

regularly elected and qualified judge of the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the court of appeals: PROVIDED, HOWEVER, That no judge pro tempore appointed to serve on the court of appeals may serve more than ninety days in any one year(~~(: AND PRO-VIDED FURTHER, That the court of appeals shall not utilize the services of judges pro tempore to exceed two hundred forty court days during any one year))~~).

(2) Before entering upon his duties as judge pro tempore of the court of appeals, the appointee shall take and subscribe an oath of office as provided for in Article IV, section 28 of the state Constitution.

NEW SECTION. Sec. 3. There is added to chapter 2.06 RCW a new section to read as follows:

The new judicial positions created pursuant to section 1 of this 1977 amendatory act shall become effective January 1, 1978 and shall be filled by gubernatorial appointment as follows:

- (1) Two shall be appointed to the first division, District 1, King county;
- (2) One shall be appointed to the second division, District 1, Pierce county; and
- (3) One shall be appointed to the third division, District 1, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties.

The persons appointed by the governor shall hold office until the general election to be held in November 1978. Upon taking office the two newly appointed judges in Division 1 shall determine by lot the length of term they will be entitled to run for in the general election of 1977. One term will be for one year or until the second Monday in January 1980, and the other for three years or until the second Monday in January 1982, and until their successors are elected and qualified. Thereafter judges shall be elected for a term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election. At the general election to be held in November 1978, the judges appointed in Division 2 and Division 3 shall be entitled to run for a term of six years or until the second Monday in January 1985, and until their successors are elected and qualified. Thereafter judges shall be elected for a term of six years and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election.

Passed the Senate March 30, 1977.

Passed the House May 13, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.

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## CHAPTER 50

[Engrossed Senate Bill No. 2254]

### TRAFFIC FATALITIES—BLOOD SAMPLE ANALYSIS—REPORTS

AN ACT Relating to reports of the state toxicologist; and amending section 1, chapter 270, Laws of 1971 ex. sess. and RCW 46.52.065.

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

Section 1. Section 1, chapter 270, Laws of 1971 ex. sess. and RCW 46.52.065 are each amended to read as follows:

Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians (~~age fifteen years and older~~) who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential (~~(,and shall not be utilized as evidence in any civil or criminal action, except that the results of these analyses shall be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post mortem is performed)~~) : PROVIDED, That the results of these analyses shall be reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: PROVIDED FURTHER, That the results of these analyses may be admitted in evidence in any civil or criminal action where relevant and shall be made available to the parties to any such litigation on application to the court.

Passed the Senate March 24, 1977.

Passed the House May 13, 1977:

Approved by the Governor May 24, 1977.

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## CHAPTER 51

[Engrossed Senate Bill No. 2263]

### EMPLOYMENT AGENCIES

AN ACT Relating to employment agencies; amending section 2, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.020; amending section 4, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.040; amending section 6, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.060; amending section 9, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.090; amending section 10, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.100; amending section 11, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.110; amending section 17, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.170; amending section 19, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.190; amending section 20, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.200; adding a new section to chapter 19.31 RCW; and prescribing penalties.

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

Section 1. Section 2, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.020 are each amended to read as follows:

Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

(1) "Employment agency" is synonymous with "agency" and shall mean any business in which any part of the (~~(business's)~~) business gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring, or attempting to procure employment for applicants; or