

(2) Section 3, chapter 179, Laws of 1974 ex. sess. and RCW 43.21C-.085; and

(3) Section 11, chapter 179, Laws of 1974 ex. sess., section 107, chapter 151, Laws of 1979 and RCW 43.21C.140.

NEW SECTION. Sec. 11. RCW 43.21C.070, 43.21C.200, 43.21C.202, and 43.21C.204 are each decodified.

NEW SECTION. Sec. 12. RCW 43.21C.100 is recodified as RCW 43.21C.170.

NEW SECTION. Sec. 13. RCW 43.21C.105 is recodified as RCW 43.21C.175.

NEW SECTION. Sec. 14. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 15. Sections 3 and 4 of this act apply to agency decisions and to appeal proceedings prospectively only and not retrospectively. Sections 1, 5, 6, 7, and 8 of this act may be applied by agencies retrospectively.

NEW SECTION. Sec. 16. 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. 17. (1) Sections 1, 2, and 4 through 16 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.

(2) Section 3 of this act shall take effect one hundred eighty days after the remainder of this act goes into effect under subsection (1) of this section.

Passed the Senate March 24, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 118

[Substitute Senate Bill No. 3007]

RAPE—SPOUSAL EXCEPTION—REMOVED FOR 1ST AND 2ND DEGREE

AN ACT Relating to sexual offenses; amending section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040; and amending section 5, chapter 14, Laws of 1975 1st ex. sess. as amended by section 2, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.050.

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

Sec. 1. Section 3, chapter 10, Laws of 1982 as amended by section 11, chapter 192, Laws of 1982 and RCW 9A.44.040 are each amended to read as follows:

(1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person (~~(not married to the perpetrator)~~) by forcible compulsion where the perpetrator or an accessory:

- (a) Uses or threatens to use a deadly weapon; or
- (b) Kidnaps the victim; or
- (c) Inflicts serious physical injury; or
- (d) Feloniously enters into the building or vehicle where the victim is situated.

(2) Rape in the first degree is a class A felony.

Sec. 2. Section 5, chapter 14, Laws of 1975 1st ex. sess. as amended by section 2, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.050 are each amended to read as follows:

(1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person(~~(, not married to the perpetrator)~~):

- (a) By forcible compulsion; or
- (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated.

(2) Rape in the second degree is a class B felony.

Passed the Senate March 30, 1983.

Passed the House April 17, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 119

[House Bill No. 146]

ASIAN-AMERICAN AFFAIRS COMMISSION—SUNSET TERMINATION EXTENDED

AN ACT Relating to the Washington state Asian-American commission; amending section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010; amending section 14, chapter 140, Laws of 1974 ex. sess. as amended by section 1, chapter 297, Laws of 1977 ex. sess. and RCW 43.117.910; amending section 34, chapter 99, Laws of 1979 and RCW 43.131-.215; amending section 76, chapter 99, Laws of 1979 and RCW 43.131.216; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 1, chapter 140, Laws of 1974 ex. sess. and RCW 43-.117.010 are each amended to read as follows:

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Asian-Americans have unique and special problems. It is the purpose of this