95.050	REP	67	2	19.83.040	AMD	104	1
09.95.080	AMD	68	1	19.100.010	AMD	116	1
10.01.112	AMD	111	2	19.100.030	AMD	116	2
10.79.015	AMD	75	2	19.100.040	AMD	116	3
11.52.016	AMD	80	1	19.100.050	AMD	116	4
11.52.024	AMD	80	2	19.100.070	AMD	116	5
11.80	ADD	83	2	19.100.080	AMD	116	6
11.80	ADD	83	3	19.100.110	AMD	116	7
11.80.010	AMD	83	1	19.100.120	AMD	116	8
15.63.240	AMD	8	1	19.100.140	AMD	116	9
15.65	ADD	112	1	19.100.180	AMD	116	10
15.65	ADD	112	2	19.100.190	AMD	116	11
15.66	ADD	112	4	19.100.200	AMD	116	12
15.66	ADD	112	5	19.100.210	AMD	116	13
15.66.130	AMD	112	3	19.100.220	AMD	116	14
18.27	ADD	118	4	19.100.250	AMD	116	15
18.27	ADD	118	5	21.20.320	AMD	79	1
18.27.010	AMD	118	1	22.20.100	REP	13	2
18.27.040	AMD	118	2	25.08.020	AMD	113	1
18.27.080	AMD	118	3	25.08.070	AMD	113	2
18.39.040	AMD	120	1	25.08.090	AMD	113	3
18.64.080	REEN	9	1	25.08.190	AMD	113	4
18.85	ADD	139	7	25.08.240	AMD	113	5
18.85	ADD	139	14	26.08.080	AMD	21	1
18.85	ADD	139	22	26.16.030	AMD	108	3
18.85.010	AMD	139	1	26.16.040	AMD	108	4
18.85.030	AMD	139	2	26.16.130	REP	108	8
18.85.040	AMD	139	3	26.16.140	AMD	108	5
18.85.050	AMD	139	4	26.16.190	AMD	108	6
18.85.060	AMD	139	5	26.21.010	AMD	31	1
18.85.071	AMD	139	6	26.44.070	AMD	46	1
18.85.090	AMD	139	8	27.12	ADD	90	1
18.85.100	AMD	139	9	28A.09	ADD	17	1
18.85.110	AMD	139	10	28A.10.080	AMD	15	1
18.85.130	AMD	139	11	28A.13.020	REEN	10	1
18.85.140	AMD	139	12	28A.21.110	AMD	3	1

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28A.27.010	REEN	10	28B.15.012	AMD	149	1
28A.35.010	AMD	105	28B.15.013	AMD	149	2
28A.41	ADD	146	28B.15.620	AMD	149	3
28A.41.055	AMD	26	28B.20.394	AMD	107	1
28A.41.130	AMD	105	28B.30.730	AMD	25	2
	AMD	124	29	ADD	98	1
28A.41.145	AMD	14	29.18.140	REP	98	20
28A.41.160	AMD	85	29.21	ADD	61	1
28A.41.170	AMD	105	29.21	ADD	61	2
28A.44	ADD	124	29.21	ADD	61	3
28A.44	ADD	124	29.21	ADD	61	4
28A.44	ADD	124	29.21	ADD	61	5
28A.44	ADD	124	29.21	ADD	61	6
28A.44.050	REP	124	29.21	ADD	61	7
28A.44.080	AMD	124	29.42.020	AMD	45	1
28A.44.090	AMD	124	29.85.270	REP	98	20
28A.44.100	AMD	124	33.24.290	AMD	42	1
28A.47.440	AMD	157	33.28.040	AMD	134	4
28A.48.010	AMD	146	35.20.100	AMD	32	1
28A.48.110	AMD	124	35.20.200	AMD	32	2
28A.57	ADD	63	35.21	ADD	134	6
28A.57	ADD	63	35.43	ADD	137	2
28A.58	ADD	27	35.49.010	AMD	137	1
28A.58	ADD	142	35.50.050	AMD	137	5
28A.58	ADD	142	35.54	ADD	137	3
28A.58	ADD	142	35A.82	ADD	137	7
28A.58	ADD	142	36	ADD	89	1
28A.58.100	REEN	10	36	ADD	150	1
28A.58.180	AMD	105	36	ADD	150	2
28A.65.020	AMD	115	36	ADD	150	3
28A.65.080	AMD	26	36	ADD	150	4
28A.65.095	AMD	115	36	AED	150	5
28A.65.170	AMD	26	36	ADD	150	6
28A.67	ADD	39	36	ADD	150	7
28A.67	ADD	142	36	ADD	150	8
28A.96.010	REP	2	36	ADD	150	9
28A.96.020	REP	2	36.16.032	AMD	97	1
28A.96.030	REP	2	36.18	ADD	20	2
28A.96.040	REP	2	36.18.020	AMD	20	1
28A.96.050	REP	2		AMD	57	5
28A.96.060	REP	2	36.40	ADD	102	1
28A.96.070	REP	2	36.69	ADD	94	3
28A.96.080	REP	2	36.69	ADD	94	4
28A.96.090	REP	2	36.69	ADD	94	5
28A.96.100	REP	2	36.69	ADD	94	6
28A.96.300	REP	2	36.69	ADD	94	7
28B	ADD	133	36.69	ADD	94	8
28B	ADD	133	36.69	ADD	94	9
28B	ADD	133	36.69.010	AMD	94	1
28B	ADD	133	36.69.130	AMD	94	2
28B	ADD	133	36.88.090	AMD	62	1
28B	ADD	133	38.52	ADD	6	1
28B	ADD	133	38.52	ADD	6	2
28B	ADD	133	38.52	ADD	6	3
28B	ADD	133	39.12	ADD	91	1
28B	ADD	133	39.16	ADD	28	1
28B	ADD	133	39.16.010	REP	28	2
28B	ADD	133	39.33.010	AMD	95	1
28B.10	ADD	17	39.34.030	AMD	81	1
28B.10	ADD	23	41.04.250	AMD	19	1
28B.10	ADD	23	41.06.070	REEN	11	1
28B.10	ADD	23	41.08	ADD	37	1
28B.10.310	AMD	25	41.08	ADD	37	4

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41.08.070	AMD	37	2	43	ADD	117	19
41.12	ADD	37	5	43	ADD	117	20
41.12.070	AMD	37	3	43	ADD	117	21
41.14	ADD	48	1	43	ADD	117	22
41.14	ADD	48	2	43	ADD	117	23
41.14	ADD	48	3	43	ADD	117	24
41.14	ADD	48	4	43	ADD	117	25
41.26	ADD	131	10	43	ADD	117	26
41.26.030	AMD	131	1	43	ADD	117	27
41.26.046	AMD	131	2	43	ADD	117	28
41.26.047	AMD	131	3	43	ADD	117	29
41.26.050	AMD	131	4	43	ADD	117	30
41.26.085	AMD	131	5	43	ADD	117	31
41.26.090	AMD	131	6	43	ADD	117	32
41.26.100	AMD	131	7	43	ADD	117	33
41.26.120	AMD	131	8	43	ADD	117	34
41.26.160	AMD	131	9	43	ADD	117	37
41.32	ADD	147	4	43	ADD	127	1
41.32.480	AMD	147	1	43	ADD	127	2
41.32.4932	AMD	147	2	43	ADD	127	3
41.32.4943	AMD	147	3	43	ADD	127	4
41.40	ADD	151	5	43	ADD	127	5
41.40	ADD	151	7	43	ADD	127	6
41.40	ADD	151	10	43	ADD	127	7
41.40.010	AMD	151	1	43	ADD	127	8
41.40.100	AMD	151	2	43	ADD	127	9
41.40.170	AMD	151	3	43	ADD	127	10
41.40.180	AMD	151	4	43	ADD	127	11
41.40.185	ADD	151	5	43	ADD	128	1
41.40.190	AMD	151	6	43	ADD	128	2
41.40.210	AMD	151	8	43	ADD	128	3
41.40.220	AMD	151	9	43	ADD	128	4
41.40.240	REP	151	15	43	ADD	128	5
41.40.250	AMD	151	11	43	ADD	128	6
41.40.270	AMD	151	12	43	ADD	128	7
41.40.330	AMD	151	13	43	ADD	128	8
41.40.361	AMD	151	14	43	ADD	128	9
43	ADD	76	1	43	ADD	128	10
43	ADD	76	2	43	ADD	128	11
43	ADD	76	3	43	ADD	129	1
43	ADD	76	4	43	ADD	129	2
43	ADD	76	5	43	ADD	129	3
43	ADD	76	6	43	ADD	129	4
43	ADD	76	7	43	ADD	129	5
43	ADD	76	8	43	ADD	129	6
43	ADD	117	1	43	ADD	129	7
43	ADD	117	2	43	ADD	129	8
43	ADD	117	3	43	ADD	129	9
43	ADD	117	4	43	ADD	129	10
43	ADD	117	5	43	ADD	129	11
43	ADD	117	6	43	ADD	130	1
43	ADD	117	7	43	ADD	130	2
43	ADD	117	8	43	ADD	130	3
43	ADD	117	9	43	ADD	130	4
43	ADD	117	10	43	ADD	130	5
43	ADD	117	11	43	ADD	130	6
43	ADD	117	12	43	ADD	130	7
43	ADD	117	13	43	ADD	130	8
43	ADD	117	14	43	ADD	130	9
43	ADD	117	15	43	ADD	130	10
43	ADD	117	16	43	ADD	130	11
43	ADD	117	17	43	ADD	132	1
43	ADD	117	18	43	ADD	132	2

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
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43	ADD	132	4	46.09.080	AMD	153	9
43	ADD	132	5	46.09.090	AMD	153	10
43	ADD	132	6	46.09.100	REP	153	27
43	ADD	132	7	46.09.110	AMD	153	11
43	ADD	132	8	46.09.120	AMD	153	12
43	ADD	132	9	46.09.150	AMD	153	13
43	ADD	132	10	46.09.160	AMD	153	14
43	ADD	132	11	46.09.170	AMD	153	15
43.08	ADD	145	3	46.09.190	AMD	153	16
43.08.020	REEN	12	1	46.10	ADD	153	25
43.08.066	AMD	74	1	46.10.040	AMD	153	20
43.08.130	AMD	145	2	46.10.070	AMD	153	21
43.43	ADD	152	1	46.10.080	AMD	153	22
43.43	ADD	152	2	46.10.110	AMD	153	23
43.43	ADD	152	3	46.10.120	AMD	153	24
43.43	ADD	152	4	46.12	ADD	99	4
43.43	ADD	152	5	46.12.030	AMD	99	2
43.43	ADD	152	6	46.12.101	AMD	99	1
43.43	ADD	152	7	46.12.120	AMD	99	3
43.43	ADD	152	8	46.16.010	AMD	5	2
43.43	ADD	152	9	46.20.100	AMD	71	1
43.43	ADD	152	10	46.20.329	AMD	29	1
43.43	ADD	152	11	46.20.332	AMD	29	2
43.43	ADD	152	12	46.20.333	AMD	29	3
43.43	ADD	152	13	46.20.334	AMD	29	4
43.43	ADD	152	14	46.37.390	AMD	135	1
43.43	ADD	152	15	46.61.100	AMD	33	1
43.43	ADD	152	16	46.61.125	AMD	33	2
43.43	ADD	152	17	46.61.130	AMD	33	3
43.43	ADD	152	18	46.61.150	AMD	33	4
43.43	ADD	152	19	46.61.255	AMD	38	1
43.43	ADD	152	20	46.68.070	AMD	103	6
43.43	ADD	152	21	46.68.100	AMD	24	2
43.43	ADD	152	26	46.68.120	AMD	103	1
43.43.520	REP	152	24	46.68.130	AMD	103	7
43.43.660	REP	152	24	46.70.060	AMD	99	5
43.75	ADD	64	1	47.30	ADD	103	2
43.78.080	AMD	1	1	47.30	ADD	103	3
43.89.020	REP	152	24	47.30	ADD	103	4
43.99.020	AMD	56	1	47.30	ADD	103	5
43.120.020	AMD	110	1	47.60	ADD	24	3
44.60.030	AMD	82	11	47.60	ADD	24	4
44.64	ADD	82	6	47.60	ADD	24	8
44.64	ADD	82	7	47.60.150	AMD	24	5
44.64	ADD	82	8	47.60.290	AMD	24	6
44.64	ADD	82	9	47.60.320	REP	24	9
44.64	ADD	82	10	47.60.440	AMD	24	7
44.64.010	AMD	82	1	48.48	ADD	70	1
44.64.020	AMD	82	2	49.48.100	AMD	108	7
44.64.030	AMD	82	3	50.24.160	AMD	35	1
44.64.040	AMD	82	4	50.44.030	AMD	35	2
44.64.050	REP	82	12	51.04.010	AMD	43	1
44.64.060	AMD	82	5	51.04.080	AMD	43	2
46.04.552	AMD	5	1	51.04.110	AMD	43	37
46.09	ADD	153	18	51.08	ADD	43	4
46.09	ADD	153	19	51.08.015	AMD	43	3
46.09.010	AMD	153	2	51.08.030	AMD	65	1
46.09.020	AMD	153	3	51.08.080	REP	43	40
46.09.030	AMD	153	4	51.08.090	REP	43	40
46.09.040	AMD	153	5	51.08.120	REP	43	40
46.09.050	AMD	153	6	51.08.130	REP	43	40
46.09.060	AMD	153	7	51.08.170	REP	43	40

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51.12.010	AMD	43	6	51.44.060	AMD	43	28
51.12.020	AMD	43	7	51.44.080	AMD	43	29
51.12.030	REP	43	40	51.44.090	AMD	43	31
51.12.040	REP	43	40	51.44.100	AMD	92	2
51.12.050	AMD	43	8	51.44.140	AMD	43	30
51.12.080	AMD	43	9	51.48	ADD	43	32
51.12.090	AMD	43	10	51.48	ADD	43	33
51.12.100	AMD	43	11	51.48	ADD	43	34
51.12.120	AMD	43	12	51.48	ADD	43	35
51.14.020	AMD	43	16	51.48	ADD	78	1
51.16.120	AMD	43	13	51.52.100	AMD	43	36
51.16.130	AMD	43	14		AMD	50	1
51.16.150	AMD	43	15	52.12.040	AMD	101	1
51.20.005	REP	43	39	52.12.110	AMD	101	2
51.20.010	REP	43	39	52.16.070	AMD	16	1
51.20.020	REP	43	39	53.08	ADD	54	3
51.20.050	REP	43	39	53.08	ADD	54	4
51.20.060	REP	43	39	53.08.040	AMD	54	1
51.20.070	REP	43	39	54.04.080	AMD	41	1
51.20.080	REP	43	39	63.14.010	AMD	47	1
51.20.090	REP	43	39	63.14.040	AMD	47	2
51.20.100	REP	43	39	63.14.120	AMD	47	3
51.20.110	REP	43	39	63.14.154	AMD	47	4
51.20.130	REP	43	39	64.08	ADD	58	1
51.20.140	REP	43	39	67.32.080	AMD	153	1
51.20.150	REP	43	39	70	ADD	122	1
51.20.160	REP	43	39	70	ADD	122	2
51.20.170	REP	43	39	70	ADD	122	3
51.20.180	REP	43	39	70	ADD	122	4
51.20.210	REP	43	39	70	ADD	122	5
51.20.220	REP	43	39	70	ADD	122	6
51.20.240	REP	43	39	70	ADD	122	7
51.20.290	REP	43	39	70	ADD	122	8
51.20.310	REP	43	39	70	ADD	122	9
51.20.330	REP	43	39	70	ADD	122	10
51.20.340	REP	43	39	70	ADD	122	11
51.20.350	REP	43	39	70	ADD	122	12
51.20.370	REP	43	39	70	ADD	122	13
51.20.380	REP	43	39	70	ADD	122	14
51.20.390	REP	43	39	70	ADD	122	15
51.20.400	REP	43	39	70	ADD	122	16
51.20.410	REP	43	39	70	ADD	122	17
51.20.420	REP	43	39	70	ADD	122	18
51.20.430	REP	43	39	70	ADD	122	19
51.20.440	REP	43	39	70	ADD	122	20
51.20.450	REP	43	39	70	ADD	122	21
51.20.460	REP	43	39	70	ADD	122	22
51.20.470	REP	43	39	70	ADD	122	23
51.20.480	REP	43	39	70	ADD	122	24
51.20.490	REP	43	39	70	ADD	122	25
51.20.500	REP	43	39	70	ADD	122	26
51.20.600	REP	43	39	70	ADD	122	27
51.28.030	AMD	43	17	70.30	ADD	143	2
51.32	ADD	43	26	70.30	ADD	143	3
51.32.040	AMD	43	18	70.30	ADD	143	4
51.32.050	AMD	43	19	70.30.010	REP	143	7
51.32.060	AMD	43	2	70.30.020	REP	143	7
51.32.073	AMD	43	24	70.30.040	REP	143	7
51.32.080	AMD	43	21	70.30.050	REP	143	7
51.32.090	AMD	43	22	70.30.060	REP	143	7
51.32.095	AMD	43	23	70.30.071	REP	143	7

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70.30.130	REP	143	7	72	ADD	7	3
70.30.160	REP	143	7	72	ADD	7	4
70.32.015	REP	143	7	72	ADD	7	5
70.32.021	REP	143	7	72	ADD	96	1
70.32.030	REP	143	7	72	ADD	96	2
70.32.040	REP	143	7	72	ADD	96	3
70.32.080	REP	143	7	72	ADD	96	4
70.32.085	REP	143	7	72	ADD	96	5
70.33.070	REP	143	7	72	ADD	96	6
70.35	ADD	143	5	72	ADD	96	7
70.35	ADD	143	6	72	ADD	96	8
70.35.070	AMD	143	1	72.50.120	REP	152	24
70.74	ADD	88	1	72.50.130	REP	152	24
70.74	ADD	88	2	72.50.140	REP	152	24
70.74	ADD	88	3	72.50.150	REP	152	24
70.74.010	AMD	88	5	72.50.160	REP	152	24
70.74.020	AMD	88	6	72.50.170	REP	152	24
70.74.030	AMD	88	7	72.60	ADD	40	2
70.74.050	AMD	88	8	72.60.100	AMD	40	1
70.79.030	AMD	86	1	72.64	ADD	40	3
70.79.090	AMD	86	2	72.66	ADD	72	1
70.94	ADD	136	1	72.68	ADD	59	1
70.94	ADD	136	2	72.68	ADD	59	2
70.94	ADD	136	3	72.68	ADD	59	3
70.94	ADD	136	4	72.68	ADD	59	4
70.94	ADD	136	5	72.68.030	REP	59	5
70.94	ADD	136	6	73.04	ADD	4	1
70.96	ADD	77	1	73.04.110	AMD	60	1
70.96	ADD	77	2	73.32.130	AMD	154	7
70.96.010	REP	122	26		AMD	157	2
70.96.020	REP	122	26	81	ADD	36	1
70.96.030	REP	122	26	81	ADD	36	2
70.96.040	REP	122	26	81	ADD	36	3
70.96.050	REP	122	26	81	ADD	36	4
70.96.060	REP	122	26	81.92.110	AMD	13	1
70.96.070	REP	122	26	82	ADD	134	2
70.96.080	REP	122	26	82	ADD	134	3
70.96.090	REP	122	26	82	ADD	134	5
70.96.100	REP	122	26	82.04.291	AMD	148	1
70.96.110	REP	122	26	82.04.385	AMD	134	1
70.96.120	REP	122	26	82.14.910	AMD	121	1
70.96.130	REP	122	26	82.24	ADD	157	6
70.96.140	REP	122	26	82.24	ADD	157	7
70.96.900	REP	122	26	82.24.020	AMD	157	3
70.108	ADD	123	4	82.24.080	AMD	157	4
70.108	ADD	123	5	82.24.130	AMD	157	5
70.108	ADD	123	6	82.36.020	AMD	24	1
70.108	ADD	123	7	82.36.280	AMD	138	1
70.108.040	AMD	123	1	82.38.080	AMD	49	1
70.108.050	AMD	123	2		AMD	135	2
70.108.070	AMD	123	3		AMD	138	2
71.08.010	REP	122	26	82.38.170	AMD	138	3
71.08.020	REP	122	26	82.38.180	AMD	138	4
71.08.030	REP	122	26	82.38.190	AMD	138	5
71.08.040	REP	122	26	82.44.150	REEN	87	1
71.08.050	REP	122	26	82.50.030	AMD	144	1
71.08.060	REP	122	26	82.50.410	AMD	144	2
71.08.070	REP	122	26	83.24	ADD	73	1
71.08.080	REP	122	26	84.32.010	REP	148	8
71.08.090	REP	122	26	84.32.020	REP	148	8
71.24.030	AMD	122	30	84.32.030	REP	148	8

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84.32.090	REP	148	8			
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84.36.160	AMD	30	1			
84.36.370	AMD	126	1			
84.36.380	AMD	126	3			
84.40.030	AMD	125	2			
84.40.045	AMD	125	1			
84.52.050	AMD	124	8			
84.64	ADD	84	4			
84.64.030	AMD	84	1			
84.64.050	AMD	84	2			
84.68.010	AMD	84	3			
84.69.020	AMD	126	2			
89.04.005	REP	52	1			
89.04.010	REP	52	1			
89.04.030	REP	52	1			
89.04.040	REP	52	1			
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89.04.105	REP	52	1			
89.04.110	REP	52	1			
89.04.115	REP	52	1			
89.16.010	AMD	51	1			
89.16.020	AMD	51	2			
89.16.030	REP	51	9			
89.16.040	AMD	51	3			
89.16.045	AMD	51	4			
89.16.050	AMD	51	5			
89.16.060	AMD	51	6			
89.16.080	AMD	51	7			
89.16.090	REP	51	9			
89.16.100	REP	51	9			
89.16.110	REP	51	9			
90.48	ADD	140	1			
90.58.240	AMD	53	1			

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§ 6		AMD	108	1	Ch. 90, §§	1,2	REP	52	1		
§ 7		AMD	108	2	<u>LAWS 1931</u>						
§ 206		AMD	57	3	Ch. 67, §§	1,2	REP	52	1		
§ 2402		AMD	108	6	Ch. 111		ADD	88	1-3		
§ 2404		REP	108	8	Ch. 111, §	1	AMD	88	5		
§ 2409		AMD	108	3	Ch. 111, §	2	AMD	88	6		
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Ch. 48, §	4	AMD	57	1	Ch. 94, §	5	AMD	66	1		
<u>LAWS 1895</u>				<u>LAWS 1935</u>							
Ch. 36, §	1	AMD	57	4	Ch. 31, §	7	AMD	37	2		
Ch. 36, §	2	AMD	57	6	<u>LAWS 1937</u>						
<u>LAWS 1903</u>				<u>LAWS 1939</u>							
Ch. 43, §	1	AMD	57	2	Ch. 13, §	7	AMD	37	3		
<u>LAWS 1909</u>				<u>LAWS 1941</u>							
Ch. 32, §	2	AMD	108	7	Ch. 252		ADD	139	7		
<u>LAWS EX. SESS. 1909</u>				<u>LAWS 1941</u>							
Ch. 23, §	1	REP	122	26	Ch. 252		ADD	139	14		
<u>LAWS 1913</u>				<u>LAWS 1941</u>							
Ch. 126, §	5	AMD	111	1	Ch. 252		ADD	139	22		
Ch. 172, §§	1-5	REP	143	7	Ch. 252, §	2	AMD	139	1		
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Ch. 80, §	48	AMD	147	1	
Ch. 254, §	7	AMD	101	1	
Ch. 274, §	1	AMD	151	1	
Ch. 274, §	11	AMD	151	2	
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Ch. 274, §	20	AMD	151	6	
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<u>LAWS 1949</u>					
Ch. 178, §	1	AMD	60	1	
Ch. 215, §	8	AMD	21	1	
<u>LAWS 1951</u>					
Ch. 32, §	3	AMD	86	1	
Ch. 32, §	9	AMD	86	2	
Ch. 178		ADD	6	1-3	
Ch. 196, §	2	AMD	31	1	
Ch. 210, §	1	AMD	18	1	
Ch. 222, §	2	AMD	139	2	
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Ch. 144, §	1	AMD	100	1	
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Ch. 15, §	25.08.190	AMD	113	4	
Ch. 15, §	25.08.240	AMD	113	5	
Ch. 65		ADD	54	3, 4	
Ch. 65, §	5	AMD	54	1	
Ch. 114, §	1	AMD	75	1	
Ch. 124, §	3	AMD	41	1	
Ch. 133, §	6	REP	67	2	
Ch. 133, §	9	AMD	68	1	
<u>LAWS 1957</u>					
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Ch. 221, §	3	AMD	104	1	
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<u>LAWS 1959</u>					
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Ch. 28, §	72.60.100	AMD	40	1	
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<u>LAWS 1961</u>					
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