

1971
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FORTY-SECOND LEGISLATURE

Convened January 11, 1971. Adjourned March 11, 1971.

1st EXTRAORDINARY SESSION
FORTY-SECOND LEGISLATURE

Convened March 12, 1971. Adjourned May 10, 1971.



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to Chapter 6, Laws of 1969.

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Code Reviser



**PERTINENT FACTS CONCERNING THE WASHINGTON
SESSION LAWS**

1. EDITIONS AVAILABLE

- (a) *General information.* The session laws are printed successively in two editions;
 - (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. 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 laws of the 1971 regular and 1st extraordinary session will be published in one volume. All orders must be accompanied by remittance.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

Commencing with the Laws of 1969, both editions of the session laws are printed by the offset method to present the new laws in the 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: V
 - (i) association, partnership, society, or any other organization
 - (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 1971 Regular Session is June 10, 1971 (midnight June 9) and the pertinent date for the 1971 1st Extraordinary Session is August 9, 1971 (midnight August 8).
- (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 1971 regular session and the 1971 1st extraordinary session (42nd Legislature) 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 fifteenth day of July, 1971.



Richard O. White

RICHARD O. WHITE
Code Reviser

CHAPTER 1

[Engrossed Senate Bill No. 58]

UNEMPLOYMENT COMPENSATION--

EXTENDED BENEFITS

AN ACT Relating to unemployment compensation; adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein; repealing section 23, chapter 2, Laws of 1970 ex.sess. and RCW 50.20.127; establishing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. Sections 2 through 11 of this 1971 amendatory act are added to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein.

NEW SECTION. Sec. 2. As used in this 1971 amendatory act, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) a week for which there is a national "on" indicator, or

(ii) a week for which there is a state "on" indicator:

PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date.

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent.

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent.

(4) There is a "state 'on' indicator" for this state for a

week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section:

(a) equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Less than four percent.

(6) "Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor; by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.

(9) "Additional benefits" are benefits other than regular benefits or extended benefits. The term includes benefits paid or payable pursuant to RCW 50.20.127 for weeks ending prior to October 11, 1970 and emergency benefits as provided for in this 1971 amendatory act.

(10) "Emergency benefits" are additional benefits payable only

during the emergency benefit period. The entitlement and eligibility criteria for such benefits are contained in section 9 of this 1971 amendatory act.

(11) "Emergency benefit period" is the only period during which emergency benefits are payable. It is coincident to that extended benefit period which began on October 11, 1970, but in no event shall such emergency benefit period extend beyond October 2, 1971.

(12) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(13) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week: PROVIDED, That for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to more regular benefits; or

(b) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no rights to allowances or unemployment benefits, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, or the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(d) Has not received and is not seeking unemployment benefits under the employment security law of the Virgin Islands or of Canada, but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is an exhaustee.

(14) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION. Sec. 3. Except when the result would be inconsistent with the other provisions of this 1971 amendatory act,

the provisions of this title and commissioner's regulations enacted pursuant thereto, which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

NEW SECTION. Sec. 4. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the commissioner finds that with respect to such week:

(1) He is an "exhaustee" as defined in subsection 13 of section 2 of this 1971 amendatory act; and

(2) He has satisfied the requirements of this title for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

NEW SECTION. Sec. 5. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

NEW SECTION. Sec. 6. The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him under this title in his applicable benefit year;

(2) Thirteen times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year; or

(3) Thirty-nine times his weekly benefit amount which was payable to him under this title for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this title with respect to the benefit year.

NEW SECTION. Sec. 7. (1) Whenever an extended benefit period is to become effective in this state (or in all states) as a result of a state or national "on" indicator, or an extended benefit period is to be terminated in this state as a result of state and national "off" indicators or solely as a result of a state "off" indicator prior to January 1, 1972, the commissioner shall make an appropriate public announcement.

(2) Computations required by the provisions of subsection (6) of section 2 of this 1971 amendatory act shall be made by the commissioner, in accordance with regulations prescribed by the United States secretary of labor.

NEW SECTION. Sec. 8. Benefits paid under the provisions of RCW 50.20.127 for weeks beginning on and after October 11, 1970, and

prior to the effective date of this 1971 amendatory act, shall be considered as extended benefits paid under this act to the extent that such benefits would have been payable had this act been in effect at the time such benefits were paid. The commissioner shall establish a total extended benefit amount pursuant to this act for each individual who receives benefits under RCW 50.20.127 with respect to weeks of unemployment beginning on and after October 11, 1970, and shall reduce such total extended benefit amount by the aggregate amount of benefits paid to each such individual under RCW 50.20.127 with respect to weeks of unemployment beginning on and after October 11, 1970, which would have been payable to such individual under this act had it been in effect at the time such payments were made: PROVIDED, HOWEVER, That this provision shall not be interpreted as granting retroactive benefits for weeks of unemployment which were not claimed under the provisions of RCW 50.20.127.

NEW SECTION. Sec. 9. The current protracted period of high unemployment in this state requires the enactment of a temporary emergency benefit program. The benefits to be paid pursuant to this program are designated as emergency benefits. Emergency benefits are payable only for weeks claimed during the emergency benefit period: PROVIDED, HOWEVER, That no such benefits are payable for weeks commencing after October 2, 1971. No individual shall be deemed qualified for emergency benefits unless the benefit year upon which his current eligibility period is based includes the effective date of this 1971 amendatory act, nor shall he be deemed qualified unless he has exhausted his entitlement to extended benefits and continues to meet the exhaustee criteria. Subject to the foregoing limitations emergency benefits will be paid in accordance with the terms and conditions set forth in the following subsections.

(1) An individual's total entitlement to emergency benefits is the balance obtained by subtracting the total amount of benefits, if any, which have been claimed pursuant to RCW 50.20.127 for weeks ending prior to October 11, 1970 from the lesser of the following amounts:

(a) Fifty percent of the total amount of regular benefits which were payable to him under this title with respect to his applicable benefit year; or

(b) Thirteen times the weekly regular benefit amount which was payable to him under this title for a week of total unemployment during his applicable benefit year.

(2) An individual's weekly emergency benefit amount shall be the same as the weekly regular benefit amount payable to him under this title for a week of total unemployment during his applicable benefit year.

(3) Except when the result would be inconsistent with other provisions of this 1971 amendatory act, the provisions of this title and the commissioner's regulations enacted pursuant thereto, which apply to claims for, or the payment of, regular benefits shall apply to claims for, or the payment of, emergency benefits.

NEW SECTION. Sec. 10. Section 23, chapter 2, Laws of 1970 ex.sess. and RCW 50.20.127 are each hereby repealed. No benefits shall be paid pursuant to RCW 50.20.127 for weeks commencing on or after the effective date of this 1971 amendatory act.

NEW SECTION. Sec. 11. This 1971 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 on the Sunday following the day on which the governor signs this enactment.

Passed the Senate January 15, 1971.
Passed the House January 15, 1971.
Approved by the Governor January 15, 1971.
Filed in Office of Secretary of State January 15, 1971.

CHAPTER 2
[Senate Bill No. 171]
APPROPRIATIONS--
LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE

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

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of three million one hundred twenty-eight thousand three hundred thirty dollars (\$3,128,330), or so much thereof as may be necessary for the purpose of paying the expenses and costs of the legislature including payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the forty-second legislature, and for members' mileage. From the amount hereby appropriated:

(1) The Senate shall not expend more than one million four hundred one thousand five hundred fifty dollars (\$1,401,550); and

(2) The House of Representatives shall not expend more than one million seven hundred twenty-six thousand seven hundred eighty dollars (\$1,726,780): PROVIDED, That none of the funds appropriated by this section shall be expended by or for the legislative council,

the legislative budget committee, or any other legislative interim committee.

NEW SECTION. Sec. 2. There is hereby appropriated out of the state general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953 and section 5, chapter 212, Laws of 1969 extraordinary session, salaries, wages and operations, the sum of forty-three thousand seven hundred fifty-one dollars (\$43,751) or so much thereof as is necessary, to pay additional costs related to preparing and drafting bills for the legislature and the legislative information system.

NEW SECTION. Sec. 3. There is hereby appropriated out of the state general fund, for the legislative budget committee, the sum of eight thousand seven hundred dollars (\$8,700) or so much thereof as is necessary for the support of data processing services in connection with the legislative review and analysis of the executive budget.

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

Passed the Senate January 21, 1971.

Passed the House January 25, 1971.

Approved by the Governor January 28, 1971.

Filed in Office of Secretary of State January 28, 1971.

CHAPTER 3

[Engrossed House Bill No. 199]

UNEMPLOYMENT COMPENSATION--

EXTENDING COVERAGE TO EMPLOYEES OF GOVERNMENT

AND CERTAIN NONPROFIT ORGANIZATIONS

AN ACT Relating to unemployment compensation; amending section 8, chapter 35, Laws of 1945 as amended by section 1, chapter 215, Laws of 1951 and RCW 50.04.070; amending section 8, chapter 266, Laws of 1959 and RCW 50.04.072; amending section 9, chapter 35, Laws of 1945 as amended by section 2, chapter 214, Laws of 1949 and RCW 50.04.080; amending section 12, chapter 35, Laws of 1945 and RCW 50.04.110; amending section 13, chapter 35, Laws of 1945 and RCW 50.04.115; amending section 21, chapter 35, Laws of 1945 as last amended by section 1, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.200; amending section 31, chapter 35, Laws of 1945 and RCW 50.04.300; amending section 44, chapter 35, Laws of 1945 as last amended

by section 1, chapter 266, Laws of 1959 and RCW 50.12.050; amending section 89, chapter 35, Laws of 1945 as last amended by section 8, chapter 2, Laws of 1970 ex. sess. and RCW 50.24.010; amending section 104, chapter 35, Laws of 1945 as last amended by section 6, chapter 266, Laws of 1959 and RCW 50.24.160; amending section 10, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.010; repealing section 20, chapter 35, Laws of 1945 and RCW 50.04.190; adding new sections to chapter 35, Laws of 1945 and to Title 50 RCW; establishing effective dates; and declaring an emergency.

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

Section 1. Section 8, chapter 35, Laws of 1945 as amended by section 1, chapter 215, Laws of 1951 and RCW 50.04.070 are each amended to read as follows:

"Contributions" means the money payments ((, including the application of experience rating credits,)) due to the state unemployment compensation fund as provided in RCW 50.24.010.

NEW SECTION. Sec. 2. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

"Payments in lieu of contributions" means money payments due to the state unemployment compensation fund as provided in section 23 of this 1971 amendatory act.

Sec. 3. Section 8, chapter 266, Laws of 1959 and RCW 50.04.072 are each amended to read as follows:

((Wherever and whenever in any of the sections of chapter 35, Laws of 1945, and of Title 50:04, the words "contribution" and/or "contributions" appear, said words shall be construed to mean taxes which are the money payments required by this title to be made to the state unemployment compensation fund.)) The terms "contributions" and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund and are deemed to be taxes due to the state of Washington.

NEW SECTION. Sec. 4. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

The term "contributions" as used in this title shall be deemed to include "payments in lieu of contributions" to the extent that such usage is consistent with the purposes of this title. Such construction shall include but not be limited to those portions of this title dealing with assessments, interest, liens, collection procedures and remedies, administrative and judicial review, and the imposition of administrative, civil and criminal sanctions.

Sec. 5. Section 9, chapter 35, Laws of 1945 as amended by section 2, chapter 214, Laws of 1949 and RCW 50.04.080 are each amended to read as follows:

"Employer" means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title.

Irrespective of any other inconsistent provisions of this title, any employing unit shall also be deemed to be an employer for the purposes of this title to the same extent that services performed for such employing unit constitute subject employment under the provisions of any federal tax against which credit may be taken for contributions paid into a state unemployment compensation fund.

Irrespective of any provision in this title to the contrary any employing unit which employs individuals whose employment must be covered by the unemployment insurance laws of this state for services performed subsequent to December 31, 1971 as a condition of approval of the unemployment insurance laws of this state under section 3304 (a) of the Internal Revenue Code of 1954, as amended, will be considered an employer as to such individual and shall be subject to contributions on all wages paid subsequent to December 31, 1971, or reimbursement payments to cover benefits paid based on services performed subsequent to December 31, 1971, depending on the law applicable.

Sec. 6. Section 12, chapter 35, Laws of 1945 and RCW 50.04.110 are each amended to read as follows:

The term "employment" shall include an individual's entire service performed within or without or both within and without this state, if

- (1) The service is localized in this state; or
- (2) The service is not localized in any state, but some of the service is performed in this state, and
 - (a) the base of operations, or if there is no base of operations, then the place from which such service is directed or controlled is in this state; or
 - (b) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state; or

(3) The service is performed within the United States, the Virgin Islands or Canada, if

(a) such service is not covered under the unemployment compensation law of any other state, the Virgin Islands or Canada, and

(b) the place from which the service is directed or controlled

is in this state.

NEW SECTION. Sec. 7. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands) in the employ of an American employer (other than service which is deemed "employment" under the provisions of RCW 50.04.110 or 50.04.120 or the parallel provisions of another state's law), if:

(1) The employer's principal place of business in the United States is located in this state; or

(2) The employer has no place of business in the United States but

(a) the employer is an individual who is a resident of this state; or

(b) the employer is a corporation which is organized under the laws of this state; or

(c) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(3) None of the criteria [in] subsections (1) and (2) of this section is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the laws of this state.

(4) An "American employer", for the purposes of this section, means a person who is

(a) an individual who is a resident of the United States; or

(b) a partnership if two-thirds or more of the partners are residents of the United States; or

(c) a trust, if all of the trustees are residents of the United States; or

(d) a corporation organized under the laws of the United States or of any state.

Sec. 8. Section 13, chapter 35, Laws of 1945 and RCW 50.04.115 are each amended to read as follows:

Services not covered under RCW 50.04.110 or section 7 of this 1971 amendatory act ((7 and)) which are performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this title if the individual performing such services is a resident of this state and the commissioner approves the election ((7)) of the employing unit for whom such services are performed ((7)) that the entire service of such individual shall be deemed to

be employment subject to this title.

Sec. 9. Section 21, chapter 35, Laws of 1945 as last amended by section 1, chapter 8, Laws of 1953 ex. sess. and RCW 50.04.200 are each amended to read as follows:

The term "employment" shall not include service performed in the employ of (~~this state, or of any political subdivision thereof, or of any instrumentality of this state or its political subdivisions~~) any political subdivision of this state or of any instrumentality of a political subdivision: PROVIDED, That this exemption shall not be deemed to apply to public utility districts and public power authorities, nor shall this exemption be deemed to apply if (~~the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions~~) any political subdivision of this state or of any instrumentality of a political subdivision voluntarily elects coverage for all or any distinct class or group of individuals in its employ: (~~AND PROVIDED FURTHER, That the state or any political subdivision thereof or any instrumentality of this state or its political subdivisions is hereby authorized to pay to the unemployment compensation division for the unemployment compensation fund contributions required of employers by the provisions of this title.~~) PROVIDED, FURTHER, That no political subdivision of this state or any instrumentality of a political subdivision may cover, under the provisions of this section, services performed in its employ subsequent to December 31, 1971; and that any election for such coverage shall be canceled as of December 31, 1971.

Any political subdivision of this state or any instrumentality of a political subdivision is hereby authorized to pay to the unemployment compensation division for the unemployment compensation fund contributions required of employers by the provisions of this title for services performed for such employer prior to January 1, 1972.

Sec. 10. Section 31, chapter 35, Laws of 1945 and RCW 50.04.300 are each amended to read as follows:

"State" includes, in addition to the states of the United States of America, (~~Alaska, Hawaii, and~~) the District of Columbia and the Commonwealth of Puerto Rico.

Sec. 11. Section 44, chapter 35, Laws of 1945 as last amended by section 1, chapter 266, Laws of 1959 and RCW 50.12.050 are each amended to read as follows:

As used in this section the terms "other state" and "another state" shall be deemed to include any state or territory of the United States, the District of Columbia and any foreign government and, where applicable, shall also be deemed to include the federal government or provisions of a law of the federal government, as the case may be.

As used in this section the term "claim" shall be deemed to include whichever of the following terms is applicable, to wit: "Application for initial determination", "claim for waiting period credit", or "claim for benefits".

The commissioner (~~may~~) shall enter into an agreement with any other state whereby in the event an individual files a claim in another state against wages earned in employment in this state, or against wage credits earned in this state and in any other state or who files a claim in this state against wage credits earned in employment in any other state, or against wages earned in this state and in any other state, the claim will be paid by this state or another state as designated by the agreement in accordance with a determination on the claim as provided by the agreement and pursuant to the qualification and disqualification provisions of this title or under the provisions of the law of the designated paying state (including another state) or under such a combination of the provisions of both laws as shall be determined by the commissioner as being fair and reasonable to all affected interests, and whereby the wages of such individual, if earned in two or more states (including another state) may be combined, and further, whereby this state or another state shall reimburse the paying state in an amount which shall bear the same ratio to the amount of benefits already paid as the amount of wage credits transferred by this state or another state, and used in the determination, bear to the total wage credits used in computing the claimant's maximum amount of benefits potentially payable.

Whenever any claim is filed by an individual involving the combination of wages or a reciprocal arrangement for the payment of benefits, which is governed by the provisions of this section, the employment security department of this state, when not designated as the paying state, shall promptly make a report to the other state making the determination, showing wages earned in employment in this state.

The commissioner is hereby authorized to make to another state and to receive from another state reimbursements from or to the unemployment compensation fund in accordance with arrangements made pursuant to the provisions of this section.

NEW SECTION. Sec. 12. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the commissioner, nor shall such individual be denied benefits with respect to any week in which he is in training with the approval of the commissioner by reason of the application of subdivision (3) of RCW 50.20.010 relating to availability for work and active search for

work, or RCW 50.20.080 relating to failure to apply for, or refusal to accept suitable work.

Sec. 13. Section 89, chapter 35, Laws of 1945 as last amended by section 8, chapter 2, Laws of 1970 ex. sess. and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer (except employers as described in section 18 of this 1971 amendatory act who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which he is subject to this title at the rate of two and seven-tenths percent of wages paid each employee, except for such rates as determined for qualified employers according to chapter 50.29 RCW: PROVIDED, That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax.

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

In making computations under this section and RCW 50.29.010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in section 19 of this 1971 amendatory act.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance

with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

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

Sec. 14. Section 104, chapter 35, Laws of 1945 as last amended by section 6, chapter 266, Laws of 1959 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 (~~or this state or any political subdivisions thereof or any instrumentality of this state or its political subdivisions~~) 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 section 20 of this 1971 amendatory act as a matter of right. ((Such)) 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.

NEW SECTION. Sec. 15. There is added to chapter 35, Laws of 1945 and to Title 50 RCW a new section to read as follows:

Delinquent payments in lieu of contributions due the unemployment compensation fund and the interest thereon may be recovered from any of the political subdivisions of this state or any instrumentality of a political subdivision of this state by civil action. The governor is authorized to deduct the amount of delinquent payments in lieu of contributions and interest thereon from any moneys payable by the state to said political subdivisions or instrumentalities and pay such moneys to the commissioner for deposit in the appropriate account.

Sec. 16. Section 10, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.010 are each amended to read as follows:

As used in this chapter:

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

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

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

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

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

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

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

successor employer shall be liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer.

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

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

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent the maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, Column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

Column A

4.1% but less than 4.8%

Column B

0.40%

4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

(3) In all computations of "surplus" moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in section 19 of this 1971 amendatory act.

NEW SECTION. Sec. 17. Sections 18 through 25 of this 1971 amendatory act are added to chapter 35, Laws of 1945 and to Title 50 RCW as a new chapter therein, such chapter to be entitled "Special Coverage Provisions".

NEW SECTION. Sec. 18. Services performed subsequent to December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization which is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act shall be deemed services performed in employment unless such service is exempted under section 21 of this 1971 amendatory act.

Such organization shall make payments to the unemployment compensation fund based on such services in accordance with the provisions of section 23 of this 1971 amendatory act.

NEW SECTION. Sec. 19. Commencing with benefit years beginning on or after the effective date of this 1971 amendatory act, services performed subsequent to September 30, 1969 in the employ of this state or any of its wholly owned instrumentalities shall be deemed services in employment unless such services are excluded from the term employment by section 21 of this 1971 amendatory act.

The state 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 section 23 of this 1971 amendatory act: PROVIDED, HOWEVER, That no payment will be required from the state until the expiration of the twelve-month period following the end of the biennium in which the benefits attributable to such employment were paid. The amount of this payment shall include an amount equal to the amount of interest that would have been realized for the benefit of the unemployment compensation trust fund had such payments been received within thirty days after the day of the quarterly billing provided for in section 23(2)(a) of this 1971 amendatory act.

NEW SECTION. Sec. 20. 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 section 21 of this 1971 amendatory act.

Any political subdivision or instrumentality electing coverage 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 section 23 of this 1971 amendatory act.

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. 21. The term "employment" as used in sections 18, 19, and 20 of this 1971 amendatory act shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a nongovernmental educational institution which is not an "institution of higher education"; or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is

regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(10) In the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis.

NEW SECTION. Sec. 22. Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title; except that benefits based on service in an instructional, research or principal administrative capacity in an educational institution shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any educational institution or institutions for both such academic years or both such terms: PROVIDED, HOWEVER, That any employee of a common school district who is conclusively presumed to have been re-employed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

NEW SECTION. Sec. 23. Benefits paid to employees of "nonprofit organizations" shall be financed in accordance with the provisions of this section. For the purpose of this section and section 24 of this 1971 amendatory act, the term "nonprofit organization" is limited to those organizations described in section 18 of this 1971 amendatory act, and joint accounts composed

exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment which begin during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which is, or becomes, subject to this title on January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1972: PROVIDED, That it files with the commissioner a written notice of its election within the thirty-day period immediately following such date.

(b) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

(c) Any nonprofit organization which makes an election in accordance with paragraphs (a) or (b) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(d) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(e) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(f) The commissioner, in accordance with such regulations as he may prescribe, shall notify each nonprofit organization of any determination which he may make of its status as an employer and of the effective date of any election which it makes and of any

termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) For 1972, six-tenths of one percent of its total payroll for 1971.

(B) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(C) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall

determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount [payable] to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraph (a) or (b) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the

individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(4) Notwithstanding any other provisions in this section, any nonprofit organization which prior to January 1, 1969, paid contributions into the unemployment compensation fund, and pursuant to this section, elects, within thirty days after January 1, 1972 to make payments in lieu of contributions, shall not be required to make any such payment on account of any regular, additional, or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.

NEW SECTION. Sec. 24. In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this section.

(1) The amount of the bond or deposit required by this subsection shall be equal to two and four-tenths percent of the organization's total wages paid for employment as defined in section 18 of this 1971 amendatory act for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money or securities, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the commissioner.

(2) Any bond deposited under this section shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the commissioner, at such times as the commissioner may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The commissioner shall require adjustments to be made in a previously filed bond as he deems

appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in this title, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(3) Any deposit of money or securities in accordance with this section shall be retained by the commissioner in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The commissioner may deduct from the money deposited under this section by a nonprofit organization or sell the securities it has so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in this act. The commissioner shall require the organization within thirty days following any deduction from a money deposit or sale of deposited securities under the provisions of this subsection to deposit sufficient additional money or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The commissioner may, at any time review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary he shall require the organization to make an additional deposit within thirty days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by the applicable provisions of the state law.

(4) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this section, the commissioner may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which termination becomes effective: PROVIDED, That the commissioner may extend for good cause the applicable filing, deposit or adjustment period by not more than thirty days.

NEW SECTION. Sec. 25. Sections 18 through 24 of this 1971 amendatory act have been enacted to meet the requirements imposed by the federal unemployment tax act as amended by PL 91-373. Internal references in any section of this 1971 amendatory act to the

provisions of that act are intended only to apply to those provisions as they existed as of the effective date of this 1971 amendatory act.

In view of the importance of compliance of this 1971 amendatory act with the federal unemployment tax act, any ambiguities contained herein should be resolved in a manner consistent with the provisions of that act. Considerable weight has been given to the commentary contained in that document entitled "Draft Legislation to Implement the Employment Security Amendments of 1970 . . . H.R.14705", published by the United States Department of Labor, Manpower Administration, and that commentary should be referred to when interpreting the provisions of this 1971 amendatory act.

Language in this 1971 amendatory act concerning the extension of coverage to employers entitled to make payments in lieu of contributions should, in a manner consistent with the foregoing paragraph, be construed so as to have a minimum financial impact on the employers subject to the experience rating provisions of this title.

NEW SECTION. Sec. 26. Section 20, chapter 35, Laws of 1945 and RCW 50.04.190 are each repealed effective December 31, 1971.

NEW SECTION. Sec. 27. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing institutions, and shall take effect immediately.

Passed the House January 26, 1971.

Passed the Senate January 27, 1971.

Approved by the Governor January 28, 1971.

Filed in Office of Secretary of State January 28, 1971.

CHAPTER 4

[Engrossed Senate Bill No. 312]

HIGHWAYS--

EMERGENCY PROTECTION AND RESTORATION

AN ACT Relating to emergency protection and restoration of highways; adding a new section to chapter 47.28 RCW; creating new sections; providing a terminal date; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.28 RCW a new section to read as follows:

(1) Whenever the state highway commission finds that as a consequence of accident, natural disaster or other emergency, an existing state highway is in jeopardy, or is rendered impassible in

one or both directions, and the commission further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel the highway commission may authorize the department of highways to obtain at least three written bids for the work without publishing a call for bids and to award a contract forthwith to the lowest responsible bidder.

(2) Whenever the state highway commission finds it necessary to protect a highway facility from imminent damage or to perform temporary work to reopen a highway facility the highway commission may authorize the department of highways to contract for such emergency work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) When the engineer's estimate of the cost of work authorized in either subsections (1) or (2) of this section is less than one hundred thousand dollars the director of highways may make findings as provided hereinabove and pursuant thereto the department of highways may award contracts as authorized by this section.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

NEW SECTION. Sec. 2. The contract authorized by the director of highways on January 27, 1971 for emergency work to clear Old Sammish Road adjacent to the damaged portion of Interstate 5 to establish drainage and protect Interstate 5 from further damage is hereby ratified and approved.

NEW SECTION. Sec. 3. This act shall expire on June 30, 1971.

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

Passed the Senate January 29, 1971.

Passed the House February 1, 1971.

Approved by the Governor February 5, 1971.

Filed in Office of Secretary of State February 5, 1971.

CHAPTER 5

[House Bill No. 130]

STATE TREASURER--

CHECK CASHING

AN ACT Relating to state government; authorizing the state treasurer to cash certain checks for state officers and employees; and adding a new section to chapter 43.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.08 RCW a new section to read as follows:

The state treasurer is hereby authorized, in his discretion and as a service to state officers and employees, to accept in exchange for cash such checks drawn or endorsed by such state officers and employees and presented to his office as meet each of the following conditions:

(1) The check must be drawn to the order of cash or bearer and be immediately payable by a drawee bank located within the state of Washington;

(2) The amount of the check shall not exceed two hundred and fifty dollars; and

(3) The drawer presenting the check to the treasurer must produce such identification as the treasurer may require.

In the event that any check cashed by the state treasurer under this section is dishonored by the drawee bank when presented for payment, the treasurer is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next state salary warrant the full amount of the dishonored check.

Passed the House January 29, 1971.

Passed the Senate February 11, 1971.

Approved by the Governor February 19, 1971.

Filed in Office of Secretary of State February 19, 1971.

CHAPTER 6

[House Bill No. 92]

GARNISHMENT--

CODE CORRECTIONS

AN ACT Relating to garnishment; amending section 28, chapter 264, Laws of 1969 ex. sess. as amended by section 3, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.280; and declaring an emergency.

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

Section 1. Section 28, chapter 264, Laws of 1969 ex. sess. as amended by section 3, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.280 are each amended to read as follows:

If the garnishee is an employer owing the defendant wages, salary, or other compensation for personal services, then for each week of such wages, salary or other compensation, the following

amounts shall be exempt from garnishment: The greater of (1) forty times the state hourly minimum wage or (2) seventy-five percent of the disposable earnings of the defendant. Such exemption shall apply whether such earnings are paid, or to be paid, weekly, monthly, or at other intervals, and whether there be due the defendant earnings for one week, a portion thereof, or for a longer period. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount required by law to be withheld: PROVIDED, That amount deducted from an employee's compensation as contributions toward a participating pension or retirement program established pursuant to a collective bargaining agreement shall not be considered a part of disposable earnings. Unless directed otherwise by the court, the garnishee shall determine and deduct the amount exempt under this section and shall pay this amount to the defendant: PROVIDED FURTHER, That the foregoing exemptions shall not apply in the case of a garnishment for child support if (a) the garnishment is based on a judgment or other court order; (b) the amount stated on the writ does not exceed the amount of two months support payments; and (c) the following language is conspicuously added to the writ of garnishment: "This garnishment is based on a judgment or court order for child support. Hold all funds you owe the defendant up to the amount stated above without regard to any statutory exemption".

No money due or earned as earnings as defined in RCW 7.33.010(3) shall be exempt from garnishment under the provisions of RCW 6.16.020, as now or hereafter amended.

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

EXPLANATORY NOTE

The last paragraph of RCW 7.33.280 was omitted, but not indicated as deleted in the 1970 extraordinary session amendment (section 3, chapter 61, Laws of 1970 ex. sess.). The purpose of this bill is to correct the apparently inadvertent omission by restoring the omitted language.

Passed the House January 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 7
[House Bill No. 93]
PROBATE--
CODE CORRECTIONS

AN ACT Relating to probate law and procedure; amending section 11.24.010, chapter 145, Laws of 1965 as amended by section 6, chapter 168, Laws of 1967 and RCW 11.24.010; and declaring an emergency.

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

Section 1. Section 11.24.010, chapter 145, Laws of 1965 as amended by section 6, chapter 168, Laws of 1967 and RCW 11.24.010 are each amended to read as follows:

If any person interested in any will shall appear within four months immediately following the probate or rejection thereof, and by petition to the court having jurisdiction contest the validity of said will, or appear to have the will proven which has been rejected, he shall file a petition containing his objections and exceptions to said will, or to the rejection thereof. Issue shall be made up, tried and determined in said court respecting the competency of the deceased to make a last will and testament, or respecting the execution by a deceased of such last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of such will.

If no person shall appear within the time aforesaid, the probate or rejection of such will shall be binding and final.

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

EXPLANATORY NOTE

The last paragraph of RCW 11.24.010 was omitted, but not indicated as deleted, in the amendment of the section by section 6, chapter 168, Laws of 1967. The apparently inadvertent omission is corrected in this bill by the restoration of the omitted material.

Passed the House January 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 8
[House Bill No. 94]
EDUCATION--
CODE CORRECTIONS

AN ACT Relating to education; reenacting section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 35, Laws of 1970 ex. sess. and by section 4, chapter 53, Laws of 1970 ex. sess., and RCW 28B.10.465; reenacting section 19, chapter 15, Laws of 1970 ex. sess. as amended by section 32, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 59, Laws of 1970 ex. sess., and RCW 28B.50.350; reenacting section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 237, Laws of 1969 ex. sess. and RCW 28A.58.420; reenacting section 1, chapter 29, Laws of 1945 and adding the same to chapter 223, Laws of 1969 ex. sess.; reenacting section 1, chapter 220, Laws of 1967 and adding the same to chapter 223, Laws of 1969 ex. sess.; repealing section 2, chapter 244, Laws of 1969 ex. sess., section 4, chapter 42, Laws of 1970 ex. sess. and RCW 28.47.801; repealing section 1, page 324, Laws of 1909, section 12, chapter 90, Laws of 1919, section 1, chapter 147, Laws of 1921, section 1, chapter 99, Laws of 1927, section 1, chapter 163, Laws of 1953, section 1, chapter 142, Laws of 1969, section 6, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.010; repealing section 2, page 324, Laws of 1909, section 8, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.020; repealing section 1, chapter 62, Laws of 1965, section 10, chapter 42, Laws of 1970 ex. sess. and RCW 28.58.550; and declaring an emergency.

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

Section 1. Section 28B.10.465, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 35, Laws of 1970 ex. sess. and by section 4, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.465 are each reenacted to read as follows:

(1) A faculty member or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28B.16.040 designated by the trustees of his respective state college as being subject to such annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system shall retain credit for such service in the Washington state teachers' retirement system and shall leave his accumulated contributions in the teachers' retirement fund (except as provided in subsection (2)), and upon his attaining eligibility for retirement under the Washington state teachers'

retirement system, such faculty member or such other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension for each year of creditable service established and retained at the time of said designation as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years of creditable service established with the retirement system: PROVIDED, HOWEVER, That such faculty member or other employee who, upon attainment of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member or such other employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28B.16.040 designated by the trustees of his respective state college as being subject to the annuity plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time on and after midnight, June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other employees who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

Sec. 2. Section 19, chapter 15, Laws of 1970 ex. sess. as amended by section 32, chapter 56, Laws of 1970 ex. sess. and by section 2, chapter 59, Laws of 1970 ex. sess. and RCW 28B.50.350 are each reenacted to read as follows:

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

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

Said bonds:

(1) Shall not constitute

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

board;

(2) Shall be

- (a) either registered or in coupon form; and
- (b) issued in denominations of not less than one hundred

dollars; and

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

and

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

(3) Shall state

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

within the series; and

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

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(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.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

- (a) A covenant that a reserve account shall be created in the

bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

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

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

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

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

Sec. 3. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 237, Laws of 1969 ex. sess. and RCW 28A.58.420 are each reenacted to read as follows:

The board of directors of any of the state's school districts may make available liability, life, health, accident, disability and salary insurance or any one of, or a combination of the enumerated types of insurance for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute toward the cost of such life, health, accident, disability and salary insurance, including hospitalization and medical aid for the employees of their respective school districts and their dependents in an amount not to exceed ten dollars per month per employee covered. The premiums on such liability insurance shall be borne by the school district. The premiums due on such life, health, accident, or disability and salary insurance shall be borne by the assenting school board member or student.

Sec. 4. Section 1, chapter 29, Laws of 1945 is reenacted and added to chapter 223, Laws of 1969 ex. sess., to read as follows:

The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the building fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all,

or any part, of such funds in United States securities, as hereinafter specified after and pursuant to a resolution adopted by the board, authorizing and directing the county treasurer, as ex officio the treasurer of said district, to invest or reinvest, said moneys or any designated amount thereof in United States securities and specifying the type or character of the United States securities in which said moneys shall be invested: PROVIDED, That nothing herein authorized, or the type and character of the securities thus specified, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the building fund of the district in his said office. If in the judgment of the board it shall be necessary to redeem or to sell any of the purchased securities before their ultimate maturity date, the board may, by resolution, direct the county treasurer to cause such redemption to be had at the "Redemption Value" of said securities or to sell said bonds and securities at not less than market value and accrued interest. The foregoing "securities" shall include United States bonds, federal treasury notes and treasury bonds and United States certificates of indebtedness and other federal securities which may, during the life of this statute, come within the terms of this section.

Sec. 5. Section 1, chapter 220, Laws of 1967 is reenacted and added to chapter 223, Laws of 1969 ex. sess., to read as follows:

The board of directors of every second and third class district in addition to their other powers are authorized to employ an attorney and to prescribe his duties and fix his compensation.

NEW SECTION. Sec. 6. The following acts or parts of acts are each hereby repealed:

(1) Section 2, chapter 244, Laws of 1969 ex. sess., section 4, chapter 42, Laws of 1970 ex. sess. and RCW 28.47.801;

(2) Section 1, page 324, Laws of 1909, section 12, chapter 90, Laws of 1919, section 1, chapter 147, Laws of 1921, section 1, chapter 99, Laws of 1927, section 1, chapter 163, Laws of 1953, section 1, chapter 142, Laws of 1969, section 6, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.010;

(3) Section 2, page 324, Laws of 1909, section 8, chapter 42, Laws of 1970 ex. sess. and RCW 28.51.020; and

(4) Section 1, chapter 62, Laws of 1965, section 10, chapter 42, Laws of 1970 ex. sess. and RCW 28.58.550.

NEW SECTION. Sec. 7. If any provision of this 1971 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. 8. This 1971 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 28B.10.465 was twice amended during the 1970 extraordinary session, each without reference to the other.

(1) 1970 ex. sess. c 35 sec. 6 amended section by striking out "of four dollars per month" with relation to a pension for each year of creditable service and added "as now or hereafter amended" following the RCW designation "41.32.497".

(2) 1970 ex. sess. c 53 sec. 4 enlarged scope of persons the section pertained to by adding after "faculty member" beginning in subsections (1) and (2) the words "or any of the employees exempted from the coverage of the state higher education personnel law under the provisions of RCW 28.75.040 (presently RCW 28B.16.040)" and the use of "or other employee" elsewhere in the section as required.

Sec. 2. Section 19, chapter 15, Laws of 1970 ex. sess. reenacting RCW 28B.50.350 was twice amended during the 1970 extraordinary session each without reference to the other.

(1) 1970 ex. sess. c 56 sec. 32 amended section by striking in subsection (4) thereof "at an effective rate not to exceed eight percent per annum over the life thereof, and no single interest or coupon rate shall exceed eight percent per annum" with reference to interest bonds shall bear, and adding in subsection (7) thereof in speaking of the manner of the sale of bonds "and at such price".

(2) 1970 ex. sess. c 59 sec. 2 amended section by striking in subsection (9) thereof "forty" with reference to the percent of tuition fees the bonds shall constitute a lien on and substituting "sixty".

Sec. 3. RCW 28A.58.420 when set forth in the 1969 school code erroneously carried the words "or employee" following the last sentence thereof, thus differing in substance from the section intended transferred. Said words are stricken to return language to correct session law language.

Sec. 4. Section 1, chapter 29, Laws of 1945 was not to have been set forth in the 1969 school code but was to have been footnoted to a section thereof and not repealed. Unfortunately said section was included in the repealer to said act and so is reenacted herein.

Sec. 5. Section 1, chapter 220, Laws of 1967 was erroneously omitted from the 1969 school code and included in the repealer thereto and is reenacted herein.

Sec. 6. Repealer completing repeal of Title 28 RCW sections.

Sec. 7. Severability.

Sec. 8. Emergency.

Passed the House January 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 9
[House Bill No. 95]
COUNTIES--
CODE CORRECTIONS

AN ACT Relating to counties; reenacting section 36.76.010, chapter 4, Laws of 1963 as last amended by section 21, chapter 42, Laws of 1970 ex. sess. and by section 52, chapter 56, Laws of 1970 ex. sess., and RCW 36.76.010; and declaring an emergency.

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

Section 1. Section 36.76.010, chapter 4, Laws of 1963 as last amended by section 21, chapter 42, Laws of 1970 ex. sess. and by section 52, chapter 56, Laws of 1970 ex. sess., and RCW 36.76.010 are each reenacted to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding one and one-fourth percent of the value of the taxable property in the county, as the term "value of the taxable property" is defined in RCW 39.36.015, bearing a rate or rates of interest as authorized by the board, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.

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

EXPLANATORY NOTE

RCW 36.76.010 was amended twice during the 1970 extraordinary session of the legislature.

(1) Section 21, chapter 42, Laws of 1970 ex. sess. changed the percentage on coupon bonds from "five percent of the assessed valuation" of taxable property to "one and one-fourth percent of the value" of taxable property, and also provided for the definition of "value of taxable property".

(2) Section 52, chapter 56, Laws of 1970 ex. sess. changed the rate of interest on the bonds from "not exceeding eight percent" to "a rate or rates of interest as authorized by the board".

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 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 10

[House Bill No. 96]

TAXING DISTRICTS--

CODE CORRECTIONS

AN ACT Relating to taxing districts; reenacting section 3, chapter 4, Laws of 1917, as last amended by section 24, chapter 42, Laws of 1970 ex. sess. and by section 56, chapter 56, Laws of 1970 ex. sess., and RCW 37.16.020; and declaring an emergency.

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

Section 1. Section 3, chapter 4, Laws of 1917 as last amended by section 24, chapter 42, Laws of 1970 ex. sess. and by section 56, chapter 56, Laws of 1970 ex. sess., and RCW 37.16.020 are each reenacted to read as follows:

Whenever the board of county commissioners of any county shall

submit to the voters of such county at an election to be held under the provisions of RCW 37.16.010, the question of issuing bonds to procure money for such purposes and three-fifths of the voters of such county voting on the question have assented thereto, and the amount of such bonds, together with the already existing indebtedness will not exceed two and one-half percent of the value of the taxable property of such county, as the term "value of the taxable property" is defined in RCW 39.36.015, then the board of county commissioners of such county is authorized and empowered to issue its negotiable bonds in the name of the county for the purposes for which such election was held. It being hereby declared that such purposes are purposes for which, under legislative authority, the county availing itself of the provisions of this chapter may lawfully incur indebtedness. Such bonds to be negotiable bonds of such county, payable in not more than twenty years, with interest at such rate or rates as authorized by the board of county commissioners, payable annually.

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

EXPLANATORY NOTE

RCW 37.16.020 was twice amended in the 1970 extraordinary session of the legislature.

(1) Section 24, chapter 42, Laws of 1970 ex. sess. changed the percentage on bonds to be issued from "five percent of the taxable property" to "two and one-half percent of the value of the taxable property".

(2) Section 56, chapter 56, Laws of 1970 ex. sess. removed the eight percent per annum limitation on interest rates on bonds and authorized rates of interest to be set by the board of county commissioners.

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 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971

CHAPTER 11

[House Bill No. 97]

STATE GOVERNMENT--

CODE CORRECTIONS

AN ACT Relating to state government; reenacting section 1, chapter 32, Laws of 1969 as amended by section 50, chapter 18, Laws of 1970 ex. sess. and by section 28, chapter 62, Laws of 1970 ex. sess. and RCW 43.17.010; reenacting section 2, chapter 32, Laws of 1969 as amended by section 51, chapter 18, Laws of 1970 ex. sess. and by section 29, chapter 62, Laws of 1970 ex. sess. and RCW 43.17.020; and declaring an emergency.

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

Section 1. Section 1, chapter 32, Laws of 1969 as amended by section 50, chapter 18, Laws of 1970 ex. sess. and by section 28, chapter 62, Laws of 1970 ex. sess. and RCW 43.17.010 are each reenacted to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, and (11) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 2. Section 2, chapter 32, Laws of 1969 as amended by section 51, chapter 18, Laws of 1970 ex. sess. and by section 29, chapter 62, Laws of 1970 ex. sess. and RCW 43.17.020 are each reenacted to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, and (11) the director of revenue.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the

governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

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

EXPLANATORY NOTE

RCW 43.17.010 and 43.17.020 were amended during the 1970 extraordinary session of the legislature by sections 50 and 51, chapter 32, Laws of 1970 ex. sess. and again by sections 28 and 29, chapter 62, Laws of 1970 ex. sess.

Chapter 18, Laws of 1970 ex. sess. established the state department of social and health services; chapter 62, Laws of 1970 ex. sess. established the state department of ecology.

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 each amendment included therein.

Passed the House January 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 12

[House Bill No. 98]

PUBLIC UTILITY DISTRICTS--
CODE CORRECTIONS

AN ACT Relating to public utility districts; reenacting section 7, chapter 1, Laws of 1931 as last amended by section 33, chapter 42, Laws of 1970 ex. sess. and by section 77, chapter 56, Laws of 1970 ex. sess., and RCW 54.24.018; and declaring an emergency.

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

Section 1. Section 7, chapter 1, Laws of 1931 as last amended

by section 33, chapter 42, Laws of 1970 ex. sess. and by section 77, chapter 56, Laws of 1970 ex. sess. and RCW 54.24.018 are each reenacted to read as follows:

Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the indebtedness of the public utility district to an amount exceeding three-fourths of one percent of the value of the taxable property of the public utility district, as the term "value of the taxable property" is defined in RCW 39.36.015, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their assent at the next general election held in such public utility district.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to the coupon: PROVIDED, HOWEVER, That said coupon, in lieu of being so signed, may have printed thereon a facsimile of the signature of such officers. The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest

and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interest of the district. All bonds and warrants issued under the authority of this act shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys. When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell bonds or warrants bearing interest at such rate or rates, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district, and the commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and

payment therefor shall be governed by the public utility laws for cities and towns.

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

EXPLANATORY NOTE

RCW 54.24.018 was amended twice during the 1970 extraordinary session of the legislature.

Section 33, chapter 42, Laws of 1970 ex. sess. changed the amount of proposed indebtedness of a public utility district to be submitted to the voters from "one and one-half percent of the taxable property" to "three-fourths of one percent of the value of taxable property".

Section 77, chapter 56, Laws of 1970 ex. sess. removed the eight percent interest limitation on bonds authorized for general indebtedness and authorized the district commissioners to set the rates of interest.

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 29, 1971

Passed the Senate February 17, 1971

Approved by the Governor February 26, 1971

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 13

[House Bill No. 99]

REVENUE AND TAXATION--

CODE CORRECTIONS

AN ACT Relating to revenue and taxation; amending and reenacting section 82.04.430, chapter 15, Laws of 1961 as last amended by section 5, chapter 65, Laws of 1970 ex. sess. and by section 2, chapter 101, Laws of 1970 ex. sess., and RCW 82.04.430; and declaring an emergency.

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

Section 1. Section 82.04.430, chapter 15, Laws of 1961 as last amended by section 5, chapter 65, Laws of 1970 ex. sess. and by

section 2, chapter 101, Laws of 1970 ex. sess., and RCW 82.04.430 are each amended and reenacted to read as follows:

In computing tax there may be deducted from the measure of tax the following items:

(1) Amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such, and also amounts derived as dividends by a parent from its subsidiary corporations;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, charges made for operation of privately operated kindergartens, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital, as defined in chapter 70.41, devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to

patients by a hospital, as defined in chapter 70.41, which is operated as a nonprofit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state;

(10) Amounts derived by a political subdivision of the state of Washington from another political subdivision of the state of Washington as compensation for services which are within the purview of RCW 82.04.290 ((-));

(11) By those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties;

(12) By those engaged in banking, loan, security or other financial businesses, amounts derived from interest paid on all obligations of the state of Washington, its political subdivisions, and municipal corporations organized pursuant to the laws thereof((-));

(13) Amounts derived as interest on loans by a lending institution which is owned exclusively by its borrowers or members and which is engaged solely in the business of making loans for agricultural production.

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

EXPLANATORY NOTE

RCW 82.04.430 was twice amended during the 1970 extraordinary session.

Section 5, chapter 65, Laws of 1970 ex. sess. added subsection (10) relating to amounts derived as compensation for services from one political subdivision of the state by another political subdivision.

Section 2, chapter 101, Laws of 1970 ex. sess. added to subsection (1) "and also amounts derived as dividends by a parent from its subsidiary corporations". Three subsections were also added, herein renumbered as: (11) relating to interest received on investments or loans secured by first

mortgages or trust deeds on nontransient residential properties by certain financial businesses; (12) relating to interest received by certain financial businesses on obligations of the state, its political subdivisions, or municipal corporations; and (13) relating to interest derived on loans by institutions engaged solely in making loans for agricultural production.

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

Passed the House January 29, 1971.

Passed the Senate February 17, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 14
[House Bill No. 27]
STATE TREASURER--
OFFICIAL BOND

AN ACT Relating to state government; increasing the state treasurer's faithful performance bond; and amending section 43.08.020, chapter 8, Laws of 1965 and RCW 43.08.020.

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

Section 1. Section 43.08.020, chapter 8, Laws of 1965 and RCW 43.08.020 are each amended 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 ((the)) a sum of ((two hundred and fifty)) not less than five hundred thousand dollars, to be approved by the secretary of state and one of the judges 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.

Passed the House January 29, 1971.

Passed the Senate February 20, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 15
[House Bill No. 28]
STATE TREASURER--
ASSISTANT, DEPUTY--
RESPONSIBILITY FOR OFFICIAL ACTS

AN ACT Relating to state government; and amending section 43.08.120, chapter 8, Laws of 1965 and RCW 43.08.120.

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

Section 1. Section 43.08.120, chapter 8, Laws of 1965 and RCW 43.08.120 are each amended to read as follows:

The state treasurer may appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer, and in case of a vacancy in the office of state treasurer, perform the duties of the office until the vacancy is filled as provided by law.

The state treasurer may appoint a deputy state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer.

The assistant state treasurer and the deputy state treasurer shall hold office at the pleasure of the state treasurer and shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers (~~and shall give surety bonds in such sum as the state treasurer deems sufficient for the faithful performance of their duties, which shall be approved and filed as other state officials' bonds~~).

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurer.

Passed the House January 29, 1971.

Passed the Senate February 20, 1971.

Approved by the Governor February 26, 1971.

Filed in Office of Secretary of State February 27, 1971.

CHAPTER 16
[House Bill No. 29]
STATE FUNDS--
AUTHORIZED INVESTMENTS

AN ACT Relating to state government; allowing investment of state

treasury surplus moneys in certain government sponsored corporations; amending section 43.84.080, chapter 8, Laws of 1965 as amended by section 1, chapter 211, Laws of 1967 and RCW 43.84.080; and declaring an emergency.

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

Section 1. Section 43.84.080, chapter 8, Laws of 1965 as amended by section 1, chapter 211, Laws of 1967 and RCW 43.84.080 are each amended to read as follows:

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest or reinvest such portion of such funds or balances as ~~((it))~~ the state treasurer deems expedient in the following defined securities or classes of investments:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States ((or)):

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable((r)); ((The committee may, in addition, invest such excess funds))

(3) In motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

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

Passed the House January 29, 1971.

Passed the Senate February 20, 1971.

Approved by the Governor March 1, 1971.

Filed in Office of Secretary of State March 2, 1971.

CHAPTER 17

[Engrossed House Bill No. 30]

MOTOR VEHICLES--

OVERLOADS--PENALTIES

AN ACT Relating to motor vehicles; and amending section 46.44.045, chapter 12, Laws of 1961 as last amended by section 22, chapter 199, Laws of 1969 ex. sess. and RCW 46.44.045.

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

Section 1. Section 46.44.045, chapter 12, Laws of 1961 as last amended by section 22, chapter 199, Laws of 1969 ex. sess. and RCW 46.44.045 are each amended to read as follows:

(1) Any person violating any of the provisions of RCW 46.44.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional fine shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional fine shall be four cents per pound for each pound of excess weight: PROVIDED, That upon first conviction, the court in its discretion may suspend the additional fine for excess weight up to five thousand pounds and for excess weight over five thousand pounds may apply the schedule of additional fines as if the excess weight over five thousand pounds were the only excess weight, but in no case shall the basic fine be suspended.

(3) The court may suspend the certificate of license

registration of the vehicle or combination of vehicles upon the second conviction for a period of not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve month period regardless of ownership.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the driver's license for not less than thirty days. Whenever the driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director with information concerning the suspension thereof.

(5) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional fines as provided by subsection (2), "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

(7) The basic fine provided in subsection (1) shall be distributed as prescribed in RCW 46.68.050: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. For the purpose of computing the basic fines and additional fines to be imposed under the provisions of subsections (1) and (2) the convictions shall be on the same vehicle or combination of vehicles within a twelve months period under the same ownership.

(8) The additional fine for excess poundage provided in subsection (2) shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. It shall then be allocated ((as provided in REW 46-68-400)) annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100 as

now or hereafter amended.

Passed the House January 29, 1971.

Passed the Senate February 20, 1971.

Approved by the Governor March 1, 1971.

Filed in Office of Secretary of State March 2, 1971.

CHAPTER 18
[House Bill No. 245]
ELECTIONS--
CANDIDATES' NAME ON BALLOT,
LIMITATION

AN ACT Relating to elections; and amending section 29.30.080, chapter 9, Laws of 1965 as amended by section 2, chapter 52, Laws of 1965 and RCW 29.30.080.

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

Section 1. Section 29.30.080, chapter 9, Laws of 1965 as amended by section 2, chapter 52, Laws of 1965 and RCW 29.30.080 are each amended to read as follows:

All general election ballots prepared under the provisions of this title shall conform to the following requirements:

(1) Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

(2) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this title and no other names.

(3) All nominations of any party or group of petitioners shall be placed under the title of such party of petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(4) There shall be a square at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot. The square shall be one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

(5) The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the ballot, the party whose candidates for presidential electors or

candidates received the next highest number of votes from the electors of this state in the preceding presidential election the second column and of other parties in the order in which certificates of nomination have been filed.

(6) No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: PROVIDED, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

(7) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(8) Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number one, for each separate voting precinct.

(9) Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

(10) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with one three-eighths inch square to the right in which the voter indicates his choice.

(11) On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to

the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given.

Instructions: If you desire to vote for any candidate, place X in at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate..) <input type="checkbox"/> (Name of candidate..) <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate..) <input type="checkbox"/> (Name of candidate..) <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate..) <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate..) <input type="checkbox"/>	
REPRESENTATIVE IN CONGRESS 3rd Congressional District (Name of candidate..) <input type="checkbox"/>	REPRESENTATIVE IN CONGRESS 3rd Congressional District (Name of candidate..) <input type="checkbox"/>	
GOVERNOR (Name of candidate..) <input type="checkbox"/>	GOVERNOR (Name of candidate..) <input type="checkbox"/>	
LIEUTENANT GOVERNOR (Name of candidate..) <input type="checkbox"/>	LIEUTENANT GOVERNOR (Name of candidate..) <input type="checkbox"/>	
SECRETARY OF STATE (Name of candidate..) <input type="checkbox"/>	SECRETARY OF STATE (Name of candidate..) <input type="checkbox"/>	
STATE TREASURER (Name of candidate..) <input type="checkbox"/>	STATE TREASURER (Name of candidate..) <input type="checkbox"/>	
STATE AUDITOR (Name of candidate..) <input type="checkbox"/>	STATE AUDITOR (Name of candidate..) <input type="checkbox"/>	
ATTORNEY GENERAL (Name of candidate..) <input type="checkbox"/>	ATTORNEY GENERAL (Name of candidate..) <input type="checkbox"/>	
COMMISSIONER OF PUBLIC LANDS (Name of candidate..) <input type="checkbox"/>	COMMISSIONER OF PUBLIC LANDS (Name of candidate..) <input type="checkbox"/>	

INSURANCE COMMISSIONER (Name of candidate).. <input type="checkbox"/>	INSURANCE COMMISSIONER (Name of candidate).. <input type="checkbox"/>	
STATE SENATOR (1st District) (Name of candidate).. <input type="checkbox"/>	STATE SENATOR (1st District) (Name of candidate).. <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 1 (Name of candidate).. <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 1 (Name of candidate).. <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 2 (Name of candidate).. <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 2 (Name of candidate).. <input type="checkbox"/>	
STATE REPRESENTATIVE (31st District) Position No. 3 (Name of candidate).. <input type="checkbox"/>	STATE REPRESENTATIVE (31st District) Position No. 3 (Name of candidate).. <input type="checkbox"/>	

(Names of other candidates should follow on the ballot in the same form.)

Passed the House February 3, 1971.
 Passed the Senate February 23, 1971.
 Approved by the Governor March 2, 1971.
 Filed in Office of Secretary of State March 2, 1971.

CHAPTER 19
 [Engrossed Senate Bill No. 8]
 CEMETERIES

AN ACT Relating to cemetery districts; amending section 1, chapter 6, Laws of 1947 as last amended by section 1, chapter 99, Laws of 1957, and RCW 68.16.010; amending section 13, chapter 6, Laws of 1947 as last amended by section 2, chapter 23, Laws of 1959 and RCW 68.16.130; amending section 7, chapter 53, Laws of 1961 and RCW 45.80.070; and amending section 8, chapter 53, Laws of 1961 and RCW 45.80.080.

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

Section 1. Section 1, chapter 6, Laws of 1947 as last amended

by section 1, chapter 99, Laws of 1957 and RCW 68.16.010 are each amended to read as follows:

Cemetery districts may be established in all counties ((of the second, third, fourth, fifth, sixth, seventh, eighth and ninth classes)) and on any island in any county, as in this chapter provided.

Sec. 2. Section 13, chapter 6, Laws of 1947 as last amended by section 2, chapter 23, Laws of 1959 and RCW 68.16.130 are each amended to read as follows:

(1) A cemetery district organized under this chapter shall have power to acquire, establish, maintain, manage, improve and operate cemeteries and conduct any and all of the businesses of a cemetery as defined in this title. A cemetery district shall constitute a cemetery authority as defined in this title and shall have and exercise all powers conferred thereby upon a cemetery authority and be subject to the provisions thereof.

(2) A cemetery district may include within its boundaries the lands embraced within the corporate limits of any incorporated city or town up to and including third class cities in all counties ((of the fourth class, or within the corporate limits of fourth class towns in the classes of counties enumerated in RCW 68.46-0407)) and in any such cases the district may acquire any cemetery or cemeteries theretofore maintained and operated by any such city or town and proceed to maintain, manage, improve and operate the same under the provisions hereof. In such event the governing body of the city or town, after the transfer takes place, shall levy no cemetery tax. The power of eminent domain heretofore conferred shall not extend to the condemnation of existing cemeteries within the district; PROVIDED, That no cemetery district shall operate a cemetery within the corporate limits of any city or town where there is a private cemetery operated for profit.

Sec. 3. Section 7, chapter 53, Laws of 1961 and RCW 45.80.070 are each amended to read as follows:

When an election has resulted in an affirmative vote to disorganize the townships in a county, the chairman of the board of county commissioners shall take the following actions in the order indicated:

First, he shall pay all lawful demands against the townships, and then file a final account together with all vouchers, with the clerk of the superior court;

Second, if prior to the election a tax levy has been made by one or more of the townships, for collection the year following the election, and if a pro rata reduction has been caused in the levy of any junior taxing district in the county which would [not] have been required had the township made no levy, the chairman shall order the

county treasurer to collect the township levy and to disburse to the junior taxing district whose levy was reduced by proration the sum of money by which its levy was so reduced; if the township levy is not sufficient for such payments, any available funds to the credit of the township shall be so paid;

Third, the chairman shall pay any remaining township funds to the county treasurer to be deposited to the credit of the several taxing districts of the county (except the state and county) in the following allocations: Each such taxing district of the county shall receive a share that bears the same proportion to the total amount as its assessed valuation within the township times its authorized levy last in process of collection (excepting excess levies) bears to the total assessed valuation of such taxing districts within the township times the total authorized levy (excepting excess levies) of such districts. Upon approval by the court of said final account the court shall sign proper orders dissolving said township;

Fourth, he shall transfer all cemetery properties, facilities, and funds, real and personal, together with all funds designated or intended for endowment care, perpetual care, or similar purposes to the cemetery authority succeeding to the operation and maintenance of such cemetery. All gifts and donations shall be applied strictly according to the requirements stipulated by the donor. Where donor has not otherwise specified, such funds shall be presumed to be endowment care funds within the meaning of chapter 68.44 RCW, and are to be devoted exclusively to the care, improvement, or embellishment of the cemetery or such other purposes authorized by RCW 68.40.060.

Sec. 4. Section 8, chapter 53, Laws of 1961 and RCW 45.80.080 are each amended to read as follows:

Cemetery real property, buildings, and the furnishings and equipment used in connection with the operation of a cemetery shall pass to the cemetery authority succeeding to the control, management, and operation of the cemetery. All other real property, buildings, and the furnishings and equipment used in connection with buildings owned by the township shall pass to the county in fee upon the effective date of the order of disorganization. Such property, as all other county property, shall be managed and controlled by the board of county commissioners: PROVIDED, That the board shall for at least five years maintain and operate township meeting halls for community and public use.

Passed the Senate February 3, 1971.

Passed the House February 20, 1971.

Approved by the Governor March 2, 1971.

Filed in Office of Secretary of State March 2, 1971.

CHAPTER 20
[Engrossed House Bill No. 71]
WORKMEN'S COMPENSATION--
STATE VOLUNTEER WORKERS,
MEDICAL AID

AN ACT Relating to workmen's compensation; extending medical aid coverage to state volunteer workers; amending section 51.16.140, chapter 23, Laws of 1961 and RCW 51.16.140; and adding a new section to chapter 23, Laws of 1961 and to chapter 51.12 RCW.

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

NEW SECTION. Section 1. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

Volunteers shall be deemed employees and/or workmen, as the case may be, for all purposes relating to medical aid benefits under Title 51 RCW.

A "volunteer" shall mean a person who performs any assigned or authorized duties for the state, except civil defense workers as described by RCW 38.52, brought about by one's own free choice, receives no salary, and is registered as a volunteer with a state agency or organization for the purpose of engaging in authorized volunteer service: PROVIDED, That said person may be granted maintenance and reimbursement for actual expenses necessarily incurred in performing his assigned or authorized duties.

Sec. 2. Section 51.16.140, chapter 23, Laws of 1961 and RCW 51.16.140 are each amended to read as follows:

The employer shall deduct from the pay of each of his workmen engaged in extrahazardous work one-half of the amount the employer is required to pay into the medical aid fund for or on account of the employment of such workman ((7 but)); PROVIDED, That the employer or governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in section 1 of this 1971 amendatory act. It shall be unlawful for the employer to deduct or obtain any part of the premium required to be by him paid into the accident fund from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Passed the House February 3, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 12, 1971

Filed in Office of Secretary of State March 12, 1971.

CHAPTER 21
[House Bill No. 55]
DRIVER'S LICENSES--
ADMINISTRATIVE PROCEDURE ACT

AN ACT Relating to administrative procedures; amending section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 71, Laws of 1967 ex. sess. and RCW 34.04.150; and declaring an emergency.

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

Section 1. Section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 71, Laws of 1967 ex. sess. and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of motor vehicles. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

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 16, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 22
[House Bill No.220]
FOREIGN CORPORATIONS--
CERTIFICATES--
REGISTERED OFFICE, REGISTERED AGENT

AN ACT Relating to foreign corporations; amending section 113, chapter 53, Laws of 1965 and RCW 23A.32.050; amending section 114, chapter 53, Laws of 1965 and RCW 23A.32.060; and amending

section 116, chapter 53, Laws of 1965 and RCW 23A.32.080.

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

Section 1. Section 113, chapter 53, Laws of 1965 and RCW 23A.32.050 are each amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the (~~directors and officers~~) president and secretary of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.

(8) (~~A statement of the aggregate number of issued shares itemized by classes, par value of shares, shares without par value, and series, if any, within a class.~~

~~(9) A statement, expressed in dollars, of the amount of stated capital of the corporation, as defined in this title.~~

~~(10) An estimate, expressed in dollars, of the value of all property to be owned by the corporation for the following year, wherever located, and an estimate of the value of the property of the corporation to be located within this state during such year, and an estimate, expressed in dollars, of the gross amount of business which will be transacted by the corporation during such year, and an estimate of the gross amount thereof which will be transacted by the corporation at or from places of business in this state during such year.)~~ A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

((4+)) (9) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine

whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

Such application shall be made on forms prescribed and furnished by the secretary of state and shall be executed in duplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such application.

Such application shall be accompanied by a ((certified copy of the foreign corporation's charter, articles of incorporation, memorandum of association, or certificate of incorporation, and a certified copy of each and all of the amendments or supplements to such charter, articles, memorandum or certificate and a certified copy of each of its certificates of increase or decrease of its authorized shares, each of said instruments to be certified to by the officer who is the custodian of the same according to the laws of such foreign governmental authority:

If under the laws of the place where the corporation is incorporated, restated, consolidated or composite articles of incorporation have the same effect as the original articles of incorporation and all amendments and supplements thereto, then a foreign corporation may, in lieu thereof, file restated, consolidated or composite articles of incorporation duly authenticated by the officer who is the custodian of the same according to the laws of the place of its incorporation or the officer who is authorized to issue the restated, consolidated or composite articles of incorporation) certificate of good standing to be certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 2. Section 114, chapter 53, Laws of 1965 and RCW 23A.32.060 are each amended to read as follows:

Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of ((its articles of incorporation and all amendments thereto) the certificate of good standing, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such documents the word "Filed", and the month, day and year of the filing thereof.

(2) File in his office one of such duplicate originals of the application and the copy of the articles of incorporation and amendments thereto.

(3) Issue a certificate of authority to transact business in

this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Sec. 3. Section 116, chapter 53, Laws of 1965 and RCW 23A.32.080 are each amended to read as follows:

Each foreign corporation authorized to transact business in this state shall have and continuously maintain in this state:

(1) A registered office which may be, but need not be, the same as its place of business in this state.

(2) A registered agent, which agent may be either an individual resident in this state whose business office is identical with such registered office, or a domestic corporation, or a foreign corporation authorized to transact business in this state, having a business office identical with such registered office. ((The corporation appointing such resident agent shall file a certificate of such appointment with the appointee's name and business address contained therein in the office of the secretary of state.))

Passed the House February 9, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971

CHAPTER 23

[Engrossed House Bill No. 206]

UNIFORM COMMERCIAL CODE--

BULK TRANSFERS

AN ACT Relating to bulk transfers under the Uniform Commercial Code; and amending section 6-105, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-105.

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

Section 1. Section 6-105, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-105 are each amended to read as follows:

In addition to the requirements of the preceding section, any bulk transfer subject to this Article except:

(1) One made by auction sale (RCW 62A.6-108), or

(2) If the sale proceeds are impounded in gross in the hands of a bank or licensed escrow agent or attorney, to be held until directed by the transferee for application under section 6-106, and in any event so to be held in escrow for not less than thirty days following the date of giving of notice under section 6-107,

is ineffective against any creditor of the transferor unless at least ten days before he takes possession of the goods or pays for them, whichever happens first, the transferee gives notice of the transfer in the manner and to the persons hereafter provided (RCW 62A.6-107).

Passed the House February 4, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 24

[Engrossed House Bill No. 75]

SCHOOL BUSES--

RENTAL TO AGENCIES RESPONDING TO EMERGENCIES

AN ACT Relating to school districts; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 153, Laws of 1969 ex. sess. and RCW 28A.24.055; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. It is the intent of the legislature and the purpose of this 1971 amendatory act that in the event of major forest fires, floods, or other natural emergencies that boards of directors of school districts, in their discretion, may rent or lease school buses to governmental agencies for the purposes of transporting personnel, supplies and/or evacuees.

NEW SECTION. Sec. 2. Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of section 1 of this 1971 amendatory act, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the state director of civil defense or any of his agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

Sec. 3. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 153, Laws of 1969 ex. sess. and RCW 28A.24.055 are each amended to read as follows:

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

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

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

In addition to the right to contract for the use of buses provided in sections 1 and 2 of this 1971 amendatory act, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children in jeopardy.

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

The board may provide insurance by contract purchase for payment of hospital and medical expenses in an amount not exceeding one thousand dollars per child, per injury for the benefit of school children injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability

on the part of the school district or operator. This insurance may be provided without cost to the school children notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

NEW SECTION. Sec. 4. This 1971 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 March 9, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 25

[Engrossed House Bill No. 675]

AGRICULTURAL COMMODITY BOARDS

AN ACT Relating to agricultural commodity boards and their membership; and adding a new section to chapter 256, Laws of 1961 and to chapter 15.65 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:

Whenever any commodity board is formed under the provisions of this chapter and it only affects producers and producer-handlers, then such producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board: PROVIDED, That this section shall not apply to a commodity board which only affects producers and producer-handlers of essential oils.

Passed the House February 25, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 26
[Senate Bill No. 266]
SCHOOLS--
JOINT PURCHASING

AN ACT Relating to education; amending section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 53, Laws of 1969 and RCW 28A.58.107; and declaring an emergency.

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

Section 1. Section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 53, Laws of 1969 and RCW 28A.58.107 are each amended to read as follows:

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

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

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants; PROVIDED FURTHER, That the joint purchasing agency may cooperate with and jointly make purchases with private schools of educational supplies, equipment, and services so long as such private schools pay their proportionate share of the costs involved in such purchases; and

(4) Prepare budgets as provided for in chapter 28A.65 RCW.

NEW SECTION. Sec. 2. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate March 9, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 27

[Senate Bill No. 131]

FLOUR

AN ACT Relating to enrichment of flour used in baking; amending section 1, chapter 192, Laws of 1945 and RCW 69.08.010; and adding a new section.

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

Section 1. Section 1, chapter 192, Laws of 1945 and RCW 69.08.010 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Flour" includes and shall be limited to the foods commonly known in the milling and baking industries as (a) white flour, also known as wheat flour or plain flour; (b) bromated flour; (c) self-rising flour, also known as self-rising white flour or self-rising wheat flour, and (d) phosphated flour, also known as phosphated white flour or phosphated wheat flour, but excludes whole wheat flour ((and also excludes special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours));

(2) "White bread" means any bread made with flour, as defined in (1), whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including Vienna bread, French bread, and Italian bread;

(3) "Specialty breads" shall mean any yeast-raised bread, such as potato bread, raisin bread or egg sesame bread other than that bread defined in paragraph (2) above;

~~((3))~~ (4) "Rolls" includes plain white rolls and buns of the semibread dough type, namely: soft rolls, such as hamburger rolls, hot dog rolls, Parker House rolls, and hard rolls, such as Vienna rolls, Kaiser rolls, but shall not include yeast-raised sweet rolls or sweet buns made with fillings or coatings, such as cinnamon rolls or buns and butterfly rolls;

(5) "Specialty rolls" shall mean any sweet rolls or sweet buns, including those made with fillings or coatings, such as cinnamon rolls or buns, butterfly rolls, doughnuts, and English muffins, other than those rolls defined in paragraph (4) above;

~~((4))~~ (6) "Director" means the director of the state department of agriculture of the state of Washington;

~~((5))~~ (7) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or any group of persons whether incorporated or not, engaged in the commercial manufacture or sale of flour, white bread or rolls.

NEW SECTION. Sec. 2. It shall be unlawful for any person to manufacture, bake, sell, or offer for sale for human consumption in this state, any specialty breads, or specialty rolls as defined in section 1 of this 1971 amendatory act or macaroni or macaroni products as defined in RCW 69.16.020 without using enriched white flour in the baking thereof: PROVIDED, HOWEVER, That those products which contain one-hundred percent whole wheat or graham flour are exempted from the requirements of this section.

Passed the Senate January 29, 1971.

Passed the House March 9, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 28

[Senate Bill No. 10]

PROBATE--

SETTLEMENT--GUARDIANS

AGE OF MAJORITY

AN ACT Relating to probate law and procedure; amending section 11.76.080, chapter 145, Laws of 1965 as amended by section 4, chapter 70, Laws of 1969 and RCW 11.76.080; amending section 11.76.090, chapter 145, Laws of 1965 and RCW 11.76.090; amending section 11.76.095, chapter 145, Laws of 1965 and RCW 11.76.095; amending section 11.88.020, chapter 145, Laws of 1965 and RCW 11.88.020; and amending section 11.92.010, chapter 145, Laws of 1965 and RCW 11.92.010.

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

Section 1. Section 11.76.080, chapter 145, Laws of 1965 as amended by section 4, chapter 70, Laws of 1969 and RCW 11.76.080 are each amended to read as follows:

If there be any incompetent as defined in RCW 11.88.010 interested in the estate who has no legally appointed guardian, the

court:

(1) At any stage of the proceeding in its discretion and for such purpose or purposes as it shall indicate, may, and

(2) For hearings held pursuant to RCW 11.52.010, 11.52.020 and 11.76.050, shall--

appoint some disinterested person as guardian ad litem to represent such incompetent with reference to any petition, proceeding or report in which the incompetent may have an interest, who, on behalf of the incompetent, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his services: PROVIDED, HOWEVER, That where a surviving spouse is the sole beneficiary under the terms of a will, the court may grant a motion by the personal representative to waive the appointment of a guardian ad litem for a person who is the minor child of such surviving spouse and the decedent and who is incompetent solely for the reason of his being under ((~~twenty-one~~)) eighteen years of age.

Sec. 2. Section 11.76.090, chapter 145, Laws of 1965 and RCW 11.76.090 are each amended to read as follows:

When a decree of distribution is made by the court in administration upon a decedent's estate and distribution is ordered to a person under the age of ((~~twenty-one~~)) eighteen years, of a sum of five hundred dollars or less, the court, in such order of distribution, shall order the same paid to the clerk of the court wherein administration of such estate is pending, and the same shall be paid by the clerk, for the use and as the property of said minor, to the person named in said order of distribution to receive the same, without requiring bond or appointment of any guardian.

Sec. 3. Section 11.76.095, chapter 145, Laws of 1965 and RCW 11.76.095 are each amended to read as follows:

When a decree of distribution is made by the court in administration upon a decedent's estate or when distribution is made by an executor under a nonintervention will and distribution is ordered under such decree or authorized under such nonintervention will to a person under the age of ((~~twenty-one~~)) eighteen years, and the value of such property or money is five thousand dollars or less and there is no general guardian of the incompetent, the court may require that

(1) the money be deposited in a bank or trust company or be invested in an account in an insured savings and loan association for the benefit of the incompetent subject to withdrawal only upon the order of the court in the original probate proceeding, or

(2) in all other cases a general guardian shall be appointed and qualify and the money or other property be paid or delivered to such guardian prior to the discharge of the personal representative

in the original probate proceeding.

This section shall not bar distribution under RCW 11.76.090.

Sec. 4. Section 11.88.020, chapter 145, Laws of 1965 and RCW 11.88.020 are each amended to read as follows:

Any suitable person over the age of ((~~twenty-one~~)) eighteen years, or any parent under the age of ((~~twenty-one~~)) eighteen years may, if not otherwise disqualified, be appointed guardian of the person and/or the estate of an incompetent; any trust company regularly organized under the laws of this state and national banks when authorized so to do may act as guardian of the estate of an incompetent. No person is qualified to serve as a domiciliary guardian who is

(1) under ((~~twenty-one~~)) eighteen years of age except as otherwise provided herein;

(2) of unsound mind;

(3) convicted of a felony or of a misdemeanor involving moral turpitude;

(4) a nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;

(5) a corporation not authorized to act as a fiduciary in the state;

(6) a person whom the court finds unsuitable.

Sec. 5. Section 11.92.010, chapter 145, Laws of 1965 and RCW 11.92.010 are each amended to read as follows:

Guardians herein provided for shall at all times be under the general direction and control of the court making the appointment. For the purposes of chapters 11.88 and 11.92 RCW, all persons shall be of full and legal age when they shall be ((~~twenty-one~~)) eighteen years old.

Passed the Senate February 10, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 29
[Engrossed Senate Bill No. 40]
COURT RECORDS--
DESTRUCTION

AN ACT Relating to civil procedure; amending section 36.23.065, chapter 4, Laws of 1963 and RCW 36.23.065.

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

Section 1. Section 36.23.065, chapter 4, Laws of 1963 and RCW 36.23.065 are each amended to read as follows:

Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

(1) ((Ten)) Seven years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court.

(2) The county clerk maintains for the use of the public a photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed: PROVIDED, That all receipts and cancelled checks filed by a personal representative pursuant to RCW 11.76.100 and complying with condition (1) above, may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36.23.070.

(3) At the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in said photographic film, microphotographic, photostatic or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under his direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

(4) The county clerk promptly seals and stores at least one original negative of each such photographic film, microphotographic, photostatic or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

Passed the Senate February 16, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 30

[Engrossed Senate Bill No. 79]

RETIREMENT OF JUDGES

AN ACT Relating to the retirement of judges; amending section 1, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1943 and RCW 2.12.010; amending section 1, chapter 286, Laws of 1961 and RCW 2.12.012; amending section 2, chapter 286, Laws of 1961 and RCW 2.12.015; amending section 2, chapter 229, Laws of 1937 and RCW 2.12.020; amending section 3, chapter 229, Laws of 1937 as last amended by section 3, chapter 286, Laws of 1961 and RCW 2.12.030; amending section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060; and adding a new section to chapter 2.12 RCW.

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

Section 1. Section 1, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1943 and RCW 2.12.010 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of the state of Washington who heretofore and/or hereafter shall have served as a judge of ((either or both of)) any such courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years of more may, during or at the expiration of his term of office, in accordance with the provisions of this chapter, be retired and receive the retirement pay herein provided for. In computing such term of service, there shall be counted the time spent by such judge in active service in the armed forces of the United States of America, under leave of absence from his judicial duties as provided for under chapter 201, Laws of 1941 [chapter 73.16 RCW]: PROVIDED, HOWEVER, That in computing such credit for such service in the armed forces of the United States of America no allowance shall be made for

service beyond the date of the expiration of the term for which such judge was elected. Any judge desiring to retire under the provisions of this section shall file with the state treasurer, who is hereby created treasurer, ex officio, of the fund hereinafter established, and who is hereinafter referred to as "the treasurer," a notice in duplicate in writing, verified by his affidavit, fixing a date when he desires his retirement to commence, one copy of which the treasurer shall forthwith file with the state auditor. The notice shall state his name, the court or courts of which he has served as judge, the period of service thereon and the dates of such service. No retirement shall be made within a period of less than thirty days after such statement is filed, and no retirement after separation from office by expiration of term shall be allowed unless the statement be filed within thirty days thereafter.

Sec. 2. Section 1, chapter 286, Laws of 1961 and RCW 2.12.012 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of this state who shall leave judicial service at any time after having served as a judge of ((either)) any of such courts for an aggregate of twelve years shall be eligible to a partial retirement pension in a percentage of the pension provided in this chapter as determined by the proportion his years of judicial service bears to eighteen and shall receive the same upon attainment of age seventy, or eighteen years after the commencement of such judicial service, whichever shall occur first.

Sec. 3. Section 2, chapter 286, Laws of 1961 and RCW 2.12.015 are each amended to read as follows:

In the event any judge of the supreme court, court of appeals, or superior court of the state serves more than eighteen years in the aggregate as computed under RCW 2.12.010, he shall receive in addition to any other pension benefits to which he may be entitled under this chapter, an additional pension benefit based upon one-eighteenth of his salary for each year of full service after eighteen years, provided his total pension shall not exceed seventy-five percent of the monthly salary he was receiving as a judge at the time of his retirement.

Sec. 4. Section 2, chapter 229, Laws of 1937 and RCW 2.12.020 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of the state of Washington, who heretofore and/or hereafter shall have served as a judge of ((either or both)) any such courts for a period of ten years in the aggregate, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the treasurer an application in duplicate in writing, asking for

retirement, which application shall be signed and verified by the affidavit of the applicant or by someone in his behalf and which shall set forth his name, the office then held, the court or courts of which he has served as judge, the period of service thereon, the dates of such service and the reasons why he believes himself to be, or why they believe him to be incapacitated. Upon filing of such application the treasurer shall forthwith transmit a copy thereof to the governor who shall appoint three physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the governor, to be paid out of the fund hereinafter created, examine said judge and report, in writing, to the governor their findings in the matter. If a majority of such physicians shall report that in their opinion said judge has become permanently incapacitated for the full and efficient performance of the duties of his office, and if the governor shall approve such report, he shall file the report, with his approval endorsed thereon, in the office of the treasurer and a duplicate copy thereof with the state auditor, and from the date of such filing the applicant shall be deemed to have retired from office and be entitled to the benefits of this chapter to the same extent as if he had retired under the provisions of RCW 2.12.010.

Sec. 5. Section 3, chapter 229, Laws of 1937 as last amended by section 3, chapter 286, Laws of 1961 and RCW 2.12.030 are each amended to read as follows:

Every judge of the supreme court, court of appeals, or superior court of the state who retires from office under the provisions of this chapter other than as provided in RCW 2.12.012 shall be entitled to receive monthly during the period of his natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary he was receiving as a judge at the time of his retirement, or at the end of the term immediately prior to his retirement if his retirement is made after expiration of his term. The widow of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of his death, if she had been married to him for three years, if she had been his wife prior to his retirement, shall be paid an amount equal to one-half of the retirement pay for her husband, as long as she remains unmarried. The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the widow of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of his death had served ten or more years in the aggregate as a judge of the supreme court, court of appeals,

or superior court or ((both)) any of such courts, or had served an aggregate of twelve years in ((either)) the supreme court, court of appeals, or superior court if such pension rights are based upon RCW 2.12.012.

Sec. 6. Section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060 are each amended to read as follows:

For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each judge of the supreme court, six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the judges of the supreme court, the judges of the court of appeals, and the judges of the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The state auditor shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter.

NEW SECTION. Sec. 7. The provisions of this 1971 amendatory act shall be construed in accordance with RCW 2.06.100 which provides for the retirement of judges of the court of appeals.

NEW SECTION. Sec. 8. There is added to chapter 2.12 RCW a new section to read as follows:

Whenever words importing the masculine gender are used in the provisions of this chapter they may be extended to females also as provided in RCW 1.12.050 and whenever words importing the feminine gender and used in the provisions of this chapter they may be extended to males.

Passed the Senate February 12, 1971.

Passed the House March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 31

[Senate Bill No. 88]

STATE BUILDING AUTHORITY

AN ACT Relating to the acquisition, leasing, releasing, and construction authority of the state building authority; amending section 3, chapter 162, Laws of 1967 as amended by section 2, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.030; and amending section 4, chapter 162, Laws of 1967 and RCW 43.75.040.

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

Section 1. Section 3, chapter 162, Laws of 1967 as amended by section 2, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.030 are each amended to read as follows:

The authority may contract with any of the institutions of higher learning to lease from any such institution land owned by such institution, the state or its agencies or may acquire land for the purpose of erecting thereon a building or buildings as requested by the governing body of any such institution of higher learning when such building or buildings shall be specifically approved by the legislature: PROVIDED, That no specific approval by the legislature shall be required for buildings at The Evergreen State College prior to July 1, 1971. Such building or buildings, together with the land upon which they shall be built, shall be leased or released by the authority to the appropriate institution of higher learning at any time subsequent to the commencement of construction thereof for a term of years not to exceed twenty-five, at reasonable rental rates.

Sec. 2. Section 4, chapter 162, Laws of 1967 and RCW

43.75.040 are each amended to read as follows:

The respective institutions of higher learning are authorized to enter into leases as herein provided. Each lease shall provide for the buildings erected by the authority and the land upon which they are erected to become or remain the sole property of the institution of higher learning, the state or its agencies upon termination of the lease.

Passed the Senate March 11, 1971.

Passed the House March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 32

[Engrossed Senate Bill No. 103]

COMMON SCHOOLS--

HEALTH MEASURES

AN ACT Relating to education, and matters relating thereto; and amending sections 28A.31.010, 28A.31.030, 28A.31.040, and 28A.31.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.010, 28A.31.030, 28A.31.040, and 28A.31.050.

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

Section 1. Section 28A.31.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.010 are each amended to read as follows:

((No person shall be permitted in or about any school premises at any time from any house in which contagious or infectious diseases are prevalent; such contagious or infectious diseases to be designated by rule or regulation of the state board of health. Nor shall any such person be permitted to return to said school premises except upon the certificate of a registered physician in good standing that there is no danger of contagion therefrom. No person who is afflicted with pulmonary tuberculosis shall be in or about school premises at any time)) The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules and regulations regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules and regulations shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ((publish)) print and distribute the rules ((or)) and regulations of

the state board of health above provided to ~~((interested))~~ appropriate school officials and personnel.

Sec. 2. Section 28A.31.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.030 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require ~~((testing of))~~ screening for the ((hearing)) visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects ~~((in their hearing))~~ sufficient to retard them in their studies. Auditory and visual ((Such tests)) screening shall be made ((annually commencing each September by competent persons which may include superintendents, principals, or teachers in the schools, but at least every two years tests given all children shall be by a registered physician or registered nurse)) in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening.

Sec. 3. Section 28A.31.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.040 are each amended to read as follows:

The person or persons completing ~~((such tests))~~ the screening prescribed in RCW 28A.31.030 shall promptly prepare a record of the ~~((test))~~ screening of each child found to ~~((be hard of hearing,))~~ have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by chapter 28A.13 RCW, and send copies of such records and recommendations to the parents or guardians of such children ~~((and to the superintendent of public instruction, and to the state director of health,))~~ and shall deliver the original records to the ~~((teachers in charge of such children, and such teachers))~~ appropriate school official who shall preserve such records ~~((and give special attention to said children with defective hearing and assist them toward making their grades in studies with their classes))~~ and forward to the superintendent of public instruction and the secretary of social and health services visual and auditory data as requested by such officials.

Sec. 4. Section 28A.31.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.050 are each amended to read as follows:

~~((It shall be the duty of))~~ The superintendent of public instruction ~~((after consultation with the state director of health to prepare and))~~ shall print and distribute to ~~((the))~~ appropriate school ((boards or to the respective county or intermediate district superintendents for them, suitable rules and directions, together

with) officials the rules and regulations adopted by the state board of health pursuant to RCW 28A.31.030 and the recommended records ((7)) and forms to be used in making and reporting such ((tests)) screenings.

Passed the Senate March 11, 1971.

Passed the House March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 33

[Senate Bill No. 107]

INTERLOCAL COOPERATION--

INDIAN TRIBES

AN ACT Relating to interlocal cooperation; and amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 88, Laws of 1969 and RCW 39.34.020.

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

Section 1. Section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 88, Laws of 1969 and RCW 39.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, port district, fire protection district, school district, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States.

Passed the Senate February 23, 1971.

Passed the House March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 34

[Engrossed Senate Bill No. 141]

FIREARMS--

USE BY MINORS

AN ACT Relating to firearms; and amending section 1, page 67, Laws of 1883 as amended by section 308, chapter 249, Laws of 1909 and

RCW 9.41.240.

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

Section 1. Section 1, page 67, Laws of 1883 as amended by section 308, chapter 249, Laws of 1909 and RCW 9.41.240 are each amended to read as follows:

No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Passed the Senate February 11, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 35

[Engrossed Substitute Senate Bill No. 142]

FOOD FISH AND SHELL FISH--
FISH FARMING OR AQUACULTURE

AN ACT Relating to fisheries; amending section 75.16.010, chapter 12, Laws of 1955 and RCW 75.16.010; and adding new sections to chapter 12, Laws of 1955 and to chapter 75.16 RCW.

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

Section 1. Section 75.16.010, chapter 12, Laws of 1955 and RCW 75.16.010 are each amended to read as follows:

It shall be unlawful for any person or government agency whatsoever, save the director and those authorized by him, to take food fish or shellfish for propagation ~~((or))~~, scientific, or other purposes within the waters of this state. The director or those authorized by him may take salmon or other food fish or shellfish for public propagation ~~((or))~~, scientific, or other purposes under such regulations as the director may prescribe to safeguard the interest of the fisheries of this state.

The director, in conjunction with the issuance of a permit and license for fish farming, may authorize taking of food fish or shellfish for propagation, under such regulations as he may prescribe to safeguard the interest of the fisheries of this state.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1955 and to chapter 75.16 RCW a new section to read as follows:

The director may authorize by permit the cultivation of food fish and shellfish or other aquatic animals for commercial purposes, also known as fish farming or aquaculture, under such rules and regulations as he may prescribe. Cultivation shall include all aspects of breeding, obtaining eggs or young of, raising, preparing for consumption or for market, and marketing of the food fish, shellfish or other aquatic animals. Cultivation may be permitted on privately owned uplands, shorelands or tidelands, as well as on publicly owned uplands, tidelands, shorelands, or beds of navigable waters in accordance with procedures established for administration of such areas.

Clam farming, oyster farming, geoduck harvesting, and other activities in the nature of cultivation already authorized or licensed are not affected by this section.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1955 and to chapter 75.16 RCW a new section to read as follows:

A license is required for each and every fish farm operated for commercial purposes at one or more locations on uplands, shorelands, tidelands, or beds of navigable waters, or in the waters of the state. The fee for said license is one hundred dollars per annum, and shall be paid for each and every year in which food fish, shellfish or other aquatic animals are being cultivated. A separate license is required for each county of the state in which a fish farm is operated by the same person, corporation, or other entity.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1955 and to chapter 75.16 RCW a new section to read as follows:

The department may supply, at a reasonable charge, salmon eggs to a person, corporation or other entity for use in fish farming or aquaculture for a period not to exceed six years from the date of initial delivery.

Passed the Senate February 16, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 36

[Engrossed Senate Bill No. 143]

HIGHWAY CONSTRUCTION--

MAPS, PLANS, AND SPECIFICATIONS

AN ACT Relating to state highway construction; and amending section

47.28.060, chapter 13, Laws of 1961 as amended by section 1, chapter 64, Laws of 1965 ex. sess., and RCW 47.28.060.

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

Section 1. Section 47.28.060, chapter 13, Laws of 1961 as amended by section 1, chapter 64, Laws of 1965 ex. sess., and RCW 47.28.060 are each amended to read as follows:

Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the highway commission of a reasonable sum as required by the highway commission in the call for bids for each copy of such maps, plans and specifications. Any money so received (~~shall be in payment of rental for such maps, plans and specifications, and the same~~) shall be certified by the highway commission to the state treasurer and deposited to the credit of the motor vehicle fund: PROVIDED, That the highway commission may deliver with or without charge informational copies of maps, plans, specifications and directions at such places as it may from time to time designate (~~PROVIDED FURTHER, That in addition to the above rental charge, the highway commission may require the deposit of a reasonable sum to assure return of such copies of maps, plans and specifications after which refund of such deposit shall be made~~).

Passed the Senate February 3, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 37

[Senate Bill No. 150]

OUTDOOR RECREATIONAL BOND REDEMPTION FUND OF 1967

AN ACT Relating to general obligation bonds to finance aquisition and development of outdoor recreational areas and facilities; amending section 6, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.060; and declaring an emergency.

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

Section 1. Section 6, chapter 126, Laws of 1967 ex. sess. and RCW 43.99A.060 are each amended to read as follows:

The outdoor recreational bond redemption fund of 1967 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 chapter. 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 bond retirement and interest requirements (~~(- The state treasurer shall thereupon)~~). and on July 1st of each year the state treasurer shall deposit such amount in the outdoor recreational bond redemption fund from moneys transmitted to the state treasurer by the ((tax commission)) department of revenue and certified by the ((tax commission)) department of revenue 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. 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 17, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 38

[Engrossed Senate Bill No. 177]

TAXING DISTRICTS--

LIMITATION OF INDEBTEDNESS

AN ACT Relating to public indebtedness; and amending section 1, chapter 143, Laws of 1917 as last amended by section 27, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.020.

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

Section 1. Section 1, chapter 143, Laws of 1917 as last amended by section 27, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.020 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent

on the value of the taxable property therein.

(2) Counties, cities and towns are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such counties, cities or towns without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent counties, cities and towns are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(3) School districts and public hospital districts are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space and park facilities: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015.

Passed the Senate February 10, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 39
[Senate Bill No. 195]
HISTORICAL MATERIALS, PRESERVATION--
COUNTY EXPENDITURES

AN ACT Relating to the preservation of historical materials; and repealing section 2, chapter 160, Laws of 1949 as amended by section 2, chapter 47, Laws of 1957 and RCW 27.48.020.

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

NEW SECTION. Section 1. Section 2, chapter 160, Laws of 1949 as amended by section 2, chapter 47, Laws of 1957, and RCW 27.48.020 are each repealed.

Passed the Senate March 10, 1971.

Passed the House March 9, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 40
[Engrossed Senate Bill No. 241]
JUDICIAL COUNCIL--
COMPOSITION

AN ACT Relating to the judicial council; adding additional members; and amending section 1, chapter 45, Laws of 1925 ex. sess., as last amended by section 1, chapter 124, Laws of 1967 and RCW 2.52.010.

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

Section 1. Section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 124, Laws of 1967 and RCW 2.52.010 are each amended to read as follows:

There is hereby established a judicial council which shall consist of the following:

(1) The chief justice and one other judge of the supreme court, to be selected and appointed by the chief justice of the supreme court;

(2) Two judges of the court of appeals, to be selected and appointed by the three chief judges of the three divisions thereof;

(3) Two judges of the superior court, to be selected and appointed by the superior court judges' association;

~~((3))~~ (4) Three members of the state senate, no more than two of whom shall be members of the same political party, one of whom

will be the chairman of the senate judiciary committee and the other two to be designated by the chairman; three members of the state house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairman of the house judiciary committee and the other two to be designated by the chairman; unless the house judiciary committee is organized into two sections, in which case the chairman of each section shall be a member and they shall designate the third house member;

((44)) [5] The dean of each recognized school of law within this state;

((45)) [6] ((Three)) Five members of the bar who are practicing law and at least one of whom is a prosecuting attorney, three to be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court, and two to be appointed by the board of governors of the Washington state bar association from a list of nominees submitted by the legislative committee of the Washington state bar association;

((46)) [7] The attorney general; and

((47)) [8] ((A judge of a)) Two judges from the courts of limited jurisdiction chosen by the Washington state magistrates' association.

Passed the Senate March 9, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 41

[Substitute Senate Bill No. 390]

COURT OF APPEALS--

PRECEDENTIAL DECISIONS--

PUBLICATION

AN ACT Relating to courts; and amending section 4, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.040.

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

Section 1. Section 4, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.040 are each amended to read as follows:

The court shall sit in panels of three judges and decisions shall be rendered by not less than a majority of the panel. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decisions shall be stated. ((All opinions of the court shall be published.)) All decisions of the court having precedential value shall be published as opinions of the

court. Each panel shall determine whether a decision of the court has sufficient precedential value to be published as an opinion of the court. Decisions determined not to have precedential value shall not be published. Panels in the first division shall be comprised of such judges as the chief judge thereof shall from time to time direct. Judges of the respective divisions may sit in other divisions and causes may be transferred between divisions, as directed by written order of the chief justice. The court may hold sessions in such of the following cities as may be designated by rule: Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland and Walla Walla.

No judge of the court shall be entitled to per diem or mileage for services performed at either his legal residence or the headquarters of the division of the court of which he is a member.

The court may establish rules supplementary to and not to conflict with rules of the supreme court.

Passed the Senate February 25, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 42

[Engrossed Senate Bill No. 447]

DECISIONS OF SUPREME COURT AND COURT OF APPEALS--
PUBLICATION AND DISTRIBUTION

AN ACT Relating to the judiciary; providing for court of appeals reports; amending section 1, chapter 185, Laws of 1943 and RCW 2.32.160; amending section 3, chapter 150, Laws of 1941 and RCW 40.04.030; amending section 6, chapter 150, Laws of 1941 and RCW 40.04.100; and amending section 7, chapter 150, Laws of 1941 and RCW 40.04.110.

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

Section 1. Section 1, chapter 185, Laws of 1943 and RCW 2.32.160 are each amended to read as follows:

There is hereby created a commission to supervise the publication of the decisions of the supreme court and court of appeals of this state in both the form of advance sheets for temporary use and in permanent form, to be known as the commission on supreme court reports, and to consist of ~~(five)~~ six members, as follows: The chief justice of the supreme court, who shall be chairman of the commission, the reporter of decisions of the supreme court, the state law librarian, a judge of the court of appeals.

designated by the chief judges, the public printer, and a representative of the Washington state bar who shall be appointed by the president thereof. Members of the commission shall serve as such without additional or any compensation.

Sec. 2. Section 3, chapter 150, Laws of 1941 and RCW 40.04.030 are each amended to read as follows:

The state law librarian shall receive from the public printer, whose duty it shall be to deliver to him, all bound volumes of the session laws, and the house and senate journals as the same are published. He shall also receive from the publisher of the supreme court reports and the court of appeals reports of the state of Washington such copies as are purchased by the supreme court for the use of the state.

Sec. 3. Section 6, chapter 150, Laws of 1941 and RCW 40.04.100 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court ((judge)) justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him.

(2) The state law librarian shall retain ((forty-five copies)) such copies as are necessary of each for the benefit of the state law library ((and)), the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his office in the attorney general's suite; three copies for the office of prosecuting attorney, in class A counties; two copies for such office in first class counties, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the ((division of budget)) office of program planning and fiscal management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State ((College)) University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library and two copies to the Gonzaga University law school library; six copies to the King county law library; and one copy to each county law library organized

pursuant to law in class AA counties, class A counties and in counties of the first, second and third class.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his judgment seems proper.

Sec. 4. Section 7, chapter 150, Laws of 1941 and RCW 40.04.110 are each amended to read as follows:

On the publication of each volume of reports the supreme court must purchase for the use of the state, from the publisher to whom the contract is awarded, three hundred copies of ((said)) each volume of supreme court and court of appeals reports, and such additional copies as the court may deem to be necessary, at the price named in the contract, and deliver the same to the law librarian of the state law library, who shall distribute same as required by the provisions of RCW 40.04.100.

Passed the Senate March 9, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 43

[House Bill No. 10]

PUBLIC EMPLOYMENT--

CERTIFICATE OF EDUCATIONAL COMPETENCE

AN ACT Relating to education and evidence of educational competence for certain public employment.

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

NEW SECTION. Section 1. There is added to RCW 41.04 a new section to read as follows:

A Washington certificate of educational competence as awarded by the Washington state superintendent of public instruction or an official report of equivalent acceptable scores of the general educational development test shall be accepted in lieu of a high school diploma by the state and any local political subdivision when considering applicants for employment or promotion.

Passed the House March 10, 1971.

Passed the Senate March 9, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 44
[House Bill No. 12]
TRUANT SCHOOLS

AN ACT Relating to parental or truant schools certain school boards are authorized to establish and maintain; repealing section 1, chapter 78, Laws of 1903 and RCW 13.12.010; repealing section 2, chapter 78, Laws of 1903 and RCW 13.12.020; repealing section 3, chapter 78, Laws of 1903 and RCW 13.12.030; repealing section 5, chapter 78, Laws of 1903, section 1, chapter 202, Laws of 1919 and RCW 13.12.040; repealing section 6, chapter 78, Laws of 1903 and RCW 13.12.050; repealing section 8, chapter 78, Laws of 1903 and RCW 13.12.060; repealing section 10, chapter 78, Laws of 1903 and RCW 13.12.070; repealing section 11, chapter 78, Laws of 1903 and RCW 13.12.080; repealing section 4, chapter 78, Laws of 1903 and RCW 13.12.090; repealing section 7, chapter 78, Laws of 1903 and RCW 13.12.100; and repealing section 9, chapter 78, Laws of 1903 and RCW 13.12.110.

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 78, Laws of 1903 and RCW 13.12.010;
 - (2) Section 2, chapter 78, Laws of 1903 and RCW 13.12.020;
 - (3) Section 3, chapter 78, Laws of 1903 and RCW 13.12.030;
 - (4) Section 5, chapter 78, Laws of 1903, section 1, chapter 202, Laws of 1919, and RCW 13.12.040;
 - (5) Section 6, chapter 78, Laws of 1903 and RCW 13.12.050;
 - (6) Section 8, chapter 78, Laws of 1903 and RCW 13.12.060;
 - (7) Section 10, chapter 78, Laws of 1903 and RCW 13.12.070;
 - (8) Section 11, chapter 78, Laws of 1903 and RCW 13.12.080;
 - (9) Section 4, chapter 78, Laws of 1903 and RCW 13.12.090;
 - (10) Section 7, chapter 78, Laws of 1903 and RCW 13.12.100;
- and
- (11) Section 9, chapter 78, Laws of 1903 and RCW 13.12.110.

Passed the House January 29, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 45
[House Bill No. 15]
SCHOOLS, COLLEGES, UNIVERSITIES--
CIVIL DISTURBANCES--
PENALTIES

AN ACT Relating to education; amending sections 1 and 2, chapter 98, Laws of 1970 ex. sess. and RCW 28B.10.570 and 28B.10.571; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.87 RCW; and providing penalties.

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

Section 1. Section 1, chapter 98, Laws of 1970 ex. sess. and RCW 28B.10.570 are each amended to read as follows:

It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of any university, college ((7)) or community college ((or public school)) who is in the peaceful discharge or conduct of his duties or studies.

Sec. 2. Section 2, chapter 98, Laws of 1970 ex. sess. and RCW 28B.10.571 are each amended to read as follows:

It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of any university, college ((7)) or community college ((or public school)) who is in the peaceful discharge or conduct of his duties or studies.

NEW SECTION. Sec. 3. It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher or student of any common school who is in the peaceful discharge or conduct of his duties or studies.

NEW SECTION. Sec. 4. It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, teacher or student of any common school who is in the peaceful discharge or conduct of his duties or studies.

NEW SECTION. Sec. 5. The crimes defined in sections 3 and 4 of this 1971 amendatory act shall not apply to school administrators or teachers who are engaged in the reasonable exercise of their disciplinary authority.

NEW SECTION. Sec. 6. Any person guilty of violating sections 3 and 4 of this 1971 amendatory act shall be deemed guilty of a gross misdemeanor and, upon conviction thereon, shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months or both such fine and imprisonment.

NEW SECTION. Sec. 7. Sections 3 through 7 of this 1971 amendatory act shall be added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.87 RCW.

NEW SECTION. Sec. 8. If any provision of this 1971 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.

Passed the House January 29, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 46

[House Bill No. 16]

SUPERINTENDENT OF PUBLIC INSTRUCTION--
POWERS AND DUTIES

AN ACT Relating to powers and duties of the superintendent of public instruction; and amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 3, Laws of 1969 ex. sess. and RCW 28A.41.170.

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

Section 1. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 3, Laws of 1969 ex. sess. 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 1968-1969 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)).

Passed the House January 29, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 47
[House Bill No. 17]
SCHOOL APPORTIONMENT--
PUPILS FROM ORPHAN HOMES

AN ACT Relating to the apportionment of public school funds for pupils who reside in a home or institution devoted exclusively to orphan children, said home being exempt from taxation under the laws of the state, and located in the school district such pupil attends; and repealing section 28A.48.060, chapter 223, Laws of 1969 ex. sess., section 112, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.060.

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

NEW SECTION. Section 1. Section 28A.48.060, chapter 223, Laws of 1969 ex. sess., section 112, chapter 176, Laws of 1969 ex. sess. and RCW 28A.48.060 are each hereby repealed.

Passed the House January 29, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 48
[House Bill No. 18]
INTERMEDIATE SCHOOL DISTRICTS

AN ACT Changing internal references to "county" and/or "intermediate district" to "intermediate school district" within certain sections of the common school code; amending sections 28A.04.040, 28A.04.120, 28A.13.020, 28A.14.020, 28A.14.050, 28A.28.010, 28A.28.030, 28A.31.050, 28A.35.030, 28A.41.160, 28A.44.050, 28A.44.060, 28A.44.070, 28A.44.080, 28A.44.090, 28A.44.100, 28A.56.030, 28A.56.040, 28A.56.050, 28A.56.060, 28A.57.020, 28A.57.080, 28A.57.415, 28A.58.103, 28A.58.150, 28A.58.603, 28A.59.080, 28A.59.150, 28A.60.070, 28A.60.186, 28A.60.210, 28A.66.050, 28A.66.060, 28A.66.100, 28A.67.040, 28A.67.060, 28A.70.130, 28A.70.160, 28A.70.170 and 28A.88.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.040, 28A.04.120, 28A.13.020, 28A.14.020, 28A.14.050, 28A.28.010, 28A.28.030, 28A.31.050, 28A.35.030, 28A.41.160, 28A.44.050, 28A.44.060, 28A.44.070, 28A.44.080, 28A.44.090, 28A.44.100, 28A.56.030, 28A.56.040, 28A.56.050, 28A.56.060, 28A.57.020, 28A.57.080, 28A.57.415, 28A.58.103, 28A.58.150, 28A.58.603, 28A.59.080, 28A.59.150, 28A.60.070, 28A.60.186, 28A.60.210,

28A.66.050, 28A.66.060, 28A.66.100, 28A.67.040, 28A.67.060, 28A.70.130, 28A.70.160, 28A.70.170, and 28A.88.070; amending sections 19 and 20, chapter 34, Laws of 1969 ex. sess. and RCW 28A.21.105 and 28A.21.106; amending section 28A.24.150, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 20, Laws of 1970 1st ex. sess. and RCW 28A.24.150; amending section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as amended by section 105, chapter 176, Laws of 1969 ex. sess. and RCW 28A.27.040; amending section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 283, Laws of 1969 ex. sess. and RCW 28A.58.100; amending section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1969 and RCW 28A.58.560; amending section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.080; amending section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.100; amending sections 28A.65.110, 28A.65.120 and 28A.65.150, chapter 223, Laws of 1969 ex. sess. as amended by sections 28, 29 and 33, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.110, 28A.65.120 and 28A.65.150; amending sections 34 and 30, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.153 and 28A.65.180; and amending section 4, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.040.

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

Section 1. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.040 are each amended to read as follows:

Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September. No person employed in any school, college, university, or other educational institution or any ((county or)) intermediate school district ((school)) superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected must be a resident of the congressional district from which he was elected. No member of a board of directors of a local school district shall continue to serve in that capacity after having been elected to the state board.

Sec. 2. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive teachers' certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to teachers' certification, and prepare an accredited list of those higher institutions of education of this and other states whose graduates may be awarded teachers' certificates.

(3) Supervise the issuance of teachers' certificates and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Examine and accredit secondary schools and approve private schools carrying out a program for any or all of the grades one through eight: PROVIDED, That no public or private high schools shall be placed upon the accredited list so long as secret societies are knowingly allowed to exist among its students by school officials.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the

assistance of the school officials, ((county or)) intermediate school district superintendents and the boards of directors of the common schools.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(11) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) Hear and decide appeals as otherwise provided by law.

Sec. 3. Section 28A.13.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.020 are each amended to read as follows:

The superintendent of public instruction shall appoint an administrative officer of such division. The administrative officer shall coordinate and supervise the program of special aid for handicapped children in the school districts of the state. He shall cooperate with the ((county and)) intermediate school district superintendents ((of schools)) and with all other interested school officials in the conduct of the program and shall cooperate with the state director of health and with county and regional health officers on cases where medical examination or attention is needed.

Sec. 4. Section 28A.14.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.14.020 are each amended to read as follows:

The superintendent of public instruction shall appoint an administrative officer who shall be qualified for such position by training and experience. The administrative officer, among other duties, shall coordinate and supervise the programs of recreation operated by the school districts of the state. He shall cooperate with ((county and)) intermediate school district superintendents and with school district officials and teachers and encourage the establishment of local recreation programs. He shall also meet with and consult with recreation committees as provided in RCW 28A.14.050.

Sec. 5. Section 28A.14.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.14.050 are each amended to read as follows:

School district officials and the ((county or)) intermediate school district superintendents may appoint local and/or ((county)) district advisory recreation committees or designate existing community committees, with the advice of the administrative officer.

Such advisory recreation committees shall be appointed from representatives of public and private youth serving agencies and citizens interested in the educational and social welfare of children and adults. The duties of advisory recreation committees shall be to meet with school district officials and the administrative officer for the purpose of discussing and planning the establishment and operation of recreation programs.

Sec. 6. Section 19, chapter 34, Laws of 1969 ex. sess. and RCW 28A.21.105 are each amended to read as follows:

No certificated employee of a ((county or)) intermediate school district superintendent or board of education shall be employed except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the ((county or)) intermediate school district superintendent and the other shall be delivered to the employee.

Every ((county or)) intermediate school district superintendent or board of education determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate school district.

Sec. 7. Section 20, chapter 34, Laws of 1969 ex. sess. and RCW 28A.21.106 are each amended to read as follows:

Every ((county or)) intermediate school district superintendent or board of education determining that there is probable cause or causes for a certificated employee of that superintendent or board to be discharged or otherwise adversely affected in his contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure

and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. The board of education and the ((county or)) intermediate school district superintendent, respectively, shall have the duties of the boards of directors and clerks of school districts in RCW 28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto. Appeals may be filed in the superior court of any county in the intermediate school district.

Sec. 8. Section 28A.24.150, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 20, Laws of 1970 1st ex. sess. and RCW 28A.24.150 are each amended to read as follows:

Whenever a safe walk-way would result in eliminating a bus route or bus run through the shortening of the walking distance of pupils, or would provide a safe route for pupils walking to school and thus eliminate the need for bus transportation, the local board of directors of any school district, upon approval of the ((county)) intermediate school district transportation commission, is authorized to acquire through purchase, lease, condemnation or otherwise any interest in real property necessary for such purpose and to provide for construction upon and improvement of such property or other property to provide a safe walk-way for pupils walking to and from school.

If the state superintendent of public instruction finds that the acquisition and/or construction of such a safe walk-way would result over a fifteen year period in a financial saving to the state and school district involved, through a reduction in said transportation costs for said fifteen year period, then he shall reimburse any school district for its costs incurred in providing or participating in providing such approved safe walk-ways for pupils on the same basis that school districts are reimbursed for transportation costs pursuant to RCW 28A.41.160.

Sec. 9. Section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as amended by section 105, chapter 176, Laws of 1969 ex. sess. and RCW 28A.27.040 are each amended to read as follows:

To aid in the enforcement of RCW 28A.27.010 through 28A.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the intermediate school district superintendent shall appoint one or more attendance officers or may act as such himself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of attendance officers when appointed by the intermediate school

district superintendents shall be paid by the respective districts. An intermediate school district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed policeman may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28A.27.010 through 28A.27.130, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28A.27.010 through 28A.27.130. The attendance officer is authorized to take into custody the person of any child eight years of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28A.27.010 through 28A.27.130, and shall otherwise discharge the duties prescribed in RCW 28A.27.010 through 28A.27.130, and shall perform such other services as the intermediate school district superintendent or the superintendent of any school or its board of directors may deem necessary.

The attendance officer shall keep a record of his transactions for the inspection and information of any school district board of directors, the ((county or)) intermediate school district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the ((county or)) intermediate school district superintendent as often as the same may be required.

Sec. 10. Section 28A.28.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.28.010 are each amended to read as follows:

For the purposes of this chapter, permit officers shall be those persons designated by the boards of school directors in first and second class districts to carry out said duties relating thereto and those persons the ((county or)) intermediate school district superintendent having jurisdiction over any third class district shall designate to carry out such duties relating thereto. Coordinating council for the purposes of this chapter shall mean the coordinating council for occupational education as provided for in RCW 28A.50.160.

Sec. 11. Section 28A.28.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.28.030 are each amended to read as follows:

Any minor fifteen years of age and under eighteen years of age or any minor fourteen years of age and under eighteen years of age who has completed the eighth grade or who, in the judgment of the superintendent of any first or second class school district wherein

said minor resides or of the ((county or)) intermediate school district superintendent having jurisdiction over any third class school district wherein said minor resides, that such minor cannot profitably pursue further regular school work, may apply to the permit officer for the district wherein such minor resides for permission to leave school and to enter upon employment, and if upon investigation said permit officer finds that the needs of the family or the welfare of such minor require it, and if in the judgment of such permit officer such minor may legally engage in such employment, the said permit officer shall issue an employment permit which shall state the age of the minor as shown by the school register, the grade attained in school, and the person, firm or corporation which is to employ the minor. The permit officer shall have power, and in all cases of reasonable doubt it shall be his duty, to require additional proofs of the age of minors seeking permission to leave school and enter upon employment. The term "employment" as used in this chapter shall be interpreted to include such home occupation, home study or home private instruction under the supervision and direction of a responsible parent or guardian as may be approved by the permit officer after consultation with and approval of the ((county or)) intermediate school district superintendent ((of school)) concerned.

Sec. 12. Section 28A.31.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.31.050 are each amended to read as follows:

It shall be the duty of the superintendent of public instruction, after consultation with the state director of health, to prepare and distribute to the school boards or to the respective ((county or)) intermediate school district superintendents for them, suitable rules and directions, together with records, and forms to be used in making and reporting such tests.

Sec. 13. Section 28A.35.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.35.030 are each amended to read as follows:

The cost of establishing and maintaining such kindergartens shall be paid from the general school fund of the district. It shall be the duty of teachers, school district superintendents and ((county or)) intermediate school district superintendents to respectively report as other school attendance is reported, the attendance of all children five years of age or over at such kindergartens, and it shall thereupon be the duty of the superintendent of public instruction to make apportionment to the proper counties of the current state school fund and of the respective ((county or)) intermediate school district superintendents to apportion to the districts entitled thereto such funds as are apportioned by the legislature in accordance with the provisions of chapter 28A.41 RCW. It shall be the duty of all school district superintendents to include children four years of age and over in the enumeration of the

annual school census.

Sec. 14. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. 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 ((county)) 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.

Sec. 15. Section 28A.44.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.050 are each amended to read as follows:

The ((county or)) intermediate school district superintendent ((of schools)), after verifying such reports as provided for in RCW 28A.44.080, shall certify, on or before the fifteenth day of August each year, to the ((county commissioners of his county if a county superintendent or to the)) appropriate county commissioners ((if an intermediate district superintendent)), and to the county commissioners of such other counties as any high school district of his ((county)) district may have claims against under the provisions of RCW 28A.44.045 through 28A.44.100, the amount of each such high school district claim for the cost of educating nonresident high school pupils, and such county commissioners are hereby authorized to levy and shall levy a tax up to the amount permissible under RCW 84.52.050, against all nonhigh school districts in their respective counties in the aggregate amount as certified to them by the ((county or)) intermediate school district superintendent ((of schools)), such levy to be made at the same time and in the same manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils the ((county or)) intermediate school district superintendent shall take the net difference between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state current school fund and receipts from the real estate transfer tax as provided in chapter 28A.45 RCW, such difference to be multiplied by the days of attendance of nonresident high school pupils in each case. Such amount, when ascertained and

certified as provided in this section, shall constitute a valid claim against the high school district fund hereafter provided for in this section. The above tax shall be collected at the same time and in the same manner as other taxes are collected, and shall be segregated by the appropriate county treasurer into a fund which shall be designated as the high school district fund and which shall be used only for reimbursing high school districts for the cost of educating nonresident high school pupils whose legal residence shall be in a nonhigh school district.

Sec. 16. Section 28A.44.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.060 are each amended to read as follows:

The state board of education shall provide each ~~((county or))~~ intermediate school district superintendent ~~((of schools))~~ in the state with a copy of the rules and requirements for the classification of districts and said board, on or before the first day of July of each year, shall certify to every ~~((county or))~~ intermediate school district superintendent ~~((of schools))~~ in the state a complete list of all high school districts in his ~~((county or))~~ district.

Sec. 17. Section 28A.44.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.070 are each amended to read as follows:

~~((The county))~~ Each intermediate school district superintendent ~~((of schools of each county))~~, on or before the first day of September, shall certify to the appropriate county assessors, the county treasurers, the county auditors, and the boards of county commissioners ~~((of his county))~~, a complete list of all high school districts and all nonhigh school districts in his ~~((county))~~ district. ~~((The intermediate district superintendent shall likewise certify to the appropriate county officers such list.))~~

Sec. 18. Section 28A.44.080, chapter 223, Laws of 1969 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 his annual report to the ~~((county))~~ intermediate school district superintendent ~~((of schools))~~ 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: First, the name, post office address, county and number of school district if obtainable, of each nonresident high school pupil, not a resident of another high school district, enrolled in the high school, or high schools, of his district during the school year, with the days of attendance of each such nonresident high school pupil. Second, the cost per 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 shall, as a necessary result of organization, cover both grade and high school work, it shall be prorated, as nearly as practicable, by the superintendent.

Sec. 19. Section 28A.44.090, chapter 223, Laws of 1969 ex.sess. and RCW 28A.44.090 are each amended to read as follows:

The ((county or)) intermediate school district superintendent ((of schools)), on or before the first day of September, shall certify to the appropriate county treasurer the amounts due to each high school district in his ((county or)) district from the high school district fund, and also the amounts due to the high school district fund of other counties wherein high school districts may have educated pupils from nonhigh school districts of his ((county or)) district as certified by the ((county or)) intermediate school district superintendent ((of schools of such county or district)) to the appropriate county commissioners.

Sec. 20. Section 28A.44.100, chapter 223, Laws of 1969 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 high school district fund, or such prorated portion thereof as may be in such fund at the time. He shall at the same time transfer to the credit of the high school district fund of other counties such amounts, or prorated portions thereof as may be in the high school district fund of his county, as may be due the high school district fund of such other county as certified by the ((county or)) intermediate school district superintendent ((of schools)) he is acting for.

Sec. 21. Section 28A.56.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.030 are each amended to read as follows:

The said county committee shall also hold a public hearing or hearings on any proposed plan: PROVIDED, That three members of the committee or two members of the committee and the ((county or)) intermediate school district superintendent may be designated by the committee to hold such public hearing or hearings and to submit a

report thereof to the county committee. The county committee shall cause to be posted, at least ten days prior to the date appointed for any such hearing, a written or printed notice thereof in at least three prominent and public places in the school districts involved and at the place of hearing.

Sec. 22. Section 28A.56.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.040 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as aforesaid, the county committee shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the county committee of such action. Upon receipt by the county committee of such notification, the ((county or)) intermediate school district superintendent shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a county committee is not approved by the state board, the county committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the county committee shall submit to the state board a revised plan which revision shall be subject to the procedural requirements and provisions of law applicable to an original plan submitted to said board.

Sec. 23. Section 28A.56.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.050 are each amended to read as follows:

Within sixty days after receipt of the notice of approval from the ((county or)) intermediate school district superintendent, the board of directors of each school district included in the plan shall submit to the voters thereof a proposal or proposals for providing, through the issuance of bonds and/or the authorization of an excess tax levy, the amount of capital funds that the district is required to provide under the plan. The proceeds of any such bond issue and/or excess tax levy shall be credited to the building fund of the school district in which the proposed high school facilities are to be located and shall be expended to pay the cost of high school facilities for the education of such students residing in the school districts as are included in the plan and not otherwise.

Sec. 24. Section 28A.56.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.060 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.56.050 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.58.230, following the close of the school year during which the second election is held: PROVIDED, That in any such case the county committee shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the county committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a county committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the ((county or)) intermediate school district superintendent shall make an order, establishing the annexation.

Sec. 25. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.020 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "County committee" means the county committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors

(5) "((County or)) Intermediate school district superintendent" means the ((county superintendent of schools as provided for in RCW 28A.49.040 or the)) intermediate school district superintendent as provided for in RCW ((28A.49.350)) 28A.21.070 ((r

as the case may be)). When a county has property both within and without an intermediate school district or districts, the state board of education shall determine ((whether the county superintendent or an)) which intermediate school district superintendent shall carry out the functions assigned to the ((county or)) intermediate school district superintendent under this chapter and be secretary to the county committee as provided for in RCW 28A.57.040, said appointee to serve at the pleasure of the state board.

Sec. 26. Section 28A.57.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.080 are each amended to read as follows:

Notice of such special elections as provided for in RCW 28A.57.075 shall be given by the county auditor as in RCW 29.27.080 provided, and in addition thereto the ((county or)) intermediate school district superintendent shall cause to be posted (1) in at least three public places in the territory of a proposed new district or of an established district involved in a proposal for adjustment of bonded indebtedness, and (2) on a commonly-used schoolhouse door of each district included in the proposed new district, and (3) in some public place in the territory of each part of a district included in the proposed new district, and (4) at the place or places of holding the election, a statement encompassing the contents of the notice. The notice of election shall state the purpose for which the election has been called and shall contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness to be voted on.

Sec. 27. Section 28A.57.415, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.415 are each amended to read as follows:

Upon receipt of a written petition by ((a county or)) an intermediate school district superintendent signed by at least twenty percent of the registered voters of a first or second class school district theretofore divided into directors' districts after a majority vote thereon in accordance with RCW 28A.57.050(4), which petition shall request a return to the system of directors running at large within the district, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

Sec. 28. Section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 283, Laws of 1969 ex. sess.,

and RCW 28A.58.100 are each amended 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 and injury as follows:

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

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

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

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

(e) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (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;

(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 ((county and)) 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.

Sec. 29. Section 28A.58.103, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.103 are each amended to read as follows:

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

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

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

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

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the ((county or)) intermediate school district superintendent ((of schools)), one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children;

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

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

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its

judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage.

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

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

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

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

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

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

Sec. 30. Section 28A.58.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.150 are each amended to read as follows:

In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Take annually in May of each year a census of all persons between the ages of four and twenty who were bona fide residents of the district on the first day of May of that year. He shall designate the name and sex of each child, and the date of its birth; the number of weeks it has attended school during the school year,

its post office address, and such other information as the superintendent of public instruction shall desire. Parents or guardians may be required to verify as to the correctness of this report. He shall also list separately all defective persons between the ages of four and twenty and give such information concerning them as may be required by the superintendent of public instruction. The board of directors may employ additional persons and compensate the same to aid the superintendent in carrying out such census.

(5) Make to the ((county or)) intermediate school district superintendent on or before the fifteenth day of July his annual report verified by affidavit upon forms to be furnished by the superintendent of public instruction. It shall contain such items of information as said superintendent of public instruction shall require, including the following: A full and complete report of all children enumerated under subsection (4) above; the number of schools or departments taught during the year; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year, and by whom; and the number of volumes, if any, in the school district library; the number of schoolhouses in the district, and the value of them; and the aggregate value of all school furniture and apparatus belonging to the district. The superintendent shall keep on file a duplicate copy of said report.

(6) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(7) Report to the ((county or)) intermediate school district superintendent at the beginning of each term of school the name of every teacher and their proposed length of term, and supply each such teacher with school registers furnished by the ((county or)) intermediate school district ((school)) superintendent.

(8) Sign all orders for warrants ordered to be issued by the board of directors.

(9) Carry out all orders of the board of directors made at any regular or special meeting.

Sec. 31. Section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 97, Laws of 1969, and RCW 28A.58.560 are each amended to read as follows:

The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and ((county and)) intermediate school district superintendents are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C.,

section 403 (b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The superintendent of public instruction and ((county and)) intermediate school district superintendents, if eligible, may also be provided with such annuities.

Sec. 32. Section 28A.58.603, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.603 are each amended to read as follows:

If a majority of the electors voting at the election at which the proposed name is voted upon approve the proposed name, the new name shall be recorded in the school district office, the office of the intermediate school district superintendent ((or county superintendent of schools)), the offices of the state superintendent of public instruction and the state board of education.

All institutions which have a legal or financial interest in the status of a school district whose name has been changed shall be notified in a manner prescribed by the state attorney general.

Sec. 33. Section 28A.59.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.080 are each amended to read as follows:

Before entering upon the discharge of his duties, the superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of his office, a copy of which oath or affirmation shall be filed with the ((county or)) intermediate school district superintendent.

Sec. 34. Section 28A.59.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.150 are each amended to read as follows:

All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.58.135; and the accounts and the records of said board shall at all times be subject to the inspection and examination of the ((county or)) intermediate school district superintendent, ((as the case may be,)) whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records.

Sec. 35. Section 28A.60.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.070 are each amended to read as follows:

Every school district superintendent in districts of the second and the third class shall within ten days after any change in the office of chairman or superintendent, notify the ((county or)) intermediate school district superintendent of such change.

Sec. 36. Section 28A.60.186, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.186 are each amended to read as follows:

Whenever any board of directors of school districts of the third class shall be authorized by the electors of their district to erect a school building, it shall be the duty of such board, before entering into any contract for the erection of any such building, to obtain the approval of the ((county superintendent or the)) intermediate school district superintendent ((; as the case may be;)) of the plans and specifications for the building to be erected, including approval of the heating, lighting, ventilating and safety thereof.

Sec. 37. Section 28A.60.210, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.210 are each amended to read as follows:

Plans of any second or third class district or combination of districts for the carrying out of the powers granted by RCW 28A.60.190 through 28A.60.220 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the ((county or)) intermediate school district superintendent ((of schools, or both, depending upon the school organization of the districts involved)); these to choose one member from such county in which the facilities are proposed to be located, and two members, one of whom shall be a woman, from the district or districts concerned.

Sec. 38. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 119, Laws of 1969 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 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 school 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 school district superintendent ((of schools)), a member of the local board of directors, a member of the ((county or)) intermediate school 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 ((county or)) intermediate school district superintendent ((of schools)), the state superintendent of public instruction, and the county auditor.

Sec. 39. Section 28A.65.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.100 are each amended to read as follows:

Upon the conclusion of the revision hearing the board of directors shall fix and determine the budget and by resolution adopt the same: PROVIDED, That in the case of second and third class districts the board of directors shall immediately forward the budget to the ((county superintendent or)) intermediate school district superintendent for review and revision by the final budget review committee.

Sec. 40. Section 28A.65.110, chapter 223, Laws of 1969 ex. sess. as amended by section 28, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.110 are each amended to read as follows:

The final budget review committee shall consist of the ((county or)) intermediate school district superintendent, a member of the local board of directors, and the members of the ((county or)) intermediate school district board of education.

Upon receipt of the district budget the final budget review committee shall meet on or before the thirtieth day of September and finally fix and determine the total amount of the budget. Said meeting shall be open to the public, and copies of the original and revised budgets shall be available for examination by any resident taxpayer in attendance.

Revenues, including income from taxation, shall be budgeted and approved by the final budget review committee on the basis of the expected cash receipts during the current fiscal year.

Sec. 41. Section 28A.65.120, chapter 223, Laws of 1969 ex.

sess. as amended by section 29, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.120 are each amended to read as follows:

Upon the conclusion of the revision hearing in districts of the first class and upon the conclusion of the final budget review committee's action in districts of the second and third class, the board or final budget review committee as the case may be shall certify the final budget and the amount to be raised by taxation to the county commissioners for the levying of the district taxes in the manner now provided by law. A copy of said final budget, when certified, shall be filed with the ((~~county or~~)) intermediate school district superintendent, state superintendent of public instruction, the appropriate county auditor for the board of county commissioners, and the division of municipal corporations, office of the state auditor. The certification and filing of the budgets as aforesaid shall occur on or before the first Monday of October.

Sec. 42. Section 28A.65.150, chapter 223, Laws of 1969 ex. sess. as amended by section 33, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.150 are each amended to read as follows:

If an emergency arises in a second or third class school district because of unforeseen conditions, the board of directors shall declare by resolution that an emergency exists. The board of directors, in consultation with the ((~~county or~~)) intermediate school district superintendent and the final budget review committee, shall determine the best means of meeting such emergency. When the proposed plan and the indebtedness therefor have received the approval of the state superintendent of public instruction, it shall be put into effect.

Sec. 43. Section 34, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.153 are each amended to read as follows:

All adopted emergency expenditure resolutions shall be filed with the county auditor, county treasurer, ((~~county or~~)) intermediate school district superintendent of schools, state auditor, and the state superintendent of public instruction.

Sec. 44. Section 30, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.180 are each amended to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is hereby directed to promulgate such rules and regulations as will insure proper budgetary procedures and practices including monthly financial statements consistent with the provisions of RCW 43.09.200 and 28A.65.050. If the superintendent of public instruction determines upon his review of the preliminary or final budget of any district that said budget does not comply with the budget procedures established by the state superintendent of public instruction or the provisions of RCW 43.09.200 and 28A.65.050, he shall give notice of this determination

to the board of directors of the local school district. The state superintendent of public instruction shall then call a meeting with the ((county or)) intermediate school district superintendent ((of schools)), the local board of directors, and the chief administrative officer of the district to review said budget. Upon the conclusion of said meeting the state superintendent shall issue findings and direct that a financially sound budget be developed by the district for operation.

In the event the budget under consideration by the state superintendent is the preliminary budget, the local district shall be obligated to submit a final budget which meets the requirements of RCW 43.09.200 and 28A.65.050 and the rules of the state superintendent adopted pursuant hereto. In the event the budget under consideration by the state superintendent is the final budget, the local school district, notwithstanding any other provision of law, shall within thirty days from the date the state superintendent issues a directive, submit a revised budget which meets the requirements of RCW 43.09.200 and 28A.65.050 and the rules of the state superintendent adopted pursuant hereto: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the state superintendent meets the requirements of RCW 43.09.200 and 28A.65.050 or the state superintendent's rules the matter shall be submitted to the state board of education which shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this statute.

Sec. 45. Section 28A.66.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.050 are each amended to read as follows:

No warrant shall be drawn and issued or registered by the county auditor for the payment of any teacher who is not qualified within the meaning of the law of this state, nor unless a copy of a written contract evidencing employment thereof be filed with the ((county or)) intermediate school district superintendent in accordance with the provisions of law.

Sec. 46. Section 28A.66.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.060 are each amended to read as follows:

The county auditor shall not draw and issue or register the warrant in payment of the last month's salary of any teacher in any district until he shall receive notice from the ((county or)) intermediate school district superintendent that the teacher's final report has been made to the said ((county or)) intermediate school district superintendent or that no such report is required.

Sec. 47. Section 28A.66.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.100 are each amended to read as follows:

The county auditor shall make an annual report for the period

ending on the preceding June thirtieth on the financial condition of each school in his county to the ((county or)) intermediate school district superintendent on or before the twenty-fifth day of July, in such form as may be prescribed by the superintendent of public instruction.

Sec. 48. Section 28A.67.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.040 are each amended to read as follows:

Every teacher who shall be teaching at the close of the school year, or who shall teach the last term of any school year, in any school district, shall make a report to the ((county or)) intermediate school district superintendent encompassing such information pertinent to school purposes as said official requires immediately upon the close of such school year or term for the entire time taught in said school district since the beginning of the school year, if any such report be so requested by the ((county or)) intermediate school district superintendent. Copies of all reports made by teachers shall be furnished to their school district superintendent, to be by him filed in his office. No board of directors shall draw any order or warrant for the salary of any teacher for the last month of his service, until such reports, if required, shall have been made, and the same approved by the ((county or)) intermediate school district superintendent.

Sec. 49. Section 28A.67.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.060 are each amended to read as follows:

Certificated employees shall faithfully enforce in the common schools the course of study and regulations prescribed, whether regulations of the district, the superintendent of public instruction, or the state board of education, and shall furnish promptly all information relating to the common schools which may be requested by the ((county or)) intermediate school district superintendent.

Any certificated employee who wilfully refuses or neglects to enforce the course of study or the rules and regulations as above in this section required, shall not be allowed by the directors any warrant for salary due until said person shall have complied with said requirements.

Sec. 50. Section 28A.70.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.130 are each amended to read as follows:

All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to teach in any county of the state upon being registered by the ((county or)) intermediate school district superintendent thereof, which fact shall be evidenced by him on the certificate in the words, "Registered for use in county," together with the date of registry, and his official signature: PROVIDED, That a copy of the original

certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

Sec. 51. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.160 are each amended to read as follows:

Any certificate to teach authorized under the provisions of this chapter or rules and regulations promulgated thereunder may be revoked by the authority authorized to grant the same upon complaint of any school district superintendent ((~~r~~)) or ((~~county ex~~)) intermediate school district superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, or any unprofessional conduct, after the person whose certificate is in question has been given an opportunity to be heard.

Sec. 52. Section 28A.70.170, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.170 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned by the filing of a complaint by a school district superintendent or ((~~a county ex~~)) intermediate school district superintendent under RCW 28A.70.160 shall have a right to be heard by the issuing authority before his certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the state board of education if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the state board of education within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 53. Section 28A.88.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.070 are each amended to read as follows:

At the hearing of an appeal, properly initiated in accordance with this chapter, the ((~~county ex~~)) intermediate school district superintendent shall hear testimony of all parties interested, and for that purpose may administer oaths if necessary, may summon witnesses or demand records or certified copies of the same. In the case of a hearing on appeal by the superintendent of public instruction no new evidence may be admitted but in case of an appeal to the superior court, the court may hear the case de novo.

Sec. 54. Section 4, chapter 235, Laws of 1969 ex. sess. and RCW 28A.96.040 are each amended to read as follows:

The commission shall have the following membership:

(1) Four senators to be selected by the president of the senate, not more than two of whom shall be from the same political party, and four representatives to be appointed by the speaker of the house, not more than two of whom shall be from the same political party;

(2) One member from among the membership of the joint committee on education appointed by the chairman of the joint committee on education and one member from among the membership of the legislative budget committee appointed by the chairman of the legislative budget committee;

(3) The state superintendent of public instruction or his designated representative;

(4) One member to be appointed by the state board of education, who may be a member of the board;

(5) Seven members to be appointed by the governor, one from each United States congressional district in the state, no more than four of whom shall be members of the same political party;

(6) Two members to be appointed by the president of the Washington state school directors association; and

(7) Six members to be appointed by the state superintendent of public instruction, three of whom shall be certificated employees of school districts within the meaning of RCW 28A.72.020, and three of whom shall be chief administrative officers of school districts in the state, one of which shall be ((a county or) an intermediate school district superintendent ((of schools)). In making the appointments under this subsection (7), the state superintendent of public instruction shall give equal representation, insofar as possible, to school districts located in large urban areas of the state, school districts located in suburban areas, and school districts located in smaller communities and rural areas of the state. In addition, when making appointments of certificated employees, the state superintendent of public instruction shall give consideration to persons who may be nominated by employee organizations as defined in RCW 28A.72.020.

NEW SECTION. Sec. 55. If any provision of this 1971 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 January 29, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 49

[House Bill No. 41]

BACON

AN ACT Relating to the marketing of packaged bacon; adding new

sections to chapter 69.04 RCW; providing for penalties; and declaring an effective date.

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

NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

All packaged bacon other than that packaged in cans shall be offered and exposed for sale and sold, within the state of Washington only at retail in packages which permit the buyer to readily view the quality and degree of leanness of the product.

NEW SECTION. Sec. 2. There is added to chapter 69.04 RCW a new section to read as follows:

The director of the department of agriculture is hereby authorized to promulgate rules, regulations, and standards for the implementation of this act. If the director has reason to believe that any packaging method, package, or container in use or proposed for use with respect to the marketing of bacon is false or misleading in any particular, or does not meet the requirements of section 1 of this act, he may direct that such use be withheld unless the packaging method, package, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the packaging method, package, or container does not accept the determination of the director such person, firm, or corporation may request a hearing, but the use of the packaging method, package, or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to a court of proper jurisdiction.

NEW SECTION. Sec. 3. There is added to chapter 69.04 RCW a new section to read as follows:

This act shall take effect on January 1, 1972.

Passed the House March 9, 1971.

Passed the Senate March 9, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 50
[Engrossed House Bill No. 50]
IKE KINSWA STATE PARK--
RECREATION AREA

AN ACT Relating to a state park; officially naming it; and requiring its proper designation.

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

NEW SECTION. Section 1. The legislature hereby names as the "Ike Kinswa State Park - Recreation Area" that area comprising approximately four hundred acres of Lewis County which is presently known as the "Mayfield Lake State Park." This park shall be designated as the "Ike Kinswa State Park - Recreation Area" in all literature published by the state wherever it is necessary and proper to refer to that park or area.

The legislature finds it appropriate to honor and preserve the memory of Ike Kinswa, who passed away many years ago, by renaming this park as a memorial to him, both as an individual and as a representative of the original inhabitants of a region which is now a part of the state of Washington.

The legislature further finds it appropriate to rename this state park to avoid the confusion resulting from the present existence in Lewis county of Mayfield Lake County Park and Mayfield Lake State Park. The legislature notes that the Lewis county park board has recently voted to retain the county park name.

NEW SECTION. Sec. 2. The proper state and local officials are directed and it shall be their duty to provide and install, change or alter, all necessary or existing designations of said park to make them conform to the provisions of this act.

Passed the House February 20, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 51
[Engrossed House Bill No. 54]
RECIPROCAL OR PROPORTIONAL
REGISTRATION OF VEHICLES

AN ACT Relating to reciprocal or proportional registration of vehicles; amending section 12, chapter 106, Laws of 1963 and RCW 46.85.120; amending section 16, chapter 106, Laws of 1963 and RCW 46.85.160; amending section 17, chapter 106, Laws of

1963 and RCW 46.85.170; amending section 19, chapter 106, Laws of 1963, as amended by section 33, chapter 281, Laws of 1969 ex. sess., and RCW 46.85.190; and adding new sections to chapter 106, Laws of 1963 and to chapter 46.85 RCW.

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

Section 1. Section 12, chapter 106, Laws of 1963 and RCW 46.85.120 are each amended to read as follows:

(1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the motor vehicles in such fleet during said year.

(c) ("Reciprocity miles" as used in this section shall mean miles traveled by the motor vehicles of such fleet in another jurisdiction to which the fleet operator by virtue of reciprocity did not, either voluntarily or by operation of law or otherwise, pay full or proportional registration fees, trip permits, mileage taxes, weight distance taxes, gross receipt taxes, or any other fee or tax levied for the privilege of using the highway other than a tax on the fuel used for propelling such motor vehicles in such jurisdiction.

This state's pro rata share of "reciprocity miles" shall be determined by multiplying the total "reciprocity miles" by the fraction obtained by dividing the in-state miles by total fleet miles.

(d)) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles ((plus this state's pro rata share of reciprocity miles)) by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual fees or applicable fees for the unexpired

portion of the registration year.

(c) Multiply the sum obtained under subsection (2) (b) hereof by the fraction obtained under subsection (2) (a) hereof.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the total fee payment be less than a minimum of ~~((three))~~ five dollars per ~~((vehicle))~~ motor truck, truck tractor or auto stage, and three dollars per vehicle of any other type.

Sec. 2. Section 16, chapter 106, Laws of 1963 and RCW 46.85.160 are each amended to read as follows:

If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under the provisions of this chapter, the owner of such fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to such vehicle ~~((as the department may deem advisable))~~. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the gross weight fee paid with respect to such vehicle, which shall be a sum equal to the amount of gross weight fee paid with respect to such vehicle when it was first proportionally registered in such registration year, reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of such owner. Such credit shall be applied against the gross weight fee liability for subsequent additions to be prorated during such registration year or for additional gross weight fees due upon audit under RCW 46.85.190. If any such credit is less than ~~((five))~~ fifteen dollars, no credit shall be made or entered. In no event shall such amount be credited against fees other than those for such registration year nor shall any such amount be subject to refund.

Sec. 3. Section 17, chapter 106, Laws of 1963 and RCW 46.85.170 are each amended to read as follows:

The initial application for proportional registration of a

fleet shall state the mileage data with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness thereof.

When operations are materially changed through merger, acquisition or extended authority, the department shall require the filing of an amended application setting forth the proposed operation by use of estimated mileages for all jurisdictions. The department may adjust such estimated mileages by audit or otherwise to an actual travel basis to insure proper fee payment to this state. The actual calendar year travel basis may be utilized for determination of fee payments until such time as the normal mileage year is available under the new operation.

Sec. 4. Section 19, chapter 106, Laws of 1963, as amended by section 33, chapter 281, Laws of 1969 ex.sess. and RCW 46.85.190 are each amended to read as follows:

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner shall make such records available to the department, at its designated office for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any

sums found to be due and owing upon audit shall bear interest of six percent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under RCW 46.85.110 and 46.85.120, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of twenty-five dollars has been made, the department shall certify such overpayment to the state treasurer who shall issue a warrant for such overpayment to the vehicle operator.

All carriers registered under the provisions of this chapter shall maintain detailed mileage records on an individual vehicle basis. Such operating records shall be prepared for each trip and shall include dates, origin and destination points, total miles traveled, miles traveled in each state, vehicle equipment number, driver's full name and all other information pertinent to the particular trip.

NEW SECTION. Sec. 5. There is added to chapter 106, Laws of 1963 and to chapter 46.85 RCW a new section to read as follows:

Each application or supplemental application for reciprocal or proportional registration of vehicles shall be accompanied by an application fee, in addition to all other fees, of five dollars for nine or less vehicles, ten dollars for ten through twenty-four vehicles, and fifteen dollars for twenty-five or more vehicles.

NEW SECTION. Sec. 6. There is added to chapter 106, Laws of 1963 and to chapter 46.85 RCW a new section to read as follows:

If it is determined that any Washington based carrier has not proportionally registered a vehicle or vehicles in another jurisdiction or jurisdictions which are members of the Uniform Compact Agreement after indicating his intent to do so in his application to the state, and has failed to pay other fees in lieu thereof, the mileage traveled in such jurisdiction or jurisdictions shall be added to Washington in-state miles for computation of the Washington travel percentage.

NEW SECTION. Sec. 7. There is added to chapter 106, Laws of 1963 and to chapter 46.85 RCW a new section to read as follows:

Any prorated carrier increasing the gross weight of a vehicle or vehicles shall be subject to a five dollar minimum fee per vehicle.

Passed the House February 20, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

. Filed in Office of Secretary of State March 22, 1971.

CHAPTER 52
[Engrossed House Bill No. 57]
LICENSES--
RENEWAL--STAGGERING

AN ACT Relating to renewal of licenses; and adding a new section to chapter 43.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.24 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, the director of motor vehicles may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation of the department of motor vehicles adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period.

Passed the House February 4, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 53
[Engrossed House Bill No. 108]
SCHOOL BOARDS

AN ACT Relating to education; amending section 9, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.090; amending section 28A.57.326, chapter 223, Laws of 1969 ex. sess. as amended by section 156, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.326; amending section 28A.57.260, chapter 223, Laws of 1969 ex. sess. as amended by section 134, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.260; adding a new section to chapter 28A.57 RCW; and repealing section 28A.59.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.130.

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

Section 1. Section 9, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.090 are each amended to read as follows:

Every intermediate school district board of education shall have the following additional powers and duties:

(1) Advise with and pass upon the recommendations of the intermediate school district superintendent in the preparation of

manuals, courses of study, and rules and regulations for the circulating libraries.

(2) Adopt rules and regulations as it shall deem necessary for the schools of the intermediate school district, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction.

(3) Approve the budgets of the intermediate school district, and certify to the board or boards of county commissioners the amount needed from county funds and to the state board of education the estimates of special service funds needed.

(4) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman, or a majority of the board, or the intermediate school district superintendent.

(5) Assist the intermediate school district superintendent in the selection of personnel and clerical staff as provided in RCW 28A.21.100.

(6) Fix the amount of and approve the intermediate school district superintendent's bond.

(7) Exercise careful supervision over the common schools of the district and see that all provisions of the common school laws are observed and followed by teachers, supervisors, superintendents and school officers.

(8) Hear and decide all disputes concerning conflicting or incorrectly described school district boundaries.

(9) (~~Appoint school district directors in school districts of the second and third classes to fill vacancies and appoint school directors for any new school districts. When any new school district is organized, such of the school directors of the old school district as reside within the limits of the new one shall be such directors of the new one, and the vacancies of the old one shall be filled by appointment.~~

~~(10))~~ Hear and act upon appeals as provided in RCW 28A.88.020.

~~((11))~~ [10] Acquire by purchase, lease or otherwise, property necessary for the operation of the intermediate school district and to the execution of the duties of the board and superintendent thereof, and to sell, lease or otherwise dispose of that property not so necessary.

~~((12))~~ [11] Adopt such bylaws, rules and regulations for its own government as it deems necessary or appropriate.

~~((13))~~ [12] Enter into contracts and employ consultants and legal counsel relating to any of the duties, functions and powers of the intermediate school districts.

Sec. 2. Section 28A.57.326, chapter 223, Laws of 1969 ex. sess. as amended by section 156, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.326 are each amended to read as follows:

((1) The board of directors of any first class school district shall fill, by appointment after board election, any vacancy which may occur in its body, but the appointment to fill such vacancy shall be valid only until the next regular district election.

(2) In case of a vacancy from any cause in the board of directors of a second class school district, the intermediate school district superintendent in conjunction with the other directors, shall fill such vacancy by appointment until the next regular school district election, at which time a successor shall be elected for the unexpired term. In case the electors of any second class school district shall fail to elect a director at any election and for whatsoever reason, the intermediate school district superintendent shall declare the office vacant upon the expiration of the term of the incumbent director and such vacancy shall be filled as hereinabove in this subsection provided.

(3) In case of a vacancy from any cause in the board of directors of a third class school district, the intermediate school district superintendent shall fill such vacancy by appointment until the next regular school district election, at which time a successor shall be elected for the unexpired term. In case the electors of any third class district shall fail to elect a director at any election and for whatsoever reason, the intermediate school district superintendent shall declare the office vacant upon the expiration of the term of the incumbent director and fill such vacancy as hereinabove in this subsection provided.

In the event of there being less than two members on the board of any first or second class district for whatsoever reason the intermediate school district superintendent shall fill such vacancies by appointment, such appointments being valid only until the next regular school district election at which time successors shall be elected for the respective unexpired terms.

Vacancies in second and third class districts may result from vacancies caused by death, resignation, failure of the district to hold elections, failure of an electee to qualify before the day for taking office, absence from the district for a period of ninety days without board sanction or failure to attend four consecutive meetings of the board without a reasonable excuse.)

In case of a vacancy from any cause on the board of directors of a school district other than a reconstituted board resulting from reorganized school districts, a majority of the legally established number of board members shall fill such vacancy by appointment: PROVIDED, That should there exist fewer board members on the board of

directors of a school district than constitutes a majority of the legally established number of board members, the intermediate school district board members of the district in which the school district is located by the vote of a majority of its legally established number of board members shall appoint a sufficient number of board members to constitute a legal majority on the board of directors of such school district; and the remaining vacancies on such board of directors shall be filled by such board of directors in accordance with the provisions of this section: PROVIDED FURTHER, That should any board of directors for whatever reason fail to fill a vacancy within ninety days from the creation of such vacancy, the members of the intermediate school district board of the district in which the school district is located by majority vote shall fill such vacancy.

Appointees to fill vacancies on the board of directors of school districts shall meet the requirements provided by law for school directors and shall serve until the next regular school district election, at which time a successor shall be elected for the unexpired term.

Sec. 3. Section 28A.57.260, chapter 223, Laws of 1969 ex. sess. as amended by section 134, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.260 are each amended to read as follows:

Every director or superintendent of a joint school district (~~shall~~), on assuming the duties of (~~his~~) office, shall file (~~his~~) a certificate of election or appointment and (~~his~~) a certified attestation of such person's signature with the intermediate school district superintendent to which the district belongs, which signature shall be placed on file with the appropriate county auditor by the said superintendent. A vacancy in the office of director of a joint district (~~of the second or third class shall be filled by the intermediate school district superintendent to which the district belongs; such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election. In a joint district of the first class, such vacancy~~) shall be filled in the manner provided by RCW 28A.57.326 for filling vacancies (~~in districts of the first class~~), such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election.

NEW SECTION: Sec. 4. There is added to chapter 28A.57 RCW a new section to read as follows:

A majority of all members of the board of directors shall constitute a quorum. Absence of any board member from four consecutive regular meetings of the board, unless on account of sickness or authorized by resolution of the board, shall be sufficient cause for the remaining members of the board to declare by resolution that such board member position is vacated.

NEW SECTION. Sec. 5. Section 28A.59.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.130 are each hereby repealed.

NEW SECTION. Sec. 6. If any provision of this 1971 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 2, 1971.

Passed the Senate March 3, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 54
[House Bill No. 109]
SCHOOL DISTRICTS--
CLASSIFICATION AND NUMBERING

AN ACT Relating to powers and duties of the state board of education; and amending section 28A.04.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.130.

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

Section 1. Section 28A.04.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.130 are each amended to read as follows:

The state board of education is hereby empowered, and it shall be the duty of said board, to prescribe rules and regulations governing the classification and numbering system of school districts, except as otherwise provided by law.

NEW SECTION. Sec. 2. If any provision of this 1971 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 3, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 55
[Engrossed House Bill No. 134]
FIRE PROTECTION DISTRICTS--
COMPOSITION OF BOARD
PURSUANT TO MERGER

AN ACT Relating to fire protection districts; and adding a new section to chapter 52.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 52.24 RCW a new section to read as follows:

Whenever two fire protection districts merge, the board of fire commissioners of the merged fire protection district shall consist of the six of the original fire commissioners. At the next three elections for fire commissioners the number of fire commissioners for the merged district shall be reduced from six to five commissioners at the first election, from five to four commissioners in the second election, and from four to three commissioners in the third election and thereafter, the board of fire commissioners shall remain at three fire commissioners. In order to achieve this prescribed reduction of fire commissioners for the merged district, at each of the three elections referred to herein there shall be elected only one fire commissioner instead of two and thereafter, fire commissioners shall be elected in the same number as is prescribed for all of the fire protection districts of this state.

Whenever more than two fire protection districts merge, the board of fire commissioners shall consist of one commissioner from each of the original districts to be selected by the commissioners from each such original district. At the time of the next general election occurring thirty or more days after the merger, three commissioners shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years, the candidate receiving the next highest number of votes shall serve for a term of four years, and the candidate receiving the next highest number of votes shall serve for a term of two years. Thereafter fire commissioners shall be elected in the same manner as is prescribed for all fire protection districts of this state.

Passed the House February 11, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 56

[Engrossed House Bill No. 157]

BLOOD TRANSFUSIONS--
CIVIL IMMUNITIES

AN ACT Relating to public health and safety; providing immunity from implied warranties and civil liability for blood transfusions; and adding a new section to chapter 70.54 RCW.

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

NEW SECTION. Section 1. There is added to chapter 70.54 RCW a new section to read as follows:

The procurement, processing, storage, distribution, administration, or use of whole blood, plasma, blood products and blood derivatives for the purpose of injecting or transfusing the same, or any of them, into the human body is declared to be, for all purposes whatsoever, the rendition of a service by each and every person, firm, or corporation participating therein, and is declared not to be covered by any implied warranty under the Uniform Commercial Code, Title 62A RCW, or otherwise, and no civil liability shall be incurred as a result of any of such acts, except in the case of wilful or negligent conduct: PROVIDED, HOWEVER, That this act shall apply only to liability alleged in the contraction of hepatitis and malaria and shall not apply to any transaction in which the blood donor receives compensation: PROVIDED FURTHER, That this act shall only apply where the person, firm or corporation rendering the above service shall have maintained records of donor suitability and donor identification similar to those specified in Sections 73.301 and 73.302(e) as now written or hereafter amended in Title 42, Public Health Service Regulations adopted pursuant to the Public Health Service Act, 42 U.S.C. 262: PROVIDED FURTHER, That nothing in this act shall be considered by the courts in determining or applying the law to any blood transfusion occurring before the effective date hereof and the court shall decide such case as though this act had not been passed.

NEW SECTION. Sec. 2. 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 March 8, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 57
[House Bill No. 143]
PROFESSIONAL SERVICE CORPORATIONS--
OFFICERS

AN ACT Relating to professional service corporations; and adding a new section to chapter 122, Laws of 1969 and to chapter 18.100 RCW.

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

NEW SECTION. Section 1. There is added to chapter 122, Laws of 1969 and to chapter 18.100 RCW a new section to read as follows:

A professional corporation which has only one shareholder need have only one director who shall be such shareholder and who shall also serve as president, vice president, secretary, and treasurer. A professional corporation which has only two shareholders need have only two directors who shall be such shareholders. The two shareholders between them shall fill the offices of president, vice president, secretary, and treasurer except that the offices of president and secretary shall not be held by the same shareholder.

Passed the House February 3, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 58
[HOUSE BILL No. 216]
TRUSTS

AN ACT Relating to trusts; and creating new sections.

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

NEW SECTION. Section 1. This act shall apply only to trusts which are "private foundations" as defined in section 509 of the Internal Revenue Code of 1954, "charitable trusts" as described in section 4947(a)(1) of the Internal Revenue Code of 1954, or "split-interest trusts" as described in section 4947(a)(2) of the Internal Revenue Code of 1954. With respect to any such trust created after December 31, 1969, this act shall apply from such trust's creation. With respect to any such trust created before January 1, 1970, this act shall apply only to such trust's federal taxable years beginning after December 31, 1971.

NEW SECTION. Sec. 2. The trust instrument of each trust to which this act applies shall be deemed to contain provisions prohibiting the trustee from:

(1) Engaging in any act of "self-dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(2) Retaining any "excess business holdings" (as defined in section 4943(c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954;

(3) Making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code of 1954; and

(4) Making any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954:

PPOVIDED, That this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of section 4947 of the Internal Revenue Code of 1954.

NEW SECTION. Sec. 3. The trust instrument of each trust to which this act applies, except "split-interest" trusts, shall be deemed to contain a provision requiring the trustee to distribute, for the purposes specified in the trust instrument, for each taxable year of the trust, amounts at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

NEW SECTION. Sec. 4. Nothing in this act shall impair the rights and powers of the courts or the attorney general of this state with respect to any trust.

NEW SECTION. Sec. 5. All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future internal revenue laws.

NEW SECTION. Sec. 6. Nothing in this act shall limit the power of a person who creates a trust after the effective date of this act or the power of a person who has retained or has been granted the right to amend a trust created before the effective date of this act, to include a specific provision in the trust instrument or an amendment thereto, as the case may be, which provides that some or all of the provisions of sections 2 and 3 of this act shall have no application to such trust.

NEW SECTION. Sec. 7. If any provision of this act or the application thereof to any trust is held invalid, such invalidity

shall not affect the other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Passed the House February 4, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 59

[House Bill No. 217]

NOT FOR PROFIT CORPORATIONS

AN ACT Relating to not for profit corporations; and adding a new chapter to Title 24 RCW.

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

NEW SECTION. Section 1. There is added to Title 24 RCW a new chapter to read as set forth in sections 2 through 8 of this 1971 act.

NEW SECTION. Sec. 2. This chapter shall apply to every not for profit corporation to which Title 24 RCW applies, and which is a "private foundation" as defined in section 509 of the Internal Revenue Code of 1954, and which has been or shall be incorporated under the laws of the state of Washington after December 31, 1969. As to any such corporation so incorporated before January 1, 1970, this chapter shall apply only for its federal taxable years beginning after December 31, 1971.

NEW SECTION. Sec. 3. The articles of incorporation of every corporation to which this chapter applies shall be deemed to contain provisions prohibiting the corporation from:

(1) Engaging in any act of "self-dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(2) Retaining any "excess business holdings" (as defined in section 4943 (c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954;

(3) Making any investment which would jeopardize the carrying out of any of its exempt purposes, within the meaning of section 4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code of 1954; and

(4) Making any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954) which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954.

NEW SECTION. Sec. 4. The articles of incorporation of every corporation to which this chapter applies shall be deemed to contain a provision requiring such corporation to distribute, for the purposes specified in its articles of incorporation, for each taxable year, amounts at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

NEW SECTION. Sec. 5. Nothing in this chapter shall impair the rights and powers of the courts or the attorney general of this state with respect to any corporation.

NEW SECTION. Sec. 6. All references to sections of the Internal Revenue Code of 1954 shall include future amendments to such sections and corresponding provisions of future internal revenue laws.

NEW SECTION. Sec. 7. Nothing in this chapter shall limit the power of any corporation not for profit now or hereafter incorporated under the laws of the state of Washington

(1) to at any time amend its articles of incorporation or other instrument governing such corporation by any amendment process open to such corporation under the laws of the state of Washington to provide that some or all provisions of sections 2 and 3 of this 1971 act shall have no application to such corporation; or

(2) in the case of any such corporation formed after the effective date of this 1971 act, to provide in its articles of incorporation that some or all provisions of sections 2 and 3 of this 1971 act shall have no application to such corporation.

NEW SECTION. Sec. 8. If any provision of this 1971 act or the application thereof is held invalid, such invalidity shall not affect the 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 1971 act are declared to be severable.

Passed the House February 4, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 60
[House Bill No. 228]
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION--
COMPOSITION

AN ACT Relating to the interagency committee for outdoor recreation; amending section 11, chapter 5, Laws of 1965 as amended by section 2, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.110.

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

Section 1. Section 11, chapter 5, Laws of 1965 as amended by section 2, chapter 62, Laws of 1967 ex. sess. and RCW 43.99.110 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, the director of highways, and the director of commerce and economic development, the director of the department of ecology, and, by appointment of the governor, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall serve without pay, but shall be entitled to reimbursement individually for necessary travel and other expenses incurred in performance of their duties as members of the committee on the same basis as is provided by law for state officials and employees generally.

Passed the House March 10, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 61

[Engrossed House Bill No. 234]
ENCUMBERED, LEASED, PERSONALTY--
UNLAWFUL ACTS--PENALTIES

AN ACT Relating to crimes and punishment; amending section 377, chapter 249, Laws of 1909 as amended by section 1, chapter 109, Laws of 1965 ex. sess., and RCW 9.45.060; adding a new section to chapter 9.45 RCW; defining crimes; and providing penalties.

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

Section 1. Section 377, chapter 249, Laws of 1909 as amended by section 1, chapter 109, Laws of 1965 ex. sess., and RCW 9.45.060 are each amended to read as follows:

Every person being in possession thereof, who shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, ((in such a manner as)) with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract((s)) or ((such)) the lessor under such lease or rentor of such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease ((or who, with intent to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contract, such lessor, or such rentor shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the removal, concealment, conversion or destruction of such property, or who, having possession thereof, shall wilfully and without reasonable cause fail to deliver leased property to the lessor within ten days after notice of the expiration of the lease has been given to the lessee by registered or certified letter with return receipt requested mailed to the last known address of the lessee;)) shall be guilty of a gross misdemeanor.

((Every rental agreement shall contain a warning that failure promptly to return the rented property may result in a criminal prosecution; and every notice mailed pursuant to the provisions of this section shall clearly state that the rentor may be guilty of a crime if he fails to return the property within ten days;))

In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be

sufficiently definite and certain.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision.

NEW SECTION. Sec. 2. There is added to chapter 9.45 RCW a new section to read as follows:

Every person being in possession thereof who shall wilfully and without reasonable cause fail to deliver leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed to the lessee by registered or certified mail with return receipt requested, mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor: PROVIDED, That there shall be no prosecution under this section unless such lease is in writing, and contains a warning that failure to promptly return the leased property may result in a criminal prosecution, and the notice mailed pursuant to the provisions of this section shall clearly state that the lessee may be guilty of a crime upon his failure to return the property to the lessor within ten days.

In any prosecution under this section, any allegation containing a description of the lease by reference to the date thereof and names of the parties shall be sufficiently definite and certain.

As used in this section, the term "lease" shall also include rental agreements.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision.

Passed the House February 3, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 62

[House Bill No. 266]

LIQUOR CONTROL BOARD REGULATIONS

AN ACT Relating to alcoholic beverage control; and amending section 79, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 102, Laws of 1943 and RCW 66.08.030.

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

Section 1. Section 79, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 102, Laws of 1943 and RCW 66.08.030 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of this title according to their true intent or of supplying any

deficiency therein, the board may make such regulations not inconsistent with the spirit of this title as are deemed necessary or advisable. All regulations so made shall be a public record and filed in the office of the ((secretary of state)) code reviser, together with a copy of this title, shall forthwith be published in pamphlets, which pamphlets shall be distributed free at all liquor stores and as otherwise directed by the board, and thereupon shall have the same force and effect as if incorporated in this title.

(2) Without thereby limiting the generality of the provisions contained in subsection (1), it is declared that the power of the board to make regulations in the manner set out in that subsection shall extend to

(a) regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;

(b) prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

(c) governing the purchase of liquor by the state and the furnishing of liquor to stores established under this title;

(d) determining the classes, varieties, and brands of liquor to be kept for sale at any store;

(e) prescribing, subject to RCW 66.16.080, the hours during which the state liquor stores shall be kept open for the sale of liquor;

(f) providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this title;

(g) prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;

(h) providing for the payment by the board in whole or in part of the carrying charges on liquor shipped by freight or express;

(i) prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title;

(j) prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

(k) prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be

kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

(l) regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

(m) prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

(n) prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

(o) prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;

(p) regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

(q) prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

(r) prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

(s) specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

(t) providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

(u) providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

(v) providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

(w) providing for the giving of fidelity bonds by any or all of the employees of the board: PROVIDED, That the premiums therefor shall be paid by the board;

(x) providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

(y) prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licenses and the board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

(z) seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board: PROVIDED, Nothing herein contained shall be construed as authorizing the liquor board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages.

Passed the House February 16, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 63

[House Bill No. 434]

TEACHERS' RETIREMENT-- INSURANCE DEDUCTIONS

AN ACT Relating to the Washington state teachers' retirement system; and amending section 59, chapter 80, Laws of 1947 as amended by section 5, chapter 132, Laws of 1961 and RCW 41.32.590.

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

Section 1. Section 59, chapter 80, Laws of 1947 as amended by section 5, chapter 132, Laws of 1961 and RCW 41.32.590 are each amended to read as follows:

The right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the

moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever: PROVIDED, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible under RCW 41.05.080 from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the retirement board.

Passed the House February 18, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 64

[Engrossed House Bill No. 509]

BEEF COMMISSION ASSESSMENTS

AN ACT Relating to the collection of assessments by the Washington state beef commission; and adding new sections to chapter 133, Laws of 1969 and to chapter 16.67 RCW.

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

NEW SECTION. Section 1. There is added to chapter 133, Laws of 1969 and to chapter 16.67 RCW a new section to read as follows:

The transfer of cattle owned by a meat packer from a feed lot to a slaughterhouse for slaughter shall be deemed a sale of such cattle for the purpose of chapter 16.67 RCW. Such packer shall pay directly to the beef commission the same assessment as required of all other cattle owners selling cattle.

NEW SECTION. Sec. 2. There is added to chapter 133, Laws of 1969 and to chapter 16.67 RCW a new section to read as follows:

For the purpose of chapter 16.67 RCW all cattle delivered to a commercial feed lot for custom feeding for slaughter shall be deemed to constitute a sale of such cattle and the commercial feed lot owner shall pay the assessment for such sale to the beef commission directly as in the case of the sale of any other cattle: PROVIDED, That the commercial feed lot owner may recover such assessment fees, paid to the beef commission, in billing the owner of said cattle along with feeding costs: PROVIDED FURTHER, That any producer paying such an assessment on cattle delivered to a commercial feed lot shall

not be obligated to pay an assessment when he sells such fat cattle to a meat packer.

Passed the House February 1, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 65

[House Bill No. 558]

WAREHOUSING OF AGRICULTURAL COMMODITIES--
DEFINITIONS

AN ACT Relating to the warehousing of agricultural commodities; and amending section 1, chapter 124, Laws of 1963 as amended by section 51, chapter 240, Laws of 1967, and RCW 22.09.010.

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

Section 1. Section 1, chapter 124, Laws of 1963 as amended by section 51, chapter 240, Laws of 1967, and RCW 22.09.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities", hereinafter referred to as commodities, means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

(5) "Public warehouse" hereinafter referred to as "warehouse" means any elevator, mill, warehouse, public grain warehouse, public warehouse, terminal warehouse, station, or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation, and in the case of hay any yard or other enclosure within five miles thereof: PROVIDED, That this shall not include any warehouse storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail, or (e) in any area which can be reasonably audited by the department as a station under the provisions of this chapter and which has been established as such by the director by rule or regulation adopted pursuant to chapter 34.04 RCW.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in the Uniform Warehouse Receipts Act (chapter 22.04 RCW), as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state number, type of commodity, weight thereof, name of depositor, and the date delivered.

Passed the House February 20, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 66

[Engrossed House Bill No. 320]

ELEVATOR INSPECTION

AN ACT Relating to the public health and safety; delegating elevator inspection to the department of labor and industries division

of safety; amending section 3, chapter 26, Laws of 1963 as amended by section 1, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.030; and amending section 43.22.011, chapter 8, Laws of 1965 as amended by section 1, chapter 32, Laws of 1969 ex. sess. and RCW 43.22.010.

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

Section 1. Section 3, chapter 26, Laws of 1963 as amended by section 1, chapter 22, Laws of 1970 ex. sess. and RCW 70.87.030 are each amended to read as follows:

The director of the department of labor and industries shall administer this chapter through the supervisor of the division of building and construction safety inspection services; PROVIDED, That, except for the new construction thereof, all hand-powered elevators, belt manlifts, and one-man capacity manlifts installed in or on grain elevators shall be the responsibility of the division of safety of the department of labor and industries. The supervisor shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promulgate and adopt minimum standards governing existing installations: PROVIDED, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter. The director of the department of labor and industries by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders in accordance with the provisions of chapter 49.16 RCW.

Sec. 2. Section 43.22.010, chapter 8, Laws of 1965 as amended by section 1, chapter 32, Laws of 1969 ex. sess. and RCW 43.22.010 are each amended to read as follows:

The department of labor and industries shall be organized into six divisions, to be known as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, (4) the division of industrial relations, (5) the division of apprenticeship, and (6) the division of building and construction safety inspection services, which last mentioned division shall have

responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and hotel inspection.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

Passed the House February 18, 1971.

Passed the Senate March 6, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 67

[Engrossed House Bill No. 118]

SCHOOL BOARDS, ELECTION AND COMPOSITION

AN ACT Relating to an increase in the number of school directors in consolidated school districts; amending section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as amended by section 137, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.328; amending section 28A.57.342, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.342; amending section 28A.57.332, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.332; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.344; repealing section 28A.57.340, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.340; repealing section 28A.57.350, chapter 223, Laws of 1969 ex. sess. as amended by section 138, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.350; repealing section 28A.57.370, chapter 223, Laws of 1969 ex. sess. as amended by section 139, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.370; repealing section 28A.57.380, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.380; and adding new sections to chapter 28A.57 RCW.

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

Section 1. Section 28A.57.328, chapter 223, Laws of 1969 ex. sess. as amended by section 137, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second or third class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the intermediate school district superintendent and ~~((elect from among their number three directors for said new district: PROVIDED, That))~~ shall constitute the board of directors of the new district. If fewer than three such directors reside in any such new third class district or if fewer than five such directors reside in any such new

second class school district, they shall become directors of said district, and the intermediate school district ((superintendent)) board shall appoint the number of additional directors required to constitute a board of three directors for the new third class district or five directors for the new second class district, as the case may be. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than three in a third class district or less than five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other ((third class)) districts of the same class and the directors thereof shall serve until the regular school election following the next regular school election in the district ((and until)) at which election their successors ((are)) shall be elected and qualified. At such election in third class districts, no more than three directors shall be elected at large by the electors of the school district, one for a term of two years and two for a term of four years. At such election in second class districts, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Sec. 2. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.342 are each amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district that, if formed, will be a district of the first or second class ((and will contain a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency)) other than a school district of the first class having an enrollment of seventy thousand pupils or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in section 1 of this 1971 amendatory act. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which

time a new board of directors shall be elected as provided in sections 3, 4, and 5 of this 1971 amendatory act. Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district.

NEW SECTION. Sec. 3. There is added to chapter 28A.57 RCW a new section to read as follows:

Upon the establishment of a new school district of the first class as provided for in section 2 of this 1971 amendatory act containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the intermediate school district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

NEW SECTION. Sec. 4. There is added to chapter 28A.57 RCW a new section to read as follows:

Upon the establishment of a new school district of the first class as provided for in section 2 of this 1971 amendatory act containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts, selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be

filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

NEW SECTION. Sec. 5. There is added to chapter 28A.57 RCW a new section to read as follows:

Upon the establishment of a new school district of the first class as provided for in section 2 of this 1971 amendatory act containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority confirmed by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election other than districts electing directors for six-year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and

two for a term of six years.

NEW SECTION. Sec. 6. Upon the establishment of a new school district of the first class having an enrollment of seventy thousand pupils or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 29.13.060.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 7. Section 28A.57.332, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.332 are each amended to read as follows:

If at any time ((after this chapter takes effect)) three directors of a former third class district constitute the board of directors of ((any)) a new second class school district for which a board of five directors is required by law, ((except a district divided into school directors' districts,)) the three directors of such school district shall continue to serve for the terms for which they were elected; two additional directors shall be appointed for the district in the manner provided by law for filling a vacancy on the board of other districts of the same class; and the aforesaid five directors shall thereafter constitute the board of directors of the district. The additional directors so appointed shall serve until the next regular school election in the district and until their successors are elected and qualified, at which election their successors shall be elected, one for a term of two years and one for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW 28A.57.312.

Sec. 8. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every first and second class school district ((containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the planning and community affairs agency)) other than a school district of the first class having an enrollment of seventy thousand pupils or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

NEW SECTION. Sec. 9. The following acts, or parts thereof, are hereby repealed:

(1) Section 28A.57.340, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.340;

(2) Section 28A.57.350, chapter 223, Laws of 1969 ex. sess. as amended by section 138, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.350;

(3) Section 28A.57.370, chapter 223, Laws of 1969 ex. sess. as amended by section 139, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.370; and

(4) Section 28A.57.380, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.380.

NEW SECTION. Sec. 10. If any provision of this 1971 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 4, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 68

[Engrossed House Bill No. 405]

PRACTICAL NURSES

AN ACT Relating to practical nurses; amending section 11, chapter 222, Laws of 1949 and RCW 18.78.100; and amending section 6, chapter 79, Laws of 1967 and RCW 18.78.182.

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

Section 1. Section 11, chapter 222, Laws of 1949 and RCW 18.78.100 are each amended to read as follows:

The director shall appoint a supervisor of practical nurse education who shall act as an executive to the board to carry out the provisions of this chapter and who shall have the following qualifications:

(1) Be a registered professional nurse in the state of Washington;

(2) Be the holder of a baccalaureate degree from an accredited university or college;

(3) Have not less than five years' experience in the ((practice)) field of nursing;

(4) Have not less than two years' experience ((instructing in an approved course of practical nursing education;)) in nursing education.

((5) Be engaged actively in instructing practical nurses in an approved course at the time of her appointment.))

Sec. 2. Section 6, chapter 79, Laws of 1967 and RCW 18.78.182 are each amended to read as follows:

A licensed practical nurse under his or her license may perform for compensation nursing care (as that term is usually understood) of the ill, injured, or infirm, and in the course thereof is authorized, at or under the direction and supervision of a licensed physician and surgeon, osteopathic physician and surgeon, dentist, chiroprapist (acting within the scope of his license), or at or under the direction and supervision of a licensed registered

professional nurse, to administer drugs, medications, treatments, tests, injections, and inoculations, whether or not the piercing of tissues is involved and whether or not a degree of independent judgment and skill is required, when selected to do so by one of the licensed practitioners designated in this section, or by a licensed registered professional nurse who need not be physically present; provided the order given by such (~~licensed practitioners shall~~) physician, dentist, or chiroprapist be reduced to writing within a reasonable time and made a part of the patient's record.

Passed the House February 27, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 69
[House Bill No. 250]
CITIES AND TOWNS--
ANNEXATION--
SCHOOL PROPERTY

AN ACT Relating to cities and towns, including the annexation of school property thereto; amending section 35.13.125, chapter 7, Laws of 1965 as amended by section 10, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.125; amending section 35.13.130, chapter 7, Laws of 1965 as amended by section 11, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.130; 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:

Section 1. Section 35.13.125, chapter 7, Laws of 1965 as amended by section 10, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.125 are each amended to read as follows:

Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who, except as provided in section 3 of this 1971 amendatory act, shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating

parties to determine whether the city or town will accept the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it shall require the assumption of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness and/or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

Sec. 2. Section 35.13.130, chapter 7, Laws of 1965 as amended by section 11, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.130 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. ((It)) Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in section 3 of this 1971 amendatory act authorized, the petition must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned((r)). The petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

NEW SECTION. Sec. 3. 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 other powers and duties as provided by law, every board of directors, if seeking to have school property annexed to a city or town and if such school property constitutes the whole of such property in the annexation petition, shall be allowed to petition therefor under sections 1 and 2 of this 1971 amendatory act.

NEW SECTION. Sec. 4. This 1971 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. 5. If any provision of this 1971

amendatory act, or its applicaton 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 20, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 70

[Engrossed House Bill No. 267]

INTOXICATING LIQUOR

LICENSES--TRANSFERS--RESIDENCE

AN ACT Relating to intoxicating liquor; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 178, Laws of 1969 ex. sess., and RCW 66.24.010; amending section 23U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.025; repealing section 1, chapter 153, Laws of 1937 and RCW 66.24.110; and providing an effective date.

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

Section 1. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 178, Laws of 1969 ex. sess., and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and ~~((no license shall be transferable; nor shall))~~ the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) A person who is not a citizen of the United States, except when the privilege is granted by treaty;

(b) A person who has not resided in the state for at least one ~~((year))~~ month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(c) A person who has been convicted of a felony within five years prior to filing his application;

(d) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(e) A person whose place of business is conducted by a manager

or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(f) A corporation, unless all of the officers thereof are citizens of the United States.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees at the rate of four dollars per day, plus ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within ten days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may make oral argument in support of such objections at the time fixed by the board, after the board shall have given to the applicant written notice of such oral argument at least five days prior thereto. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: PROVIDED, That on and after the effective date of this act, the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other

persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Sec. 2. Section 23U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.025 are each amended to read as follows:

The holder of one or more licenses may assign and transfer the same to any qualified person under such rules and regulations as the board may prescribe: PROVIDED, HOWEVER, That no such assignment and transfer shall be made which will result in both a change of licensee and change of location; the fee for such assignment and transfer shall be ((ten)) thirty-five dollars.

NEW SECTION. Sec. 3. Section 1, chapter 153, Laws of 1937 and RCW 66.24.110 are each repealed.

NEW SECTION. Sec. 4. The effective date of this 1971 amendatory act is July 1, 1971.

Passed the House February 16, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 71

[Engrossed Senate Bill No. 97]

COUNTY OFFICIALS--

OFFICIAL BONDS

AN ACT Relating to county officials; providing for certain changes in official bonds; and amending section 36.16.050, chapter 4, Laws of 1963 as amended by section 91, chapter 176, Laws of 1969 ex. sess. and RCW 36.16.050.

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

Section 1. Section 36.16.050, chapter 4, Laws of 1963 as amended by section 91, chapter 176, Laws of 1969 ex. sess. and RCW 36.16.050 are each amended to read as follows:

Every county official before he enters upon the duties of his office shall furnish a bond conditioned that he will faithfully perform the duties of his office and account for and pay over all money which may come into his hands by virtue of his office, and that he, or his executors or administrators, will deliver to his successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his office. Bonds of elective county officers shall be as follows:

Assessor: Amount to be fixed and sureties to be approved by ((the board of county commissioners)) proper county legislative authority;

Auditor: Amount to be fixed at not less than ((three)) ten thousand dollars and sureties to be approved by the ((board of county commissioners)) proper county legislative authority;

Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he is clerk; PROVIDED, That the maximum bond fixed for the clerk shall not exceed in amount that required for the treasurer in a county of that class;

Coroner: ((In the)) Amount ((of one)) to be fixed at not less than five thousand dollars with sureties to be approved by the ((board of county commissioners)) proper county legislative authority;

((County commissioners)) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts [to] be:

(1) In class A₁, AA₁ counties and first class counties twenty-five thousand dollars;

(2) In second class counties, twenty-two thousand five hundred dollars;

(3) In third class counties, twenty thousand dollars;

(4) In fourth class counties, fifteen thousand dollars;

(5) In fifth class counties, ten thousand dollars;

(6) In sixth class counties, seven thousand five hundred dollars;

(7) In seventh and eighth class counties, five thousand dollars;

(8) In ninth class counties, two thousand dollars;

Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the ((board of county commissioners)) proper county legislative authority;

Sheriff: Amount to be fixed and bond approved by the ((board of county commissioners)) proper county legislative authority at not less than ((two)) five thousand nor more than ((twenty-five)) fifty thousand dollars; surety to be a surety company authorized to do business in this state;

Treasurer: Sureties to be approved by the ((board of county commissioners)) proper county legislative authority and the amounts to be fixed by the ((board of county commissioners)) proper county legislative authority at double the amount liable to come into the treasurer's hands during his term, the maximum amount of the bond, however, not to exceed:

(1) In class A₁, AA₁ counties, two hundred fifty thousand

dollars;

(2) In first class counties, two hundred thousand dollars;

(3) In second, third and fourth class counties, one hundred fifty thousand dollars;

(4) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him for the use of the county shall be paid as the ((commissioners)) the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the chairman may act for the board of county commissioners if it is not in session.

Passed the Senate March 11, 1971.

Passed the House March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 72

[Engrossed Senate Bill No. 228]

PET ANIMALS--

CONTROL TO PROTECT PUBLIC HEALTH

AN ACT Relating to state government; providing for the control of pet animals transmitting disease communicable to human beings, by the department of social and health services; creating new sections; and prescribing penalties.

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

NEW SECTION. Section 1. The incidence of disease communicated to human beings by contact with pet animals has shown an increase in the past few years. The danger to human beings from such pets infected with disease communicable to humans has demonstrated the necessity for legislation to authorize the secretary of the department of social and health services and the state board of health to take such action as is necessary to control the sale, importation, movement, transfer, or possession of such animals where it becomes necessary in order to protect the public health and welfare.

NEW SECTION. Sec. 2. The following words or phrases as used in this chapter shall have the following meanings unless the context

indicates otherwise:

(1) "Pet animals" means dogs (Canidae), cats (Felidae), monkeys and other similar primates, turtles, psitticine birds, skunks, or any other species of wild or domestic animals sold or retained for the purpose of being kept as a household pet.

(2) "Secretary" means the secretary of the department of social and health services or his designee.

(3) "Department" means the department of social and health services.

(4) "Board" means the Washington state board of health.

(5) "Person" means an individual, group of individuals, partnership, corporation, firm, or association.

(6) "Quarantine" means the placing and restraining of any pet animal or animals by direction of the secretary, either within a certain described and designated enclosure or area within this state, or the restraining of any such pet animal or animals from entering this state.

NEW SECTION. Sec. 3. In the event of an emergency arising out of an outbreak of communicable disease caused by exposure to or contact with pet animals, the secretary is hereby authorized to take any reasonable action deemed necessary by him to protect the public health, including but not limited to the use of quarantine or the institution of any legal action authorized pursuant to Title 7 RCW and RCW 43.20.150 through 43.20.170.

The secretary shall have authority to destroy any pet animal or animals which may reasonably be suspected of having a communicable disease dangerous to humans and such animal or animals are hereby declared to be a public nuisance.

NEW SECTION. Sec. 4. The secretary, with the advice and concurrence of the director of the department of agriculture, shall be authorized to develop rules and regulations for proposed adoption by the board relating to the importation, movement, sale, transfer, or possession of pet animals as defined herein which are reasonably necessary for the protection and welfare of the people of this state.

NEW SECTION. Sec. 5. Any person violating or refusing or neglecting to obey the order or directive issued by the secretary pursuant to the authority granted under this action or the rules and regulations promulgated by the board hereunder shall be guilty of a misdemeanor.

NEW SECTION. Sec. 6. The powers conferred on the secretary by this act shall be concurrent with the powers conferred on the director of the department of agriculture by chapter 16.36 RCW, and chapter 43.23 RCW, and the secretary and director shall cooperate in exercising their responsibilities in these areas.

Passed the Senate March 10, 1971.

Passed the House March 9, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 73

[Senate Bill No. 244]

DISTRICT COURTS

AN ACT Relating to justice courts, justices of the peace and court clerks; amending section 3, chapter 299, Laws of 1961 and RCW 3.30.030; amending section 5, chapter 299, Laws of 1961 and RCW 3.30.050; amending section 7, chapter 299, Laws of 1961 and RCW 3.30.070; amending section 9, chapter 299, Laws of 1961 and RCW 3.30.090; amending section 18, chapter 299, Laws of 1961 and RCW 3.34.090; amending section 98, chapter 299, Laws of 1961 and RCW 3.54.010; amending section 99, chapter 299, Laws of 1961 and RCW 3.54.020; and amending section 106, chapter 299, Laws of 1961 as amended by section 2, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.020.

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

Section 1. Section 3, chapter 299, Laws of 1961 and RCW 3.30.030 are each amended to read as follows:

The judges of the justice court of each justice court district shall be the justices of the peace of the district elected or appointed as provided in chapters 3.30 through 3.74. Such courts shall alternately be referred to as district courts and the judges thereof as district judges.

Sec. 2. Section 5, chapter 299, Laws of 1961 and RCW 3.30.050 are each amended to read as follows:

Each ((justice)) judge is authorized to organize his court not inconsistent with departments created by the districting plan.

Sec. 3. Section 7, chapter 299, Laws of 1961 and RCW 3.30.070 are each amended to read as follows:

((Each justice)) The clerk of each district court shall keep uniform records of each case filed and the proceedings had therein including an accounting for all funds received and disbursed. Financial reporting shall be in such form as may be prescribed by the

office of the state auditor, division of municipal corporations. The form of other records may be prescribed by the supreme court.

Sec. 4. Section 9, chapter 299, Laws of 1961 and RCW 3.30.090 are each amended to read as follows:

A violations bureau may be established by any city or ~~((justice of the peace))~~district court having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the ~~((justice))~~court having jurisdiction of traffic cases, specific offenses under city ordinance, county resolution, or state law may be processed by such bureau. Such bureau may be authorized to receive the posting of bail for such specified offenses, and, as authorized by the court order, to accept forfeiture of bail. The court order shall specify the amount of bail to be posted and shall also specify the circumstances or conditions which will require an appearance before the court. Such bureau, upon accepting the prescribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing him of the legal consequences of bail forfeiture. The bureau shall transfer daily to the clerk of the proper department of the court all bail posted for offenses where forfeiture is not authorized by the court order, as well as copies of all receipts. All forfeitures paid to a violations bureau for violations of municipal ordinances shall be placed in the city general fund or such other fund as may be prescribed by ordinance. All forfeitures paid to a violations bureau for violations of state laws or county resolutions shall be remitted at least monthly to the county treasurer for deposit in the current expense fund. Employees of violations bureaus of a city shall be city employees under any applicable municipal civil service system.

Sec. 5. Section 18, chapter 299, Laws of 1961 and RCW 3.34.090 are each amended to read as follows:

The county commissioners shall provide for the bonding of each district judge, justice of the peace, justice of the peace pro tempore, justice court commissioner, clerk of the district court and court employee, at the expense of the county, in such amount as the county commissioners shall prescribe, conditioned that each such person will pay over according to law all moneys which shall come into his hands in causes filed in his court. Such bond shall not be less than the maximum amount of money liable to be under the control, at any one time, of each such person in the performance of his duties. Such bond may be a blanket bond. If the county obtains errors and omissions insurance covering district court personnel, the costs of such coverage shall be a reimbursable expense pursuant to RCW 3.62.050 as now or hereafter amended.

Sec. 6. Section 98, chapter 299, Laws of 1961 and RCW 3.54.010 are each amended to read as follows:

The clerk and deputy clerks of district courts shall receive such compensation as shall be provided by the county commissioners.

Sec. 7. Section 99, chapter 299, Laws of 1961 and RCW 3.54.020 are each amended to read as follows:

The ~~((justice))~~district courts shall prescribe the duties of the clerk and deputy clerks. Such duties ~~((may))~~shall include all of the requirements of RCW 3.62.020 as now or hereafter amended and the receipt of bail and additionally the power to:

- (1) Accept and enter pleas;
- (2) Receive bail as set by the court;
- (3) Set cases for trial;
- (4) Administer oaths.

Sec. 8. Section 106, chapter 299, Laws of 1961 as amended by section 2, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.020 are each amended to read as follows:

All fees, fines, forfeitures and penalties assessed ~~((and collected))~~ by ~~((justice))~~district courts, except fines, forfeitures and penalties assessed and collected because of the violation of city ordinances, shall be collected and remitted by the ~~((justice))~~clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law. The county treasurer shall place these moneys into the justice court suspense fund.

Passed the Senate February 11, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 74

[Engrossed House Bill No. 66]

WASHINGTON PRINCIPAL AND INCOME ACT

AN ACT Relating to the ascertainment of principal and income and the apportionment by trustees and personal representatives of receipts and expenses among income beneficiaries and remaindermen; to make uniform the law with reference thereto; adding a new chapter to Title 11; repealing section 1, chapter 160, Laws of 1947 and RCW 23.74.010; repealing section 2, chapter 160, Laws of 1947 and RCW 23.74.020 and declaring an effective date.

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

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

(1) "Income beneficiary" means the person to whom income is presently payable or for whom it is accumulated for distribution as income;

(2) "Inventory value" means the cost of property purchased by the trustee and the cost or adjusted basis for federal income tax purposes of other property at the time it became subject to the trust, but in the case of a testamentary trust the trustee may use the value finally determined for the purposes of federal estate tax if applicable, otherwise for inheritance tax;

(3) "Remainderman" means the person entitled to principal, including income which has been accumulated and added to principal;

(4) "Trustee" means an original trustee and any successor or added trustee.

NEW SECTION. Sec. 2. Duty of trustee as to receipts and expenditure. (1) A trust shall be administered with due regard to the respective interests of income beneficiaries and remaindermen. A trust is so administered with respect to the allocation of receipts and expenditures if a receipt is credited or an expenditure is charged to income or principal or partly to each:

(a) in accordance with the terms of the trust instrument, notwithstanding contrary provisions of this act;

(b) in the absence of any contrary terms of the trust instrument, in accordance with the provisions of this act; or

(c) if neither of the preceding rules of administration is applicable, in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal, and in view of the manner in which men of prudence, discretion and intelligence would act in the management of their own affairs.

(2) If the trust instrument gives the trustee discretion in crediting a receipt or charging an expenditure to income or principal or partly to each, no inference of imprudence or partiality arises from the fact that the trustee has made an allocation contrary to a provision of this act.

NEW SECTION. Sec. 3. Income--Principal--Charges. (1) Income is the return in money or property derived from the use of principal, including:

(a) rent of real or personal property, including sums received for cancellation or renewal of a lease;

(b) interest on money lent, including sums received as consideration for the privilege of pre-payment of principal except as provided in section 7 on bond premium and bond discount;

(c) income earned during administration of a decedent's estate as provided in section 5;

(d) corporate distributions as provided in section 6;

(e) accrued increment on bonds or other obligations issued at discount as provided in section 7;

(f) receipts from business and farming operations as provided in section 8;

(g) receipts from disposition of natural resources as provided in sections 9 and 10;

(h) receipts from other principal subject to depletion as provided in section 11; and

(i) receipts from disposition of underproductive property as provided in section 12.

(2) Principal is the property which has been set aside by the owner or the person legally empowered so that it is held in trust eventually to be delivered to a remainderman while the return on or use of the principal is in the meantime taken or received by or held for accumulation for an income beneficiary. Principal includes:

(a) consideration received by the trustee on the sale or other transfer of principal or on repayment of a loan or as a refund or replacement or change in the form of principal;

(b) proceeds of property taken on eminent domain proceedings;

(c) proceeds of insurance upon property forming part of the principal except proceeds of insurance upon a separate interest of an income beneficiary;

(d) stock dividends, receipts on liquidation of a corporation, and other corporate distributions as provided in section 6;

(e) receipts from the disposition of corporate securities as provided in section 7;

(f) royalties and other receipts from disposition of natural resources as provided in sections 9 and 10;

(g) receipts from other principal subject to depletion as provided in section 11;

(h) any profit resulting from any change in the form of principal except as provided in section 12 on underproductive property;

(i) receipts from disposition of underproductive property as provided in section 12; and

(j) any allowances for depreciation established under section 8 and 13 (1) (b).

(3) After determining income and principal in accordance with the terms of the trust instrument or of this act, the trustee shall charge to income or principal expenses and other charges as provided in section 13.

NEW SECTION. Sec. 4. When right to income arises--Apportionment of income. (1) An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to

the trust. In the case of an asset becoming subject to a trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.

(2) In the administration of a decedent's estate or an asset becoming subject to a trust by reason of a will:

(a) receipts due but not paid at the date of death of the testator are principal; and

(b) receipts in the form of periodic payments (other than corporate distributions to stockholders), including rent, interest, or annuities, not due at the date of the death of the testator shall be treated as accruing from day to day. That portion of the receipt accruing before the date of death is principal, and the balance is income.

(3) In all other cases, any receipt from an income producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

(4) On the termination of an income beneficiary's income interest, income earned but not distributed shall be held and distributed as part of the next eventual interest or estate in accordance with the provisions of the will or trust relating to such next eventual interest or estate; except, this shall not apply to any marital deduction income interest as provided in Section 2056 (and as amended or reenacted) of the Internal Revenue Code of the United States.

(5) Corporate distributions to stockholders shall be treated as due on the day fixed by the corporation for determination of stockholders of record entitled to distribution, or if no date is fixed, on the date of declaration of the distribution by the corporation.

NEW SECTION. Sec. 5. Income earned during administration of a decedent's estate. (1) Unless the will otherwise provides and subject to subsection (2), all expenses incurred in connection with the settlement of a decedent's estate, including debts, funeral expenses, estate taxes, interest due at death and penalties concerning taxes, family allowances, fees of attorneys and personal representatives, and court costs shall be charged against the principal of the estate.

(2) Unless the will otherwise provides, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge liabilities, shall be determined in accordance with the rules applicable to a trust under this act and distributed as follows:

(a) to specific legatees and devisees, the income from the

property bequeathed or devised to them respectively, less taxes, ordinary repairs, and other expenses of management and operation of the property, and appropriate portions of interest accrued since the death of the testator and of taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration; and

(b) to all other legatees and devisees, except legatees of pecuniary bequests not in trust, the balance of the income less the balance of taxes, ordinary repairs, and other expenses of management and operation of all property from which the estate is entitled to income, interest accrued since the death of the testator, and taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration, in proportion to their respective interests in the undistributed assets of the estate at times of distribution.

(3) Income received by a trustee under subsection (2) shall be treated as income of the trust.

NEW SECTION. Sec. 6. Corporate distribution. (1) Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their stock ownership and the proceeds of any sale of the right are principal.

(2) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the trustee became a stockholder or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to:

(a) a call of shares;

(b) a merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or

(c) a total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

(3) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an

option to purchase additional shares, are principal.

(4) Except as provided in subsections (1), (2), and (3) all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in subsections (2) and (3), if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

(5) The trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this act concerning the source or character of dividends or distributions of corporate assets.

NEW SECTION. Sec. 7. Bond premium and discount. (1) Bonds or other obligations for the payment of money are principal at their inventory value, except as provided in subsection (2) for discount bonds. The trustee shall not make provision for amortization of bond premiums or for accumulation of discount except where the trust instrument provides otherwise. If the instrument provides for amortization of premiums or accumulation of discount, but not both, and is silent as to one, it shall be the duty of the trustee to amortize premiums and accumulate discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

(2) The increment in value of a bond or other obligation for the payment of money payable at a future time in accordance with a fixed schedule of appreciation in excess of the price at which it was issued is distributable as income. Except as otherwise provided in section 4(4), the increment in value is distributable to the beneficiary who was the income beneficiary at the time of increment from the first principal cash available or, if none is available, when realized by sale, redemption, or other disposition. Whenever unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.

NEW SECTION. Sec. 8. Trade, business and farming operations. If a trustee uses any part of the principal in the operation of a trade, business or farming operation, the proceeds and losses of the business shall be allocated in accordance with what is reasonable and equitable in view of the interest of those entitled to income as well as those entitled to principal, and in view of the manner in which men of prudence, discretion and intelligence would act in the management of their own affairs in accordance with section 2. The operation of real estate for rent is considered a business.

NEW SECTION. Sec. 9. Disposition of natural resources. (1) If any part of the principal consists of a right to receive

royalties, overriding or limited royalties, working interests, production payments, net profit interests, or other interests in minerals or other natural resources in, on or under land, the receipts from taking the natural resources from the land shall be allocated as follows:

(a) if received as rent on a lease or extension payments on a lease, the receipts are income;

(b) if received from a production payment, the receipts are income to the extent of any factor for interest or its equivalent provided in the governing instrument. There shall be allocated to principal the fraction of the balance of the receipts which the unrecovered cost of the production payment bears to the balance owed on the production payment exclusive of any factor for interest or its equivalent. The receipts not allocated to principal are income; and.

(c) if received as a royalty, overriding or limited royalty, or bonus, or from a working, net profit, or any other interest in minerals or other natural resources, receipts not provided for in the preceding paragraphs of this section shall be apportioned on a yearly basis in accordance with this paragraph whether or not any natural resource was being taken from the land at the time the trust was established. There shall be transferred to principal a portion of the gross receipts in the amount and to the extent deductible from federal taxation under taxing laws in existence at the time of receipt. The balance of the gross receipts, after payment therefrom of all expenses, direct and indirect, is income.

(2) If a trustee, on the effective date of this act, held an item of depletable property of a type specified in this section, he shall allocate receipts from the property in the manner used before the effective date of this act, but as to all depletable property acquired after the effective date of this act by an existing or new trust, the method of allocation provided herein shall be used.

(3) This section does not apply to timber, water, soil, sod, dirt, turf, or mosses.

NEW SECTION. Sec. 10. Timber. If any part of the principal consists of land from which merchantable timber may be removed, the receipts from taking the timber from the land shall be allocated in accordance with section 2.

NEW SECTION. Sec. 11. Other property subject to depletion. Except as provided in sections 9 and 10, if the principal consists of property subject to depletion, including leaseholds, patents, copyrights, royalty rights, and rights to receive payments on a contract for deferred compensation, receipts from the property, not in excess of five percent per year of its inventory value, are income, and the balance is principal.

NEW SECTION. Sec. 12. Underproductive property. (1) Except

as otherwise provided in this section, a portion of the net proceeds of sale of any part of principal which has not produced an average net income of at least one percent per year of its inventory value for more than a year (including as income the value of any beneficial use of the property by the income beneficiary) shall be treated as delayed income to which the income beneficiary is entitled as provided in this section. The net proceeds of sale are the gross proceeds received, including the value of any property received in substitution for the property disposed of, less the expenses, including capital gains tax, if any, incurred in disposition and less any carrying charges paid while the property was underproductive.

(2) The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at four percent per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property and less the value of any beneficial use of the property by the income beneficiary, is income, and the balance is principal.

(3) Except as otherwise provided in section 4(4), an income beneficiary is entitled to delayed income under this section as if it accrued from day to day during the time he was a beneficiary.

(4) If principal subject to this section is disposed of by conversion into property which cannot be apportioned easily, including land or mortgages (for example, realty acquired by or in lieu of foreclosure), the income beneficiary is entitled to the net income from any property or obligation into which the original principal is converted while the substituted property or obligation is held. If within five years after the conversion the substituted property has not been further converted into easily apportionable property, no allocation as provided in this section shall be made.

NEW SECTION. Sec. 13. Charges against income and principal. (1) The following charges shall be made against income:

(a) ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the interests of the income beneficiary, remainderman, or trustee, interest paid by the trustee, and ordinary repairs;

(b) a reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles, but no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence or for depreciation of any property held by the trustee on the effective

date of this act for which the trustee is not then making an allowance for depreciation;

(c) one-half of court costs, attorney's fees, and other fees on periodic judicial accounting, unless the court directs otherwise;

(d) court costs, attorney's fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;

(e) one-half of the trustee's regular compensation, whether based on a percentage of principal or income, and all expenses reasonably incurred for current management of principal and application of income; and

(f) any tax levied upon receipts defined as income under this act or the trust instrument and payable by the trustee.

(2) If charges against income are of unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.

(3) The following charges shall be made against principal:

(a) trustee's compensation not chargeable to income under subsections (1)(d) and (1)(e), special compensation of trustees, expenses reasonably incurred in connection with principal, court costs and attorney's fees primarily concerning matters of principal, and trustee's compensation computed on principal as an acceptance, distribution, or termination fee;

(b) charges not provided for in subsection (1), including the cost of investing and reinvesting principal, the payments on principal of an indebtedness (including a mortgage amortized by periodic payments of principal), expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property or assure the title of any trust property;

(c) extraordinary repairs or expenses incurred in making a capital improvement to principal, including special assessments, but, a trustee may establish an allowance for depreciation out of income to the extent permitted by subsection (1)(b) and by section 8;

(d) any tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the tax authority; and

(e) if an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, including interest and penalties, even though the income beneficiary also has rights in the principal.

(4) Regularly recurring charges payable from income shall be

apportioned to the same extent and in the same manner that income is apportioned under section 4.

NEW SECTION. Sec. 14. Application of act. Except as specifically provided in the trust instrument or the will or in this act, this act shall apply to any receipt or expense received or incurred on or after the effective date of this act by the estate of any decedent dying on or after the effective date of this act or by any trust whether established before or after the effective date of this act and whether the asset involved was acquired by the trustee before or after the effective date of this act.

NEW SECTION. Sec. 15. Short title. This act may be cited as the Washington Principal and Income Act.

NEW SECTION. Sec. 16. 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. 17. Repeal. The following acts and parts of acts are repealed:

(1) Section 1, chapter 160, Laws of 1947 and RCW 23.74.010; and

(2) Section 2, chapter 160, Laws of 1947 and RCW 23.74.020.

NEW SECTION. Sec. 18. Section headings not part of law. Section headings, as found in this 1971 amendatory act do not constitute any part of the law.

NEW SECTION. Sec. 19. This act shall take effect on January 1, 1972.

NEW SECTION. Sec. 20. Sections 1 through 14 of this act entitled the Washington principal and income act shall constitute a new chapter in Title 11 RCW.

Passed the House March 10, 1971.

Passed the Senate March 9, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 75

[Engrossed House Bill No. 158]

WASHINGTON PUBLIC EMPLOYEES' RETIREMENT SYSTEM--
STATE-WIDE CITY EMPLOYEES' RETIREMENT SYSTEM

AN ACT Relating to public employment; adding new sections to chapter 41.40 RCW; and adding a new section to chapter 41.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.40 RCW a new section to read as follows:

(1) On and after January 1, 1972, every city and town then participating in the state-wide city employees' retirement system under the provisions of chapter 41.44 RCW shall be an employer under this chapter and every person employed thereby on or after January 1, 1972, who is eligible for membership under RCW 41.40.120, exclusive of subsection (4) thereof, shall be a member of the Washington public employees' retirement system to the exclusion of any pension system existing under any prior law and participate on the same basis as a person who first becomes a member through the admission of any employer under RCW 41.40.410 on and after April 1, 1949. Each such city and town becoming an employer under the meaning of this chapter shall make contributions to the funds of the Washington public employees' retirement system as provided in RCW 41.40.080, 41.40.361 excluding subsection (5) thereof, and 41.40.370 and its employees becoming members of the Washington public employees' retirement system shall thereafter contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330.

(2) After the effective date of this 1971 act, no additional cities or towns shall be eligible to elect to become participants in the state-wide city employees' retirement system provided for in chapter 41.44 RCW.

NEW SECTION. Sec. 2. There is added to chapter 41.40 RCW a new section to read as follows:

All moneys, securities, and other assets or debts or other obligations owed to or standing to the credit of the state-wide city employees' retirement funds as provided for in RCW 41.44.100 and RCW 41.44.105 as of January 1, 1972, shall then be disposed of by the board of trustees of the state-wide city employees' retirement system as then comprised, as follows:

(1) Any claims against these funds then remaining by reason of transfers of membership from the state-wide city employees' retirement system to the Washington law enforcement officers' and fire fighters' retirement system under RCW 41.26.040 shall first be paid.

(2) Next, all assets of the state-wide city employees' retirement system by, for, or on behalf of all employees shall be transferred to the appropriate funds of the Washington public employees' retirement system. Such transfer of funds shall discharge the board of trustees of the state-wide city employees' retirement system of any further obligation to pay benefits. Employees' contributions transferred shall be subject to all of the provisions of chapter 41.40 RCW relating to such contributions made by members

of the public employees' retirement system.

NEW SECTION. Sec. 3. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Any person drawing benefits under the state-wide city employees' retirement system prior to January 1, 1972, and any employee having vested rights under the state-wide city employees' retirement system who has terminated his employment with his employer, defined in chapter 41.44 RCW, before January 1, 1972, shall have his benefits computed under chapter 41.44 RCW. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be computed in the same manner as provided for in chapter 41.44 RCW except that the benefits will be paid through the Washington public employees' retirement system.

(2) Every person employed before January 1, 1972, by a city or town then participating in the state-wide city employees' retirement system under the provisions of chapter 41.44 RCW and who is employed by said employer on the date of the transfer to the Washington public employees' retirement system on January 1, 1972, shall, upon retirement for service or for disability, or death, be entitled to the higher of the following computed benefits:

(a) The benefits that are the actuarial equivalent of the amount he would have received under the state-wide city employees' retirement system under chapter 41.44 RCW had he not been transferred to the Washington public employees' retirement system under section 1 of this 1971 act.

(b) The amount of the benefits computed as a member of the Washington public employees' retirement system in chapter 41.40 RCW.

(3) The Washington public employees' retirement system shall assume all liabilities of the state-wide city employees' retirement system as provided in sections 1, 2, and 3 of this 1971 act on January 1, 1972.

NEW SECTION. Sec. 4. There is added to chapter 41.44 RCW a new section to read as follows:

Notwithstanding any provisions of chapter 41.44 RCW to the contrary, the state-wide employees' retirement system shall no longer exist after January 1, 1972, at which time all assets, liabilities, and responsibilities of the state-wide city employees' retirement system shall be transferred to and assumed by the Washington public employees' retirement system as provided for in sections 1, 2, and 3 of this 1971 act.

Passed the House March 10, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 76

[House Bill No. 211]

GOVERNMENT STATUTES--

OBSOLETE, INACTIVE--

AMENDED, REPEALED

AN ACT Relating to state government; amending and repealing certain obsolete or inactive material relating to various local government units and agencies; amending section 36.67.010, chapter 4, Laws of 1963 as amended by section 17, chapter 42, Laws of 1970 ex. sess. and RCW 36.67.010; amending section 36.76.080, chapter 4, Laws of 1963 as amended by section 22, chapter 42, Laws of 1970 ex. sess. and RCW 36.76.080; amending section 36.76.140, chapter 4, Laws of 1963 as last amended by section 54, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.140; amending section 2, chapter 107, Laws of 1937 and RCW 39.28.010; amending section 1, chapter 106, Laws of 1945 and RCW 39.28.040; repealing section 36.67.020, chapter 4, Laws of 1963, section 2, chapter 107, Laws of 1967, section 18, chapter 42, Laws of 1970 ex. sess. and RCW 36.67.020; repealing section 36.76.010, chapter 4, Laws of 1963, section 72, chapter 232, Laws of 1969 ex. sess., section 21, chapter 42, Laws of 1970 ex. sess., section 52, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.010; repealing section 36.76.020, chapter 4, Laws of 1963 and RCW 36.76.020; repealing section 36.76.030, chapter 4, Laws of 1963 and RCW 36.76.030; repealing section 36.76.040, chapter 4, Laws of 1963 and RCW 36.76.040; repealing section 36.76.050, chapter 4, Laws of 1963 and RCW 36.76.050; repealing section 36.76.060, chapter 4, Laws of 1963 and RCW 36.76.060; repealing section 36.76.070, chapter 4, Laws of 1963 and RCW 36.76.070;

repealing section 2, chapter 4, Laws of 1917, section 23, chapter 42, Laws of 1970 ex. sess. and RCW 37.16.010; repealing section 3, chapter 4, Laws of 1917, section 74, chapter 232, Laws of 1969 ex. sess., section 24, chapter 42, Laws of 1970 ex. sess., section 56, chapter 56, Laws of 1970 ex. sess. and RCW 37.16.020; repealing section 4, chapter 4, Laws of 1917, section 75, chapter 232, Laws of 1969 ex. sess., section 57, chapter 56, Laws of 1970 ex. sess. and RCW 37.16.030; repealing section 5, chapter 4, Laws of 1917 and RCW 37.16.040; repealing section 6, chapter 4, Laws of 1917 and RCW 37.16.042; repealing section 7, chapter 4, Laws of 1917 and RCW 37.16.045; repealing section 8, chapter 4, Laws of 1917 and RCW 37.16.050; repealing section 9, chapter 4, Laws of 1917 and RCW 37.16.060; repealing section 10, chapter 4, Laws of 1917 and RCW 37.16.070; repealing section 11, chapter 4, Laws of 1917 and RCW 37.16.080; repealing section 12, chapter 4, Laws of 1917 and RCW 37.16.090; repealing section 13, chapter 4, Laws of 1917 and RCW 37.16.100; repealing section 14, chapter 4, Laws of 1917 and RCW 37.16.110; repealing section 15, chapter 4, Laws of 1917 and RCW 37.16.120; repealing section 16, chapter 4, Laws of 1917 and RCW 37.16.130; repealing section 17, chapter 4, Laws of 1917 and RCW 37.16.140; repealing section 18, chapter 4, Laws of 1917 and RCW 37.16.150; repealing section 19, chapter 4, Laws of 1917 and RCW 37.16.160; repealing section 20, chapter 4, Laws of 1917 and RCW 37.16.170; repealing section 23, chapter 4, Laws of 1917 and RCW 37.16.190; repealing section 1, chapter 181, Laws of 1961 and RCW 47.57.230; repealing section 2, chapter 181, Laws of 1961 and RCW 47.57.240; repealing section 3, chapter 181, Laws of 1961 and RCW 47.57.250; repealing section 4, chapter 181, Laws of 1961 and RCW 47.57.260; repealing section 5, chapter 181, Laws of 1961 and RCW 47.57.270; repealing section 6, chapter 181, Laws of 1961 and RCW 47.57.280; repealing section 7, chapter 181, Laws of 1961 and RCW 47.57.290; repealing section 8, chapter 181, Laws of 1961 and RCW 47.57.300; repealing section 9, chapter 181, Laws of 1961 and RCW 47.57.310; repealing section 10, chapter 181, Laws of 1961 and RCW 47.57.320; repealing section 11, chapter 181, Laws of 1961 and RCW 47.57.330; repealing section 12, chapter 181, Laws of 1961 and RCW 47.57.340; repealing section 13, chapter 181, Laws of 1961 and RCW 47.57.350; repealing section 14, chapter 181, Laws of 1961 and RCW 47.57.360; repealing section 15, chapter 181, Laws of 1961 and RCW 47.57.370; repealing section 16, chapter 181, Laws of 1961 and RCW 47.57.380; repealing section 17, chapter 181,

Laws of 1961 and RCW 47.57.390; repealing section 18, chapter 181, Laws of 1961 and RCW 47.57.400; repealing section 19, chapter 181, Laws of 1961 and RCW 47.57.410; repealing section 20, chapter 181, Laws of 1961 and RCW 47.57.420; repealing section 21, chapter 181, Laws of 1961 and RCW 47.57.430; repealing section 22, chapter 181, Laws of 1961 and RCW 47.57.440; repealing section 23, chapter 181, Laws of 1961 and RCW 47.57.450; repealing section 24, chapter 181, Laws of 1961 and RCW 47.57.460; repealing section 25, chapter 181, Laws of 1961 and RCW 47.57.470; repealing section 26, chapter 181, Laws of 1961 and RCW 47.57.480; repealing section 27, chapter 181, Laws of 1961 and RCW 47.57.490; repealing section 28, chapter 181, Laws of 1961 and RCW 47.57.500; repealing section 29, chapter 181, Laws of 1961 and RCW 47.57.510; repealing section 30, chapter 181, Laws of 1961 and RCW 47.57.520; repealing section 31, chapter 181, Laws of 1961, section 28, chapter 42, Laws of 1970 ex. sess. and RCW 47.57.530; repealing section 32, chapter 181, Laws of 1961 and RCW 47.57.540; repealing section 33, chapter 181, Laws of 1961, section 77, chapter 232, Laws of 1969 ex. sess., section 63, chapter 56, Laws of 1970 ex. sess. and RCW 47.57.550; repealing section 34, chapter 181, Laws of 1961 and RCW 47.57.560; repealing section 35, chapter 181, Laws of 1961 and RCW 47.57.570; repealing section 36, chapter 181, Laws of 1961 and RCW 47.57.580; repealing section 37, chapter 181, Laws of 1961 and RCW 47.57.590; repealing section 38, chapter 181, Laws of 1961 and RCW 47.57.600; repealing section 39, chapter 181, Laws of 1961 and RCW 47.57.610; repealing section 40, chapter 181, Laws of 1961 and RCW 47.57.620; repealing section 41, chapter 181, Laws of 1961 and RCW 47.57.630; repealing section 42, chapter 181, Laws of 1961 and RCW 47.57.640; repealing section 43, chapter 181, Laws of 1961 and RCW 47.57.650; repealing section 44, chapter 181, Laws of 1961 and RCW 47.57.660; repealing section 45, chapter 181, Laws of 1961 and RCW 47.57.670; repealing section 46, chapter 181, Laws of 1961 and RCW 47.57.680; repealing section 47, chapter 181, Laws of 1961 and RCW 47.57.690; repealing section 48, chapter 181, Laws of 1961 and RCW 47.57.700; repealing section 1, chapter 106, Laws of 1921 and RCW 87.60.010; repealing section 2, chapter 106, Laws of 1921 and RCW 87.60.020; repealing section 3, chapter 106, Laws of 1921 and RCW 87.60.030; repealing section 4, chapter 106, Laws of 1921 and RCW 87.60.040; repealing section 5, chapter 106, Laws of 1921 and RCW 87.60.050; repealing section 6, chapter 106, Laws of 1921 and RCW 87.60.060; repealing section 7, chapter 106, Laws of

1921 and RCW 87.60.070; repealing section 8, chapter 106, Laws of 1921 and RCW 87.60.080; repealing section 9, chapter 106, Laws of 1921 and RCW 87.60.090; repealing section 10, chapter 106, Laws of 1921 and RCW 87.60.100; repealing section 11, chapter 106, Laws of 1921 and RCW 87.60.110; repealing section 12, chapter 106, Laws of 1921 and RCW 87.60.120; repealing section 13, chapter 106, Laws of 1921 and RCW 87.60.130; repealing section 14, chapter 106, Laws of 1921 and RCW 87.60.140; repealing section 15, chapter 106, Laws of 1921 and RCW 87.60.150; repealing section 16, chapter 106, Laws of 1921 and RCW 87.60.160; repealing section 17, chapter 106, Laws of 1921 and RCW 87.60.170; repealing section 18, chapter 106, Laws of 1921 and RCW 87.60.180; repealing section 19, chapter 106, Laws of 1921 and RCW 87.60.900; repealing section 20, chapter 106, Laws of 1921 and RCW 87.60.910; repealing section 1, chapter 8, Laws of 1909 ex. sess., section 1, chapter 11, Laws of 1911, and RCW 91.04.010; repealing section 2, chapter 8, Laws of 1909, section 2, chapter 11, Laws of 1911, and RCW 91.04.020; repealing section 1, chapter 227, Laws of 1947 and RCW 91.04.021 and 91.04.090; repealing section 2, chapter 227, Laws of 1947 and RCW 91.04.022 and 91.04.100; repealing section 3, chapter 227, Laws of 1947 and RCW 91.04.023 and 91.04.110; repealing section 4, chapter 227, Laws of 1947 and RCW 91.04.024 and 91.04.120; repealing section 5, chapter 227, Laws of 1947 and RCW 91.04.025 and 91.04.130; repealing section 6, chapter 227, Laws of 1947 and RCW 91.04.026 and 91.04.140; repealing section 7, chapter 227, Laws of 1947 and RCW 91.04.027 and 91.04.150; repealing section 3, chapter 8, Laws of 1909 ex. sess., section 3, chapter 11, Laws of 1911, and RCW 91.04.030, 91.04.040 and 91.04.050; repealing section 4, chapter 8, Laws of 1909 ex. sess., section 4, chapter 11, Laws of 1911, and RCW 91.04.060; repealing section 5, chapter 8, Laws of 1909 ex. sess., section 5, chapter 11, Laws of 1911, section 1, chapter 46, Laws of 1913 and RCW 91.04.070; repealing section 6, chapter 8, Laws of 1909 ex. sess., section 6, chapter 11, Laws of 1911, section 2, chapter 46, Laws of 1913, and RCW 91.04.080; repealing section 7, chapter 8, Laws of 1909 ex. sess., section 7, chapter 11, Laws of 1911, section 2, chapter 152, Laws of 1917 and RCW 91.04.170; repealing section 8, chapter 8, Laws of 1909 ex. sess., section 8, chapter 11, Laws of 1911, and RCW 91.04.200; repealing section 9, chapter 8, Laws of 1909 ex. sess., section 9, chapter 11, Laws of 1911, and RCW 91.04.210 and 91.04.220; repealing section 10, chapter 8, Laws of 1909 ex. sess., section 10, chapter 11, Laws of 1911, section 3,

chapter 46, Laws of 1913, and RCW 91.04.225; repealing section 11, chapter 8, Laws of 1909 ex. sess., section 11, chapter 11, Laws of 1911, and RCW 91.04.230; repealing section 12, chapter 8, Laws of 1909 ex. sess., section 12, chapter 11, Laws of 1911 and RCW 91.04.240; repealing sections 13 and 14, chapter 8, Laws of 1909 ex. sess., section 13, chapter 11, Laws of 1911 and RCW 91.04.250; repealing section 15, chapter 8, Laws of 1909 ex. sess., section 14, chapter 11, Laws of 1911, and RCW 91.04.260; repealing section 16, chapter 8, Laws of 1909 ex. sess., section 15, chapter 11, Laws of 1911 and RCW 91.04.270; repealing section 17, chapter 8, Laws of 1909 ex. sess., section 16, chapter 11, Laws of 1911 and RCW 91.04.290; repealing section 18, chapter 8, Laws of 1909 ex. sess., section 17, chapter 11, Laws of 1911 and RCW 91.04.300; repealing section 19, chapter 8, Laws of 1909 ex. sess., section 18, chapter 11, Laws of 1911 and RCW 91.04.310; repealing section 19, chapter 11, Laws of 1911 and RCW 91.04.320; repealing section 20, chapter 11, Laws of 1911 and RCW 91.04.325 and 91.04.370; repealing section 20, chapter 8, Laws of 1909 ex. sess., section 21, chapter 11, Laws of 1911 and RCW 91.04.330; repealing section 21, chapter 8, Laws of 1909 ex. sess., section 22, chapter 11, Laws of 1911 and RCW 91.04.340; repealing section 22, chapter 8, Laws of 1909 ex. sess., section 23, chapter 11, Laws of 1911 and RCW 91.04.350; repealing section 23, chapter 8, Laws of 1909 ex. sess., section 24, chapter 11, Laws of 1911 and RCW 91.04.360; repealing section 24, chapter 8, Laws of 1909 ex. sess., section 25, chapter 11, Laws of 1911 and RCW 91.04.380; repealing section 25, chapter 8, Laws of 1909 ex. sess., section 26, chapter 11, Laws of 1911 and RCW 91.04.390; repealing section 26, chapter 8, Laws of 1909 ex. sess., section 27, chapter 11, Laws of 1911 and RCW 91.04.410; repealing section 27, chapter 8, Laws of 1909 ex. sess., section 28, chapter 11, Laws of 1911, section 4, chapter 46, Laws of 1913 and RCW 91.04.420; repealing section 28, chapter 8, Laws of 1909 ex. sess., section 29, chapter 11, Laws of 1911, and RCW 91.04.425 and 91.04.400; repealing section 29, chapter 8, Laws of 1909 ex. sess., section 30, chapter 11, Laws of 1911, section 5, chapter 46, Laws of 1913 and RCW 91.04.440; repealing section 30, chapter 8, Laws of 1909 ex. sess., section 31, chapter 11, Laws of 1911, and RCW 91.04.450; repealing section 31, chapter 8, Laws of 1909 ex. sess., section 32, chapter 11, Laws of 1911 and RCW 91.04.460; repealing section 32, chapter 8, Laws of 1909 ex. sess., section 33, chapter 11, Laws of 1911 and RCW 91.04.470;

repealing section 33, chapter 8, Laws of 1909 ex. sess., section 34, chapter 11, Laws of 1911, section 6, chapter 46, Laws of 1913 and RCW 91.04.475; repealing section 34, chapter 8, Laws of 1909 ex. sess., section 35, chapter 11, Laws of 1911, section 7, chapter 46, Laws of 1913 and RCW 91.04.480; repealing section 35, chapter 8, Laws of 1909 ex. sess., section 36, chapter 11, Laws of 1911, section 8, chapter 46, Laws of 1913, section 47, chapter 232, Laws of 1969 ex. sess., section 104, chapter 56, Laws of 1970 ex. sess., and RCW 91.04.490; repealing section 36, chapter 8, Laws of 1909 ex. sess., section 37, chapter 11, Laws of 1911 and RCW 91.04.495; repealing section 37, chapter 8, Laws of 1909 ex. sess., section 38, chapter 11, Laws of 1911, section 9, chapter 46, Laws of 1913 and RCW 91.04.500; repealing section 38, chapter 8, Laws of 1909 ex. sess., section 39, chapter 11, Laws of 1911, section 10, chapter 46, Laws of 1913 and RCW 91.04.510; repealing section 39, chapter 8, Laws of 1909 ex. sess., section 40, chapter 11, Laws of 1911, section 11, chapter 46, Laws of 1913 and RCW 91.04.520; repealing section 40, chapter 8, Laws of 1909 ex. sess., section 41, chapter 11, Laws of 1911 and RCW 91.04.530; repealing section 41, chapter 8, Laws of 1909 ex. sess., section 42, chapter 11, Laws of 1911, and RCW 91.04.540; repealing section 42, chapter 8, Laws of 1909 ex. sess., section 43, chapter 11, Laws of 1911 and RCW 91.04.543 and 91.04.280; repealing section 43, chapter 8, Laws of 1909 ex. sess., section 44, chapter 11, Laws of 1911, and RCW 91.04.545 and 91.04.180; repealing section 44, chapter 8, Laws of 1909 ex. sess., section 45, chapter 11, Laws of 1911 and RCW 91.04.547 and 91.04.430; repealing section 45, chapter 8, Laws of 1909 ex. sess., section 46, chapter 11, Laws of 1911 and RCW 91.04.550; repealing section 46, chapter 8, Laws of 1909 ex. sess., section 47, chapter 11, Laws of 1911 and RCW 91.04.555 and 91.04.190; repealing section 47, chapter 8, Laws of 1909 ex. sess., section 48, chapter 11, Laws of 1911 and RCW 91.04.560; repealing section 49, chapter 11, Laws of 1911 and RCW 91.04.565; and repealing section 50, chapter 11, Laws of 1911 and RCW 91.04.900.

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

Section 1. Section 36.67.010, chapter 4, Laws of 1963 as amended by section 17, chapter 42, Laws of 1970 ex. sess. and RCW 36.67.010 are each amended to read as follows:

A county ((through its board of county commissioners)) may contract indebtedness for general county purposes((; not exceeding in amount; together with the existing indebtedness of the county; three-fourths of one percent of the value of the taxable property in

such county, as the term "value of the taxable property" is defined in RCW 39.36.045) subject to the limitations on indebtedness provided for in RCW 39.36.020(2).

Sec. 2. Section 36.76.080, chapter 4, Laws of 1963 as amended by section 22, chapter 42, Laws of 1970 ex. sess. and RCW 36.76.080 are each amended to read as follows:

The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue negotiable coupon road bonds of the county in an amount ((not exceeding one and one-fourth percent of the value of the taxable property in the county; as the term "value of the taxable property" is defined in RCW 39.36.045)) subject to the limitations on indebtedness provided for in RCW 39.36.020(2), for the purpose of constructing a new road or roads, or improving established roads within the county, or for aiding in so doing, as herein prescribed.

The word "improvement" wherever used in this act shall embrace any undertaking for any or all of such purposes. The word "road" shall embrace all highways, roads, streets, avenues, bridges, and other public ways.

The provisions of this act shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be constructed wholly or partly within the limits of any incorporated city or town therein, provided the board of county commissioners finds that they form or will become a part of the public highway system of the county, and will connect the existing roads therein. Such finding may be made by the board of county commissioners at any stage of the proceedings before the actual delivery of the bonds.

The constructing or improving of any and all such roads, or the aiding therein, is declared to be a county purpose.

The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state Constitution. If the county commissioners, in submitting a proposition relating to different roads or parts thereof, find that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds the presumption shall become conclusive.

No proposition for bonds shall be submitted which proposes that more than forty percent of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

Sec. 3. Section 36.76.140, chapter 4, Laws of 1963 as last amended by section 54, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.140 are each amended to read as follows:

The board of a county may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Washington toll bridge authority to be sold by the authority for the purposes outlined herein. Such bonds may bear interest at a rate or rates as authorized by the board of county commissioners: PROVIDED, That (~~in no event shall bonds be issued in excess of the limitations in chapter 36-67~~) such indebtedness is subject to the limitations on indebtedness provided for in RCW 39.36.020(2).

Sec. 4. Section 2, chapter 107, Laws of 1937 and RCW 39.28.010 are each amended to read as follows:

The following terms wherever used or referred to in RCW 39.28.010 through 39.28.030 shall have the following meaning unless a different meaning appears from the context.

(1) The term "municipality" shall mean the state, a county, city, town, district or other municipal corporation or political subdivision;

(2) The term "governing body" shall mean the body, a board charged with the governing of the municipality;

(3) The term "law" shall mean any act or statute, general, special or local, of this state, including, without being limited to, the charter of any municipality;

(4) The term "bonds" shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any federal agency;

(5) The term "Recovery Act" shall mean (~~the National Industrial Recovery Act, being the act of the congress of the United States of America, approved June 16, 1933, entitled "An Act to~~

encourage national industrial recovery; to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes;" and any acts amendatory thereof, and any acts supplemental thereto, and revisions thereof, and) any ((further)) acts of ((joint resolutions of)) the congress of the United States of America to reduce and relieve unemployment or to provide for the construction of public works ((or for work relief));

(6) The term "Federal Agency" shall include the United States of America, the President of the United States of America, ((the Federal Emergency Administrator of Public Works; Reconstruction Finance Corporation;)) and any agency or instrumentality of the United States of America, which has heretofore been or hereafter may be designated, created or authorized to make loans or grants;

(7) The term "public works project" shall mean any work, project, or undertaking which any municipality, is authorized or required by law to undertake or any lawful purpose for which any municipality is authorized or required by law to make an appropriation;

(8) The term "contract" or "agreement" between a federal agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolution, unilateral promise, or commitment by a federal agency by which it shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a federal agency. In the case of such an allotment of funds, resolution, unilateral promise, or commitment by a federal agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of RCW 39.28.010 through 39.28.030, be deemed to constitute covenants of such a contract which shall be performed by the municipality, if the municipality accepts any money from such federal agency.

Sec. 5. Section .1, chapter 106, Laws of 1945 and RCW 39.28.040 are each amended to read as follows:

The state of Washington, its various counties, municipal corporations, quasi municipal corporations, cities, towns, villages and all other political subdivisions of the state are hereby authorized to accept from the federal government all loans, advances, grants in aid, or donations that may be made available ((under the War Mobilization and Reconversion Act or other federal act;)) by any federal agency for the purpose of financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other acts preliminary to the construction of public

works.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed.

(1) Section 36.67.020, chapter 4, Laws of 1963, section 2, chapter 107, Laws of 1967, section 18, chapter 42, Laws of 1970 ex. sess. and RCW 36.67.020;

(2) Section 36.76.010, chapter 4, Laws of 1963, section 72, chapter 232, Laws of 1969 ex. sess., section 21, chapter 42, Laws of 1970 ex. sess., section 52, chapter 56, Laws of 1970 ex. sess. and RCW 36.76.010;

(3) Section 36.76.020, chapter 4, Laws of 1963 and RCW 36.76.020;

(4) Section 36.76.030, chapter 4, Laws of 1963 and RCW 36.76.030;

(5) Section 36.76.040, chapter 4, Laws of 1963 and RCW 36.76.040;

(6) Section 36.76.050, chapter 4, Laws of 1963 and RCW 36.76.050;

(7) Section 36.76.060, chapter 4, Laws of 1963 and RCW 36.76.060;

(8) Section 36.76.070, chapter 4, Laws of 1963 and RCW 36.76.070;

(9) Section 2, chapter 4, Laws of 1917, section 23, chapter 42, Laws of 1970 ex. sess. and RCW 37.16.010;

(10) Section 3, chapter 4, Laws of 1917, section 74, chapter 232, Laws of 1969 ex. sess., section 24, chapter 42, Laws of 1970 ex. sess., section 56, chapter 56, Laws of 1970 ex. sess., and RCW 37.16.020;

(11) Section 4, chapter 4, Laws of 1917, section 75, chapter 232, Laws of 1969 ex. sess., section 57, chapter 56, Laws of 1970 ex. sess., and RCW 37.16.030;

(12) Section 5, chapter 4, Laws of 1917 and RCW 37.16.040;

(13) Section 6, chapter 4, Laws of 1917 and RCW 37.16.042;

(14) Section 7, chapter 4, Laws of 1917 and RCW 37.16.045;

(15) Section 8, chapter 4, Laws of 1917 and RCW 37.16.050;

(16) Section 9, chapter 4, Laws of 1917 and RCW 37.16.060;

(17) Section 10, chapter 4, Laws of 1917 and RCW 37.16.070;

(18) Section 11, chapter 4, Laws of 1917 and RCW 37.16.080;

(19) Section 12, chapter 4, Laws of 1917 and RCW 37.16.090;

(20) Section 13, chapter 4, Laws of 1917 and RCW 37.16.100;

(21) Section 14, chapter 4, Laws of 1917 and RCW 37.16.110;

(22) Section 15, chapter 4, Laws of 1917 and RCW 37.16.120;

(23) Section 16, chapter 4, Laws of 1917 and RCW 37.16.130;

(24) Section 17, chapter 4, Laws of 1917 and RCW 37.16.140;

(25) Section 18, chapter 4, Laws of 1917 and RCW 37.16.150;

- (26) Section 19, chapter 4, Laws of 1917 and RCW 37.16.160;
- (27) Section 20, chapter 4, Laws of 1917 and RCW 37.16.170;
- (28) Section 23, chapter 4, Laws of 1917 and RCW 37.16.190;
- (29) Section 1, chapter 181, Laws of 1961 and RCW 47.57.230;
- (30) Section 2, chapter 181, Laws of 1961 and RCW 47.57.240;
- (31) Section 3, chapter 181, Laws of 1961 and RCW 47.57.250;
- (32) Section 4, chapter 181, Laws of 1961 and RCW 47.57.260;
- (33) Section 5, chapter 181, Laws of 1961 and RCW 47.57.270;
- (34) Section 6, chapter 181, Laws of 1961 and RCW 47.57.280;
- (35) Section 7, chapter 181, Laws of 1961 and RCW 47.57.290;
- (36) Section 8, chapter 181, Laws of 1961 and RCW 47.57.300;
- (37) Section 9, chapter 181, Laws of 1961 and RCW 47.57.310;
- (38) Section 10, chapter 181, Laws of 1961 and RCW 47.57.320;
- (39) Section 11, chapter 181, Laws of 1961 and RCW 47.57.330;
- (40) Section 12, chapter 181, Laws of 1961 and RCW 47.57.340;
- (41) Section 13, chapter 181, Laws of 1961 and RCW 47.57.350;
- (42) Section 14, chapter 181, Laws of 1961 and RCW 47.57.360;
- (43) Section 15, chapter 181, Laws of 1961 and RCW 47.57.370;
- (44) Section 16, chapter 181, Laws of 1961 and RCW 47.57.380;
- (45) Section 17, chapter 181, Laws of 1961 and RCW 47.57.390;
- (46) Section 18, chapter 181, Laws of 1961 and RCW 47.57.400;
- (47) Section 19, chapter 181, Laws of 1961 and RCW 47.57.410;
- (48) Section 20, chapter 181, Laws of 1961 and RCW 47.57.420;
- (49) Section 21, chapter 181, Laws of 1961 and RCW 47.57.430;
- (50) Section 22, chapter 181, Laws of 1961 and RCW 47.57.440;
- (51) Section 23, chapter 181, Laws of 1961 and RCW 47.57.450;
- (52) Section 24, chapter 181, Laws of 1961 and RCW 47.57.460;
- (53) Section 25, chapter 181, Laws of 1961 and RCW 47.57.470;
- (54) Section 26, chapter 181, Laws of 1961 and RCW 47.57.480;
- (55) Section 27, chapter 181, Laws of 1961 and RCW 47.57.490;
- (56) Section 28, chapter 181, Laws of 1961 and RCW 47.57.500;
- (57) Section 29, chapter 181, Laws of 1961 and RCW 47.57.510;
- (58) Section 30, chapter 181, Laws of 1961 and RCW 47.57.520;
- (59) Section 31, chapter 181, Laws of 1961, section 28, chapter 42, Laws of 1970 ex. sess., and RCW 47.57.530;
- (60) Section 32, chapter 181, Laws of 1961 and RCW 47.57.540;
- (61) Section 33, chapter 181, Laws of 1961, section 77, chapter 232, Laws of 1969 ex. sess., section 63, chapter 56, Laws of 1970 ex. sess. and RCW 47.57.550;
- (62) Section 34, chapter 181, Laws of 1961 and RCW 47.57.560;
- (63) Section 35, chapter 181, Laws of 1961 and RCW 47.57.570;
- (64) Section 36, chapter 181, Laws of 1961 and RCW 47.57.580;
- (65) Section 37, chapter 181, Laws of 1961 and RCW 47.57.590;
- (66) Section 38, chapter 181, Laws of 1961 and RCW 47.57.600;
- (67) Section 39, chapter 181, Laws of 1961 and RCW 47.57.610;

- (68) Section 40, chapter 181, Laws of 1961 and RCW 47.57.620;
- (69) Section 41, chapter 181, Laws of 1961 and RCW 47.57.630;
- (70) Section 42, chapter 181, Laws of 1961 and RCW 47.57.640;
- (71) Section 43, chapter 181, Laws of 1961 and RCW 47.57.650;
- (72) Section 44, chapter 181, Laws of 1961 and RCW 47.57.660;
- (73) Section 45, chapter 181, Laws of 1961 and RCW 47.57.670;
- (74) Section 46, chapter 181, Laws of 1961 and RCW 47.57.680;
- (75) Section 47, chapter 181, Laws of 1961 and RCW 47.57.690;
- (76) Section 48, chapter 181, Laws of 1961 and RCW 47.57.700;
- (77) Section 1, chapter 106, Laws of 1921 and RCW 87.60.010;
- (78) Section 2, chapter 106, Laws of 1921 and RCW 87.60.020;
- (79) Section 3, chapter 106, Laws of 1921 and RCW 87.60.030;
- (80) Section 4, chapter 106, Laws of 1921 and RCW 87.60.040;
- (81) Section 5, chapter 106, Laws of 1921 and RCW 87.60.050;
- (82) Section 6, chapter 106, Laws of 1921 and RCW 87.60.060;
- (83) Section 7, chapter 106, Laws of 1921 and RCW 87.60.070;
- (84) Section 8, chapter 106, Laws of 1921 and RCW 87.60.080;
- (85) Section 9, chapter 106, Laws of 1921 and RCW 87.60.090;
- (86) Section 10, chapter 106, Laws of 1921 and RCW 87.60.100;
- (87) Section 11, chapter 106, Laws of 1921 and RCW 87.60.110;
- (88) Section 12, chapter 106, Laws of 1921 and RCW 87.60.120;
- (89) Section 13, chapter 106, Laws of 1921 and RCW 87.60.130;
- (90) Section 14, chapter 106, Laws of 1921 and RCW 87.60.140;
- (91) Section 15, chapter 106, Laws of 1921 and RCW 87.60.150;
- (92) Section 16, chapter 106, Laws of 1921 and RCW 87.60.160;
- (93) Section 17, chapter 106, Laws of 1921 and RCW 87.60.170;
- (94) Section 18, chapter 106, Laws of 1921 and RCW 87.60.180;
- (95) Section 19, chapter 106, Laws of 1921 and RCW 87.60.900;
- (96) Section 20, chapter 106, Laws of 1921 and RCW 87.60.910;
- (97) Section 1, chapter 8, Laws of 1909 ex. sess., section 1, chapter 11, Laws of 1911, and RCW 91.04.010;
- (98) Section 2, chapter 8, Laws of 1909 ex. sess., section 2, chapter 11, Laws of 1911, and RCW 91.04.020;
- (99) Section 1, chapter 227, Laws of 1947 and RCW 91.04.021 and 91.04.090;
- (100) Section 2, chapter 227, Laws of 1947 and RCW 91.04.022 and 91.04.100;
- (101) Section 3, chapter 227, Laws of 1947 and RCW 91.04.023 and 91.04.110;
- (102) Section 4, chapter 227, Laws of 1947 and RCW 91.04.024 and 91.04.120;
- (103) Section 5, chapter 227, Laws of 1947 and RCW 91.04.025 and 91.04.130;
- (104) Section 6, chapter 227, Laws of 1947 and RCW 91.04.026 and 91.04.140;

(105) Section 7, chapter 227, Laws of 1947 and RCW 91.04.027 and 91.04.150;

(106) Section 3, chapter 8, Laws of 1909 ex. sess., section 3, chapter 11, Laws of 1911, and RCW 91.04.030, 91.04.040, and 91.04.050;

(107) Section 4, chapter 8, Laws of 1909 ex. sess., section 4, chapter 11, Laws of 1911, and RCW 91.04.060;

(108) Section 5, chapter 8, Laws of 1909 ex. sess., section 5, chapter 11, Laws of 1911, section 1, chapter 46, Laws of 1913 and RCW 91.04.070;

(109) Section 6, chapter 8, Laws of 1909 ex. sess., section 6, chapter 11, Laws of 1911, section 2, chapter 46, Laws of 1913, and RCW 91.04.080;

(110) Section 7, chapter 8, Laws of 1909 ex. sess., section 7, chapter 11, Laws of 1911, section 2, chapter 152, Laws of 1917 and RCW 91.04.170;

(111) Section 8, chapter 8, Laws of 1909 ex. sess., section 8, chapter 11, Laws of 1911, and RCW 91.04.200;

(112) Section 9, chapter 8, Laws of 1909 ex. sess., section 9, chapter 11, Laws of 1911, and RCW 91.04.210 and 91.04.220;

(113) Section 10, chapter 8, Laws of 1909 ex. sess., section 10, chapter 11, Laws of 1911, section 3, chapter 46, Laws of 1913 and RCW 91.04.225;

(114) Section 11, chapter 8, Laws of 1909 ex. sess., section 11, chapter 11, Laws of 1911, and RCW 91.04.230;

(115) Section 12, chapter 8, Laws of 1909 ex. sess., section 12, chapter 11, Laws of 1911, and RCW 91.04.240;

(116) Sections 13 and 14, chapter 8, Laws of 1909 ex. sess., section 13, chapter 11, Laws of 1911, and RCW 91.04.250;

(117) Section 15, chapter 8, Laws of 1909 ex. sess., section 14, chapter 11, Laws of 1911, and RCW 91.04.260;

(118) Section 16, chapter 8, Laws of 1909 ex. sess., section 15, chapter 11, Laws of 1911, and RCW 91.04.270;

(119) Section 17, chapter 8, Laws of 1909 ex. sess., section 16, chapter 11, Laws of 1911, and RCW 91.04.290;

(120) Section 18, chapter 8, Laws of 1909 ex. sess., section 17, chapter 11, Laws of 1911, and RCW 91.04.300;

(121) Section 19, chapter 8, Laws of 1909 ex. sess., section 18, chapter 11, Laws of 1911, and RCW 91.04.310;

(122) Section 19, chapter 11, Laws of 1911 and RCW 91.04.320;

(123) Section 20, chapter 11, Laws of 1911 and RCW 91.04.325 and 91.04.370;

(124) Section 20, chapter 8, Laws of 1909 ex. sess., section 21, chapter 11, Laws of 1911, and RCW 91.04.330;

(125) Section 21, chapter 8, Laws of 1909 ex. sess., section

- 22, chapter 11, Laws of 1911, and RCW 91.04.340;
(126) Section 22, chapter 8, Laws of 1909 ex. sess., section 23, chapter 11, Laws of 1911, and RCW 91.04.350;
(127) Section 23, chapter 8, Laws of 1909 ex. sess., section 24, chapter 11, Laws of 1911, and RCW 91.04.360;
(128) Section 24, chapter 8, Laws of 1909 ex. sess., section 25, chapter 11, Laws of 1911, and RCW 91.04.380;
(129) Section 25, chapter 8, Laws of 1909 ex. sess., section 26, chapter 11, Laws of 1911, and RCW 91.04.390;
(130) Section 26, chapter 8, Laws of 1909 ex. sess., section 27, chapter 11, Laws of 1911, and RCW 91.04.410;
(131) Section 27, chapter 8, Laws of 1909 ex. sess., section 28, chapter 11, Laws of 1911, section 4, chapter 46, Laws of 1913, and RCW 91.04.420;
(132) Section 28, chapter 8, Laws of 1909 ex. sess., section 29, chapter 11, Laws of 1911, and RCW 91.04.425 and 91.04.400;
(133) Section 29, chapter 8, Laws of 1909 ex. sess., section 30, chapter 11, Laws of 1911, section 5, chapter 46, Laws of 1913, and RCW 91.04.440;
(134) Section 30, chapter 8, Laws of 1909 ex. sess., section 31, chapter 11, Laws of 1911, and RCW 91.04.450;
(135) Section 31, chapter 8, Laws of 1909 ex. sess., section 32, chapter 11, Laws of 1911, and RCW 91.04.460;
(136) Section 32, chapter 8, Laws of 1909 ex. sess., section 33, chapter 11, Laws of 1911, and RCW 91.04.470;
(137) Section 33, chapter 8, Laws of 1909 ex. sess., section 34, chapter 11, Laws of 1911, section 6, chapter 46, Laws of 1913, and RCW 91.04.475;
(138) Section 34, chapter 8, Laws of 1909 ex. sess., section 35, chapter 11, Laws of 1911, section 7, chapter 46, Laws of 1913, and RCW 91.04.480;
(139) Section 35, chapter 8, Laws of 1909 ex. sess., section 36, chapter 11, Laws of 1911, section 8, chapter 46, Laws of 1913, section 47, chapter 232, Laws of 1969 ex. sess., section 104, chapter 56, Laws of 1970 ex. sess., and RCW 91.04.490;
(140) Section 36, chapter 8, Laws of 1909 ex. sess., section 37, chapter 11, Laws of 1911, and RCW 91.04.495;
(141) Section 37, chapter 8, Laws of 1909 ex. sess., section 38, chapter 11, Laws of 1911, section 9, chapter 46, Laws of 1913, and RCW 91.04.500;
(142) Section 38, chapter 8, Laws of 1909 ex. sess., section 39, chapter 11, Laws of 1911, section 10, chapter 46, Laws of 1913, and RCW 91.04.510;
(143) Section 39, chapter 8, Laws of 1909 ex. sess., section 40, chapter 11, Laws of 1911, section 11, chapter 46, Laws of 1913,

and RCW 91.04.520;

(144) Section 40, chapter 8, Laws of 1909 ex. sess., section 41, chapter 11, Laws of 1911 and RCW 91.04.530;

(145) Section 41, chapter 8, Laws of 1909 ex. sess., section 42, chapter 11, Laws of 1911, and RCW 91.04.540;

(146) Section 42, chapter 8, Laws of 1909 ex. sess., section 43, chapter 11, Laws of 1911, and RCW 91.04.543 and 91.04.280;

(147) Section 43, chapter 8, Laws of 1909 ex. sess., section 44, chapter 11, Laws of 1911, and RCW 91.04.545 and 91.04.180;

(148) Section 44, chapter 8, Laws of 1909 ex. sess., section 45, chapter 11, Laws of 1911, and RCW 91.04.547 and 91.04.430;

(149) Section 45, chapter 8, Laws of 1909 ex. sess., section 46, chapter 11, Laws of 1911, and RCW 91.04.550;

(150) Section 46, chapter 8, Laws of 1909 ex. sess., section 47, chapter 11, Laws of 1911, and RCW 91.04.555 and 91.04.190;

(151) Section 47, chapter 8, Laws of 1909 ex. sess., section 48, chapter 11, Laws of 1911, and RCW 91.04.560;

(152) Section 49, chapter 11, Laws of 1911 and RCW 91.04.565;
and

(153) Section 50, chapter 11, Laws of 1911 and RCW 91.04.900.

Passed the House March 1, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 77

[Engrossed House Bill No. 298]

MOTOR VEHICLES--

TIRE STANDARDS

AN ACT Relating to motor vehicles; adding new sections to chapter 46.37 RCW; defining crimes and providing penalties; and making an effective date.

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

NEW SECTION. Section 1. There is added to chapter 46.37 RCW a new section to read as follows:

No person, firm or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719,728; 15 U.S.C. 1392,1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

Any person, firm or corporation who shall sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section shall be guilty of a misdemeanor unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

NEW SECTION. Sec. 2. There is added to chapter 46.37 RCW a new section to read as follows:

No person, firm or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 369 - regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

Any person, firm or corporation who shall sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section shall be guilty of a misdemeanor unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

NEW SECTION. Sec. 3. There is added to chapter 46.37 RCW a new section to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

- (1) Any ply or cord exposed; or
- (2) Any bump, bulge or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than $\frac{2}{32}$ of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use", or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe.

No person, firm or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

Any person operating a vehicle on the public highways of this state, or selling a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the violation relates to items (1) to (6) inclusive of this section that the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

NEW SECTION. Sec. 4. The provisions of section 3 of this 1971 act shall have an effective date of January 1, 1972, but the state commission on equipment shall have the authority to proceed with the promulgation of the rules and regulations provided for in section 3 of this act so the rules and regulations may have an effective date of January 1, 1972.

Passed the House March 10, 1971.

Passed the Senate March 9, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 78

[Engrossed House Bill No. 322]
SCHOOL BUS TRANSPORTATION OF
HANDICAPPED CHILDREN

AN ACT Relating to school districts providing school bus transportation for handicapped children.

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

NEW SECTION. Section 1. The directors of school districts are authorized to lease school buses to nonprofit organizations to transport handicapped children to and from the site of activities deemed beneficial to such children by such organizations: PROVIDED, That commercial bus transportation is not reasonably available for such purposes.

NEW SECTION. Sec. 2. The directors of school districts may authorize leases under this act: PROVIDED, That such leases do not conflict with regular school purposes.

NEW SECTION. Sec. 3. The lease of the equipment shall be handled by the school directors at a local level. The school directors may establish criteria for bus use and lease, including, but not limited to, minimum costs, and driver requirements.

Passed the House March 10, 1971.

Passed the Senate March 10, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 79

[Engrossed House Bill No. 523]
COUNTIES--
EMPLOYEE SAFETY AWARDS

AN ACT Relating to counties; authorizing employee safety awards; 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 board of county commissioners may establish an employee safety award program to reward and encourage the safe performance of assigned duties by county employees.

The board may establish standards and regulations necessary or appropriate for the proper administration and for otherwise accomplishing the purposes of such program.

The board may authorize every department head and other

officer of county government who oversees or directs county employees to make the determination as to whether an employee safety award will be made.

Such awards shall be made annually from the county general fund by warrant on vouchers duly authorized by the board according to the following schedule based upon safe and accident-free performance:

5 years.....	\$ 2.50
10 years.....	5.00
15 years.....	7.50
20 years.....	10.00
25 years.....	12.50
30 years.....	20.00: PROVIDED, That the

board may give such department heads and other officers overseeing and directing county employees discretion to purchase a noncash award of equal value in lieu of the cash award. If a noncash award is given the warrants shall be made payable to the business enterprise from which the noncash award is purchased.

However, safety awards made to persons whose safe and accident-free performance has directly benefited the county road system shall be made from the county road fund by warrant on vouchers duly authorized by the board.

Passed the House March 10, 1971.

Passed the Senate March 9, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 80
[Engrossed House Bill No. 720]
LIMITATION OF ACTIONS--
MEDICAL MALPRACTICE

AN ACT Relating to limitations of actions; and adding a new section to chapter 4.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.16 RCW a new section to read as follows:

Any civil action for damages against a hospital which is licensed by the state of Washington or against the personnel of any hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW or chapter 18.57 RCW, chiropractor licensed under RCW 18.25, a dentist licensed under chapter 18.32 RCW, or a nurse licensed under chapter 18.88 or 18.78 RCW, based upon alleged professional negligence shall be

commenced within (1) three years from the date of the alleged wrongful act, or (2) one year from the time that plaintiff discovers the injury or condition was caused by the wrongful act, whichever period of time expires last.

Passed the House March 9, 1971.

Passed the Senate March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 81

[Engrossed Senate Bill No. 122]

COURTS--

POWERS AND DUTIES

AN ACT Relating to the judiciary; amending section 2, chapter 24, Laws of 1909 as amended by section 1, chapter 119, Laws of 1911, and RCW 2.04.071; amending section 14, page 324, Laws of 1890 and RCW 2.04.080; amending section 2, chapter 38, Laws of 1955 and RCW 2.04.100; amending section 1, chapter 206, Laws of 1909 and RCW 2.04.110; amending section 15, page 344, Laws of 1890 and RCW 2.08.080; amending section 11, page 343, Laws of 1890 as amended by section 1, chapter 149, Laws of 1967 and RCW 2.08.180; amending section 1, chapter 202, Laws of 1969 ex. sess. and RCW 2.12.035; amending section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060; amending section 2, chapter 53, Laws of 1891 and RCW 2.20.020; amending section 3, chapter 124, Laws of 1909 and RCW 2.24.050; amending section 3, chapter 54, Laws of 1891 as amended by section 1, chapter 39, Laws of 1895 and RCW 2.28.030; amending section 3, chapter 57, Laws of 1891 and RCW 2.32.050; amending section 5, chapter 126, Laws of 1921 and RCW 2.48.200; amending section 8, chapter 259, Laws of 1957 and RCW 2.56.080; amending section 90, chapter 299, Laws of 1961 and RCW 3.50.410; amending section 1, chapter 60, Laws of 1929 and RCW 4.56.190; amending section 2, chapter 60, Laws of 1929 and RCW 4.56.200; amending section 8, chapter 60, Laws of 1929 and RCW 4.56.225; amending section 2, chapter 138, Laws of 1933 and RCW 4.76.030; amending section 7, chapter 60, Laws of 1893 and RCW 4.80.050; amending section 17, chapter 60, Laws of 1893 and RCW 4.80.140; amending section 384, page 203, Laws of 1854 as last amended by section 1, chapter 62, Laws of 1959 and RCW 4.84.170; amending section 385, page 204, Laws of 1854 as last amended by section

523, Code of 1881 and RCW 4.84.180; amending section 3, chapter 95, Laws of 1895 and RCW 4.92.030; amending section 2, page 338, Laws of 1890 and RCW 5.48.020; amending section 2, chapter 25, Laws of 1929 and RCW 6.04.010; amending section 1, page 377, Laws of 1854 as last amended by section 335, Code of 1881 and RCW 6.08.010; amending section 265, page 182, Laws of 1854 as last amended by section 366, Code of 1881 and RCW 6.24.090; amending section 33, chapter 65, Laws of 1895 and RCW 7.16.330; amending section 35, chapter 65, Laws of 1895 and RCW 7.16.350; amending section 436, page 212, Laws of 1854 as last amended by section 10, chapter 9, Laws of 1957 and RCW 7.36.040; amending section 2, chapter 256, Laws of 1947 and RCW 7.36.140; amending section 2, chapter 213, Laws of 1955 and RCW 8.04.070; amending section 2, chapter 156, Laws of 1955 and RCW 8.04.098; amending section 7, chapter 74, Laws of 1891 as last amended by section 4, chapter 177, Laws of 1951, and RCW 8.04.130; amending section 9, chapter 74, Laws of 1891 and RCW 8.04.150; amending section 4, chapter 79, Laws of 1949 and RCW 8.08.040; amending section 8, chapter 79, Laws of 1949 and RCW 8.08.080; amending section 16, chapter 84, Laws of 1893 as last amended by section 16, chapter 153, Laws of 1907 and RCW 8.12.200; amending section 49, chapter 153, Laws of 1907 as amended by section 21, chapter 154, Laws of 1915 and RCW 8.12.530; amending section 13, page 375, Laws of 1909 and RCW 8.16.130; amending section 7, page 299, Laws of 1890 and RCW 8.20.100; amending section 9, page 300, Laws of 1890 and RCW 8.20.120; amending section 15, chapter 254, Laws of 1951 and RCW 9.81.090; amending section 67, chapter 249, Laws of 1909 and RCW 9.82.030; amending section 7, chapter 133, Laws of 1955 as amended by section 10, chapter 200, Laws of 1967 and RCW 9.95.060; amending section 4, chapter 42, Laws of 1955 and RCW 9.95.063; amending section 16, page 75, Laws of 1865 as last amended by section 1, chapter 91, Laws of 1967 and RCW 10.31.060; amending section 5, chapter 30, Laws of 1907 and RCW 10.76.050; amending section 8, chapter 30, Laws of 1907 as last amended by section 1, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.060; amending section 6, chapter 30, Laws of 1907 as last amended by section 2, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.070; amending section 7, chapter 30, Laws of 1907 and RCW 10.76.080; amending section 11.96.010, chapter 145, Laws of 1965 and RCW 11.96.010; amending section 14, chapter 302, Laws of 1961 and RCW 13.04.220; amending section 24, chapter 87, Laws of 1961 and RCW 15.63.240; amending section 14, chapter 125, Laws of 1929 and RCW 17.04.230; amending section 12, chapter 140, Laws of 1921 and

RCW 17.16.110; amending section 12, chapter 323, Laws of 1959 and RCW 18.08.210; amending section 36, chapter 52, Laws of 1957 and RCW 18.32.280; amending section 15, chapter 222, Laws of 1949 and RCW 18.78.140; amending section 16, chapter 305, Laws of 1955 as amended by section 16, chapter 70, Laws of 1965 and RCW 18.83.160; amending section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 and RCW 18.85.290; amending section 15, chapter 71, Laws of 1941 and RCW 18.92.210; amending section 11, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.110; amending section 10, chapter 211, Laws of 1955 and RCW 19.77.100; amending section 20, chapter 139, Laws of 1959 and RCW 20.01.200; amending section 7, chapter 154, Laws of 1933 and RCW 22.20.100; amending section 28, chapter 115, Laws of 1921 and RCW 24.32.360; amending section 4, page 404, Laws of 1854 as last amended by section 1, chapter 35, Laws of 1913 and RCW 26.04.050; amending section 9, chapter 215, Laws of 1949 and RCW 26.08.090; amending section 28A.58.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.500; amending section 16, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.160; amending section 28B.50.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.300; amending section 29.04.030, chapter 9, Laws of 1965 and RCW 29.04.030; amending section 29.21.070, chapter 9, Laws of 1965 and RCW 29.21.070; amending section 29.30.020, chapter 9, Laws of 1965 and RCW 29.30.020; amending section 29.65.130, chapter 9, Laws of 1965 and RCW 29.65.130; amending section 29.80.020, chapter 9, Laws of 1965 and RCW 29.80.020; amending section 30.04.040, chapter 33, Laws of 1955 and RCW 30.04.040; amending section 30.30.090, chapter 33, Laws of 1955 and RCW 30.30.090; amending section 23, chapter 208, Laws of 1941 and RCW 31.08.260; amending section 3, chapter 173, Laws of 1933 as last amended by section 1, chapter 65, Laws of 1969 and RCW 31.12.050; amending section 31, chapter 173, Laws of 1933 as last amended by section 15, chapter 180, Laws of 1967 and RCW 31.12.360; amending section 115, chapter 235, Laws of 1945 and RCW 33.04.060; amending section 8, chapter 235, Laws of 1945 as amended by section 1, chapter 71, Laws of 1953 and RCW 33.08.070; amending section 113, chapter 235, Laws of 1945 and RCW 33.40.120; amending section 14, chapter 234, Laws of 1959 and RCW 34.04.140; amending section 35.20.070, chapter 7, Laws of 1965 and RCW 35.20.070, amending section 35.22.560, chapter 7, Laws of 1965 and RCW 35.22.560; amending section 35.44.230, chapter 7, Laws of 1965 and RCW 35.44.230; amending section 35.44.260, chapter 7, Laws of 1965 and RCW 35.44.260; amending section

35.44.270, chapter 7, Laws of 1965 and RCW 35.44.270; amending section 35.50.260, chapter 7, Laws of 1965 and RCW 35.50.260; amending section 35.55.080, chapter 7, Laws of 1965 and RCW 35.55.080; amending section 35.56.090, chapter 7, Laws of 1965 and RCW 35.56.090; amending section 36.05.060, chapter 4, Laws of 1963 and RCW 36.05.060; amending section 16, chapter 189, Laws of 1967 as amended by section 9, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.160; amending section 29, chapter 72, Laws of 1967 and RCW 36.94.290; amending section 16, chapter 4, Laws of 1917 and RCW 37.16.130; amending section 7, chapter 1, Laws of 1961 as last amended by section 23, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.070; amending section 21, chapter 1, Laws of 1961 and RCW 41.06.210; amending section 12, chapter 1, Laws of 1959 and RCW 41.14.120; amending section 21, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.230; amending section 65, chapter 80, Laws of 1947 and RCW 41.32.650; amending section 16, chapter 50, Laws of 1951 and RCW 41.40.440; amending section 2, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.020; amending section 43.07.120, chapter 8, Laws of 1965 and RCW 43.07.120; amending section 43.08.020, chapter 8, Laws of 1965 and RCW 43.08.020; amending section 43.10.030, chapter 8, Laws of 1965 and RCW 43.10.030; amending section 3, chapter 32, Laws of 1969 and RCW 43.19.190; amending section 43.19.200, chapter 8, Laws of 1965 and RCW 43.19.200; amending section 43.24.120, chapter 8, Laws of 1965 and RCW 43.24.120; amending section 43.52.430, chapter 8, Laws of 1965 and RCW 43.52.430; amending section 43.78.030, chapter 8, Laws of 1965 and RCW 43.78.030; amending section 47.32.070, chapter 13, Laws of 1961 and RCW 47.32.070; amending section 10, chapter 7, Laws of 1933, ex. sess. and RCW 49.32.080; amending section 8, chapter 294, Laws of 1959 and RCW 49.46.080; amending section 21, chapter 37, Laws of 1957 and RCW 49.60.260; amending section 128, chapter 35, Laws of 1945 and RCW 50.32.120; amending section 129, chapter 35, Laws of 1945 and RCW 50.32.130; amending section 132, chapter 35, Laws of 1945 and RCW 50.32.160; amending section 51.52.110, chapter 23, Laws of 1961 and RCW 51.52.110; amending section 17, chapter 390, Laws of 1955 as amended by section 4, chapter 142, Laws of 1959 and RCW 54.16.160; amending section 1, chapter 142, Laws of 1959 and RCW 54.16.165; amending section 32, chapter 210, Laws of 1941 as amended by section 2, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.080; amending section 13, chapter 114, Laws of 1929 as amended by section 2, chapter 39, Laws of 1965 ex. sess. and RCW 57.16.090; amending

section 49, chapter 231, Laws of 1909 and RCW 58.28.490; amending section 22, chapter 96, Laws of 1891 and RCW 59.12.200; amending section 12, chapter 24, Laws of 1893 as last amended by section 1, chapter 38, Laws of 1969 and RCW 60.04.130; amending section 4, chapter 86, Laws of 1961 and RCW 60.76.040; amending section 3, chapter 33, Laws of 1929 as amended by section 1, chapter 13, Laws of 1931 and RCW 64.08.010; amending section 27, chapter 250, Laws of 1907 and RCW 65.12.175; amending section 6, chapter 127, Laws of 1967 ex. sess. as amended by section 1, chapter 268, Laws of 1969 ex. sess. and RCW 71.02.413; amending section 8, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.060; amending section 72.33.240, chapter 28, Laws of 1959 and RCW 72.33.240; amending section 74.08.080, chapter 26, Laws of 1959 as amended by section 2, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.080; amending section 74.08.100, chapter 26, Laws of 1959 and RCW 74.08.100; amending section 53, chapter 146, Laws of 1951 and RCW 78.52.500; amending section 125, chapter 255, Laws of 1927 and RCW 79.01.500; amending section 80.04.260, chapter 14, Laws of 1961 and RCW 80.04.260; amending section 80.28.190, chapter 14, Laws of 1961 and RCW 80.28.190; amending section 80.36.240, chapter 14, Laws of 1961 and RCW 80.36.240; amending section 81.04.260, chapter 14, Laws of 1961 and RCW 81.04.260; amending section 81.53.130, chapter 14, Laws of 1961 and RCW 81.53.130; amending section 81.53.170, chapter 14, Laws of 1961 and RCW 81.53.170; amending section 81.68.070, chapter 14, Laws of 1961 and RCW 81.68.070; amending section 81.80.340, chapter 14, Laws of 1961 and RCW 81.80.340; amending section 82.32.180, chapter 15, Laws of 1961 as last amended by section 51, chapter 26, Laws of 1967 ex. sess. and RCW 82.32.180; amending section 13, chapter 292, Laws of 1961 and RCW 83.24.020; amending section 83.32.050, chapter 15, Laws of 1961 and RCW 83.32.050; amending section 83.56.160, chapter 15, Laws of 1961 and RCW 83.56.160; amending section 84.28.080, chapter 15, Laws of 1961 as amended by section 9, chapter 214, Laws of 1963 and RCW 84.28.080; amending section 84.28.110, chapter 15, Laws of 1961 as amended by section 12, chapter 214, Laws of 1963 and RCW 84.28.110; amending section 84.64.120, chapter 15, Laws of 1961 and RCW 84.64.120; amending section 84.64.400, chapter 15, Laws of 1961 and RCW 84.64.400; amending section 10, chapter 153, Laws of 1915 and RCW 85.05.079; amending section 13, chapter 117, Laws of 1895 as last amended by section 1, chapter 99, Laws of 1913, and RCW 85.05.130; amending section 6, chapter 342, Laws of 1955 and RCW 85.05.470; amending

section 13, chapter 115, Laws of 1895 as last amended by section 1, chapter 133, Laws of 1917 and RCW 85.06.130; amending section 3, chapter 170, Laws of 1935 and RCW 85.06.660; amending section 5, chapter 187, Laws of 1921 and RCW 85.06.750; amending section 1, chapter 157, Laws of 1921 and RCW 85.08.440; amending section 14, chapter 184, Laws of 1967 and RCW 85.15.130; amending section 14, chapter 26, Laws of 1949 and RCW 85.16.190; amending section 16, chapter 26, Laws of 1949 and RCW 85.16.210; amending section 15, chapter 45, Laws of 1951 and RCW 85.18.140; amending section 6, chapter 225, Laws of 1909 and RCW 85.24.130; amending section 7, chapter 225, Laws of 1909 and RCW 85.24.140; amending section 21, chapter 131, Laws of 1961 and RCW 85.32.200; amending section 8, chapter 194, Laws of 1933 and RCW 87.03.410; amending section 3, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.760; amending section 4, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.765; amending section 11, chapter 120, Laws of 1929 and RCW 87.22.090; amending section 29, chapter 124, Laws of 1925 ex. sess. and RCW 87.56.225; amending section 7, chapter 236, Laws of 1907 and RCW 88.32.090; amending section 23, chapter 117, Laws of 1917 and RCW 90.03.200; amending section 8, chapter 107, Laws of 1939 and RCW 90.24.070; amending section 20, chapter 11, Laws of 1911 and RCW 91.04.325; amending section 23, chapter 8, Laws of 1909 ex. sess. as amended by section 24, chapter 11, Laws of 1911 and RCW 91.04.360; amending section 23, chapter 23, Laws of 1911 and RCW 91.08.250; amending section 58, chapter 23, Laws of 1911 and RCW 91.08.580; adding a new section to chapter 221, Laws of 1969 ex. sess. and chapter 2.06 RCW; repealing section 17, page 324, Laws of 1890 and RCW 2.04.060; repealing section 5, page 322, Laws of 1890, section 2, chapter 5, Laws of 1905, section 3, chapter 24, Laws of 1909 and RCW 2.04.120; repealing section 2, page 321, Laws of 1890 and RCW 2.04.130; repealing section 6, chapter 24, Laws of 1909 and RCW 2.04.140; repealing section 2174, Code of 1881, section 13, page 324, Laws of 1890 and RCW 2.32.010; repealing section 2, page 366, Laws of 1854, section 2, page 417, Laws of 1863, section 2175, Code of 1881 and RCW 2.32.020; repealing section 3, page 366, Laws of 1854, section 2176, Code of 1881 and RCW 2.32.030; repealing section 4, chapter 57, Laws of 1891 and RCW 2.32.040; repealing section 1, chapter 192, Laws of 1947 and RCW 2.32.080; repealing section 1, page 320, Laws of 1890 and RCW 2.32.100; repealing section 6, page 320, Laws of 1890, section 1, chapter 58, Laws of 1891, section 1, chapter 30, Laws of 1897, section 1, chapter

148, Laws of 1909 and RCW 2.32.150; repealing section 1, page 331, Laws of 1890 and RCW 2.32.340; repealing section 2, page 331, Laws of 1890 and RCW 2.32.350; and declaring an emergency.

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

Section 1. Section 2, chapter 24, Laws of 1909 as amended by section 1, chapter 119, Laws of 1911 and RCW 2.04.071 are each amended to read as follows:

At the next general election, and at each biennial general election thereafter, there shall be elected three (~~judges~~) justices of the supreme court, to hold for the full term of six years, and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election.

Sec. 2. Section 14, page 324, Laws of 1890 and RCW 2.04.080 are each amended to read as follows:

The several (~~judges~~) justices of the supreme court, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the supreme court of the State of Washington to the best of my ability." Which oath or affirmation may be administered by any person authorized to administer oaths, a certificate whereof shall be affixed thereto by the person administering the oath. And the oath or affirmation so certified shall be filed in the office of the secretary of state.

Sec. 3. Section 2, chapter 38, Laws of 1955 and RCW 2.04.100 are each amended to read as follows:

If a vacancy occurs in the office of a (~~judge~~) justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a (~~judge~~) justice to fill the vacancy, which election shall take place at the next succeeding general election, and the (~~judge~~) justice so elected shall hold the office for the remainder of the unexpired term.

Sec. 4. Section 1, chapter 206, Laws of 1909 and RCW 2.04.110 are each amended to read as follows:

Each of the (~~judges~~) justices of the supreme court, judges of the court of appeals, and the judges of the superior courts shall in open court during the presentation of causes, before them, appear in and wear gowns, made of black silk, of the usual style of judicial gowns.

Sec. 5. Section 15, page 344, Laws of 1890 and RCW 2.08.080 are each amended to read as follows:

Every judge of a superior court shall, before entering upon

the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state. Such oath or affirmation to be in form substantially the same as prescribed for ((judges)) justices of the supreme court.

Sec. 6. Section 11, page 343, Laws of 1890 as amended by section 1, chapter 149, Laws of 1967 and RCW 2.08.180 are each amended to read as follows:

A case in the superior court of any county may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; and his action in the trial of such cause shall have the same effect as if he were a judge of such court. A judge pro tempore shall, before entering upon his duties in any cause, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge pro tempore in the cause wherein is plaintiff and defendant, according to the best of my ability."

A judge pro tempore who is a practicing attorney and who is not a retired ((judge)) justice of the supreme court or judge of a superior court of the state of Washington, or who is not an active judge of an inferior court of the state of Washington, shall receive a compensation of one-two hundred and fiftieth of the annual salary of a superior court judge for each day engaged in said trial, to be paid in the same manner as the salary of the superior judge. A judge who is an active judge of an inferior court of the state of Washington shall receive no compensation as judge pro tempore. A justice or judge who has retired from the supreme court, court of appeals, or superior court of the state of Washington shall receive compensation as judge pro tempore in the amount of sixty percent of the amount payable to a judge pro tempore under this section.

Sec. 7. Section 1, chapter 202, Laws of 1969 ex. sess. and RCW 2.12.035 are each amended to read as follows:

The retirement pay or pension of any ((judge)) justice of the supreme or judge of any superior court of the state who was in office on August 6, 1965, and who retired prior to December 1, 1968, or who would have been eligible to retire at the time of death prior to December 1, 1968, shall be based, effective December 1, 1968, upon

the annual salary which was being prescribed by the statute in effect for the office of ((judge)) justice of the supreme court or for the office of judge of the superior court, respectively, at the time of his retirement or at the end of the term immediately prior to his retirement if his retirement was made after expiration of his term or at the time of his death if he died prior to retirement. The widow's benefit for the widow of any such justice or judge as provided for in RCW 2.12.030 shall be based, effective December 1, 1968, upon such retirement pay.

Sec. 8. Section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060 are each amended to read as follows:

For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each ((judge)) justice of the supreme court six and one-half percent of the total salaries of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such justices or judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the ((judges)) justices of the supreme court and the judges of the court of appeals and the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges and justices to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for: if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The state auditor shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges and justices for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter.

Sec. 9. Section 2, chapter 53, Laws of 1891 and RCW 2.20.020 are each amended to read as follows:

The following persons are magistrates:

(1) The justices of the supreme court.

(2) The judges of the court of appeals.

~~((2))~~ (3) The superior judges, and justices of the peace.

~~((3))~~ (4) All municipal officers authorized to exercise the powers and perform the duties of a justice of the peace.

Sec. 10. Section 3, chapter 124, Laws of 1909 and RCW 2.24.050 are each amended to read as follows:

All of the acts and proceedings of court commissioners hereunder shall be subject to revision by the superior court. Any party in interest may have such revision upon demand made by written motion, filed with the clerk of the superior court, within ten days after the entry of any order or judgment of the court commissioner. Such revision shall be upon the records of the case, and the findings of fact and conclusions of law entered by the court commissioner, and unless a demand for revision is made within ten days from the entry of the order or judgment of the court commissioner, his orders and judgments shall be and become the orders and judgments of the superior court, and from same an appeal may be taken to the supreme court or the court of appeals in all cases where an appeal will lie from like orders and judgments entered by the judge.

Sec. 11. Section 3, chapter 54, Laws of 1891 as amended by section 1, chapter 39, Laws of 1895 and RCW 2.28.030 are each amended to read as follows:

A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he is a member in any of the following cases:

(1) In an action, suit or proceeding to which he is a party, or in which he is directly interested.

(2) When he was not present and sitting as a member of the court at the hearing of a matter submitted for its decision.

(3) When he is related to either party by consanguinity or affinity within the third degree. The degree shall be ascertained and computed by ascending from the judge to the common ancestor and descending to the party, counting a degree for each person in both lines, including the judge and party and excluding the common ancestor.

(4) When he has been attorney in the action, suit or proceeding in question for either party; but this section does not apply to an application to change the place of trial, or the regulation of the order of business in court.

In the cases specified in subdivisions (3) and (4), the disqualification may be waived by the parties, and except in the

supreme court and the court of appeals shall be deemed to be waived unless an application for a change of the place of trial be made as provided by law.

Sec. 12. Section 3, chapter 57, Laws of 1891 and RCW 2.32.050 are each amended to read as follows:

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he is clerk--

(1) To keep the seal of the court and affix it in all cases where he is required by law.

(2) To record the proceedings of the court.

(3) To keep the records, files and other books and papers appertaining to the court.

(4) To file all papers delivered to him for that purpose in any action or proceeding in the court.

(5) To attend the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court.

(6) To keep the journal of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments and decrees.

(7) To authenticate by certificate or transcript, as may be required, the records, files or proceedings of the court, or any other paper appertaining thereto and filed with him.

(8) To exercise the powers and perform the duties conferred and imposed upon him elsewhere by statute.

(9) In the performance of his duties to conform to the direction of the court.

Sec. 13. Section 5, chapter 126, Laws of 1921 and RCW 2.48.200 are each amended to read as follows:

No person shall practice law who holds a commission as judge in any court of record, or as sheriff, coroner, or deputy sheriff; nor shall the clerk of the supreme court, the court of appeals, or of the superior court or ~~((the))~~ any deputy ~~((of either))~~ thereof practice in the court of which he is clerk or deputy clerk: PROVIDED, It shall be unlawful for a deputy prosecuting attorney, or for the employee, partner, or agent of a prosecuting attorney, or for an attorney occupying offices with a prosecuting attorney, to appear for an adverse interest in any proceeding in which a prosecuting attorney is appearing, or to appear in any suit, action or proceeding

in which a prosecuting attorney is prohibited by law from appearing, but nothing herein shall preclude a judge or justice of a court of this state from finishing any business by him undertaken in a court of the United States prior to his becoming a judge or justice.

Sec. 14. Section 8, chapter 259, Laws of 1957 and RCW 2.56.080 are each amended to read as follows:

This chapter shall apply to the following courts: The supreme court, the court of appeals, the superior courts, and, when and to the extent so ordered by the supreme court, to the inferior courts of this state, including justice courts.

Sec. 15. Section 90, chapter 299, Laws of 1961 and RCW 3.50.410 are each amended to read as follows:

In the superior court the trial shall be de novo, subject to the right of the respondent to file an amended complaint therein. The defendant in the superior court may have a trial by jury. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge with a fine of not to exceed five hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Appeals shall lie to the supreme court or the court of appeals of the state of Washington as in other criminal cases in the superior court.

Sec. 16. Section 1, chapter 60, Laws of 1929 and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme court, court of appeals, or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed six years from the day on which such judgment was rendered: PROVIDED, HOWEVER, That any such judgment rendered upon a contract made prior to the ninth day of June, 1897, any judgment upon, or reviving or continuing such judgment, and any revival thereof, shall cease to be a lien upon the real estate of the judgment debtor at the end of five years from the rendition thereof, and in case of an appeal from any such judgment of the superior court, the date of the final judgment in the supreme court or court of appeals shall be the time from which said five years shall commence to run. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 17. Section 2, chapter 60, Laws of 1929 and RCW 4.56.200 are each amended to read as follows:

The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(1) Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof;

(2) Judgments of the district court of the United States rendered in any county in this state other than that in which the real estate of the judgment debtor to be affected is situated, judgments of the supreme court of this state, judgments of the court of appeals of this state, and judgments of the superior court for any county other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such judgment with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this act;

(3) Judgments of a justice of peace rendered in the county in which the real estate of the judgment debtor is situated, from the time of the filing of a duly certified transcript of the docket of the justice of the peace with the county clerk of the county in which such judgment was rendered, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county; and

(4) Judgments of a justice of the peace rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said justice of the peace was originally filed.

Sec. 18. Section 8, chapter 60, Laws of 1929 and RCW 4.56.225 are each amended to read as follows:

If any judgment heretofore or hereafter rendered in this state upon a contract made prior to the ninth day of June, 1897, or any judgment upon, or reviving or continuing such judgment, or any revival thereof, shall remain unsatisfied, in whole or in part, at the end of five years from the date of its rendition, the judgment creditor may sue thereon, or the lien thereof may be revived and continued, as in this section provided:

(1) The judgment creditor, his assignee, or the party to whom the judgment is due and payable, shall file a motion with the clerk of the court where the judgment is entered, to revive and continue the lien of the same, with leave to issue an execution. The motion

shall state the names of the parties to the judgment, the date of its entry, the amount claimed to be due thereon, or the particular property, of which the possession was thereby adjudged to such party, remaining undelivered. The motion shall be subscribed in the same manner as an original complaint.

(2) At any time after filing such motion, the party filing it may cause notice to be served on the judgment debtor in like manner and with like effect as a summons; said notice shall be attached to a copy of said motion by the clerk of the court, and be served by the sheriff or other officer as an original summons and shall cite the judgment debtor to appear and show cause why said motion should not be allowed. The time in which the judgment debtor shall be required to appear, shall be the same as is prescribed for answer to a complaint and the law applicable to service of a summons, shall apply to the service of such notice. In case the judgment debtor be dead, the notice may be served upon his legal representative.

(3) The judgment debtor, or in case of his death, his legal representative, may file an answer or demurrer to such motion, within the time allowed by law to answer a complaint, alleging any defense to such motion which may exist. If no answer be filed within the time prescribed, the motion shall be allowed as of course. The moving party may demur or reply to the answer. The pleadings shall be subscribed and verified, and the proceedings concluded as in original actions.

(4) The word "representatives" in this section shall be deemed to include any and all persons in whose possession property of the judgment debtor which is liable to be taken and sold or delivered in satisfaction of the execution, may be, and not otherwise.

(5) The order allowing the motion shall specify the amount due upon such unsatisfied judgment for which execution is to issue, or the particular property the possession of which is to be delivered, and shall be entered in the journal and docket as a judgment, and a final record shall be made of the proceedings in the same manner as a judgment.

Such motion shall not be granted unless it is established by the oath of the party, or other satisfactory proof, that the judgment or some part thereof remains unsatisfied. The order of the court allowing the motion and granting leave to issue an execution shall operate as a revival of the judgment for the amount found to be due at the time of such revival and the same shall be and continue a lien upon the real estate of the judgment debtor situated in the county wherein the order is entered, for a period of five years from and after the date of such order, in like manner with the original judgment, and upon the real estate of the judgment debtor situated in any other county upon the filing of a duly certified transcript of

such order with the county clerk of the county in which the real estate to be affected is situated. Revival judgments shall bear the same rate of interest and be in all respects similar to original judgments as to lien and enforcement of collection: PROVIDED, HOWEVER, That no judgment upon a contract made prior to the ninth day of June, 1897, and subsequent to the ninth day of June, 1891, nor any judgment upon, or reviving or continuing such judgment, nor any revival thereof, shall be sued upon, or shall be revived or continued unless such suit or proceedings for such revival or continuance shall be commenced within six years after the date of its rendition, and PROVIDED, FURTHER, That in all cases of an appeal from any judgment mentioned in this section, the date of final judgment in the supreme court or court of appeals of this state shall be the time from which said period of five years, or six years, as the case may be, shall commence to run.

Sec. 19. Section 2, chapter 138, Laws of 1933 and RCW 4.76.030 are each amended to read as follows:

If the trial court shall, upon a motion for new trial, find the damages awarded by a jury to be so excessive or inadequate as unmistakably to indicate that the amount thereof must have been the result of passion or prejudice, the trial court may order a new trial or may enter an order providing for a new trial unless the party adversely affected shall consent to a reduction or increase of such verdict, and if such party shall file such consent and the opposite party shall thereafter appeal from the judgment entered, the party who shall have filed such consent shall not be bound thereby, but upon such appeal the court of appeals or the supreme court shall, without the necessity of a formal cross-appeal, review de novo the action of the trial court in requiring such reduction or increase, and there shall be a presumption that the amount of damages awarded by the verdict of the jury was correct and such amount shall prevail, unless the court of appeals or the supreme court shall find from the record that the damages awarded in such verdict by the jury were so excessive or so inadequate as unmistakably to indicate that the amount of the verdict must have been the result of passion or prejudice.

Sec. 20. Section 7, chapter 60, Laws of 1893 and RCW 4.80.050 are each amended to read as follows:

Alleged error in any order, ruling or decision to which it is provided in this chapter that no exception need be taken, or in any report, finding of fact, conclusion of law, charge, refusal to charge, or other ruling or decision which shall have been excepted to by any party as prescribed in this chapter, shall be reviewed by the supreme court or the court of appeals, upon an appeal taken by the party against whom any such ruling or decision was made, or in which

he has joined, from any other appealable order or from the final judgment in the cause, where such error, if found to exist, would materially affect the correctness of the judgment or order appealed from: PROVIDED, The ruling or decision, the alleged error in which is sought to be so reviewed, together with the exception thereto, if any, was a matter of record in the cause in the first instance, or before the hearing of the appeal has been brought into the record in the manner prescribed in this chapter. And any such alleged error shall also be considered in the court wherein or by a judge whereof the same was committed, upon hearing and decision of a motion for a new trial, a motion for judgment notwithstanding a verdict, or a motion to set aside a referee's report or decision, made by a party against whom the ruling or decision to be reviewed was made, whether the alleged erroneous ruling or decision is a part of the record or not, where the alleged error, if found to exist, would materially affect the decision of the motion. But no exception to any appealable order or to any final judgment shall be necessary or proper in order to secure a review of such order or judgment upon direct appeal therefrom.

Sec. 21. Section 17, chapter 60, Laws of 1893 and RCW 4.80.140 are each amended to read as follows:

This chapter shall apply to and govern all civil actions and proceedings, both legal and equitable, and all criminal causes, in the superior courts, but shall not apply to courts of justices of the peace or other inferior courts or tribunals from which an appeal does not lie directly to the supreme court or court of appeals.

Sec. 22. Section 384, page 203, Laws of 1854 as last amended by section 1, chapter 62, Laws of 1959 and RCW 4.84.170 are each amended to read as follows:

In all actions prosecuted in the name and for the use of the state, or in the name and for the use of any county, and in any action brought against the state or any county, and on all appeals to the supreme court or the court of appeals of the state in all actions brought by or against either the state or any county, the state or county shall be liable for costs in the same case and to the same extent as private parties.

Sec. 23. Section 385, page 204, Laws of 1854 as last amended by section 523, Code of 1881 and RCW 4.84.180 are each amended to read as follows:

When the decision of a court of inferior jurisdiction, in an action or special proceeding, is brought before the supreme court, court of appeals, or a superior court for review, such proceedings shall, for purpose of costs, be deemed an action at issue upon a question of law, from the time the same is brought into the supreme court or superior court, and costs thereon may be awarded and

collected in such manner as the court shall direct, according to the nature of the case.

Sec. 24. Section 3, chapter 95, Laws of 1895 and RCW 4.92.030 are each amended to read as follows:

The attorney general or his assistant shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appeals may be taken to the supreme court or court of appeals of the state as in other actions or proceedings, but in case an appeal shall be taken on behalf of the state, no bond shall be required of the appellant.

Sec. 25. Section 2, page 338, Laws of 1890 and RCW 5.48.020 are each amended to read as follows:

Whenever the record required by law of the proceedings, judgment or decree in any action or other proceeding of any court in this state in which a final judgment has been rendered, or any part thereof, is lost or destroyed by fire or otherwise, such court may, upon the application of any party interested therein, grant an order authorizing such record or parts thereof to be supplied or replaced--

(1) by a certified copy of such original record, or part thereof, when the same can be obtained;

(2) by a duly certified copy of the record in the supreme court or court of appeals of such original record of any action or proceeding that may have been removed to the supreme court or court of appeals and remains recorded or filed in said ((supreme)) courts;

(3) by the original pleadings, entries, papers and files in such action or proceeding when the same can be obtained;

(4) by an agreement in writing signed by all the parties to such action or proceeding, their representatives or attorneys, that a substituted copy of such original record is substantially correct.

Sec. 26. Section 2, chapter 25, Laws of 1929 and RCW 6.04.010 are each amended to read as follows:

The party in whose favor a judgment of a court of record of this state has been, or may hereafter be, rendered, or his assignee, may have an execution issued for the collection or enforcement of the same, at any time within six years from the rendition thereof: PROVIDED, That no execution shall issue on any judgment rendered upon a contract made prior to the ninth day of June, 1897, after the expiration of five years from the date of the rendition thereof, unless and until such judgment has been revived in the manner provided by law, except that in case of an appeal the date of the final judgment in the supreme court or the court of appeals shall be the time from which said period of five years shall commence to run.

Sec. 27. Section 1, page 377, Laws of 1854 as last amended by section 335, Code of 1881 and RCW 6.08.010 are each amended to read as follows:

Stay of execution shall be allowed on judgments rendered in the supreme court, the court of appeals, and superior court, as follows:

(1) In the supreme court and in the court of appeals:

(a) On all sums under five hundred dollars, thirty days.

(b) On all sums over five and under fifteen hundred dollars, sixty days.

(c) On all sums over fifteen hundred dollars, ninety days.

(2) On judgments rendered in the superior court:

(a) On all sums under three hundred dollars, two months.

(b) On all sums over three hundred and under one thousand dollars, five months.

(c) On all sums over one thousand dollars, six months.

Sec. 28. Section 265, page 182, Laws of 1854 as last amended by section 366, Code of 1881 and RCW 6.24.090 are each amended to read as follows:

The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer, who shall return the money with his execution and his doings thereon, to the clerk of the court from which the execution issued, according to the order thereof: PROVIDED, HOWEVER, That when final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the proceedings on execution and return shall be docketed for confirmation in the superior court in which the action was originally commenced, and like proceedings shall be had as though said execution had issued from the said superior court.

Sec. 29. Section 33, chapter 65, Laws of 1895 and RCW 7.16.330 are each amended to read as follows:

Writs of review, mandate, and prohibition issued by the supreme court, the court of appeals, or by a superior court, may, in the discretion of the court issuing the writ, be made returnable, and a hearing thereon be had at any time.

Sec. 30. Section 35, chapter 65, Laws of 1895 and RCW 7.16.350 are each amended to read as follows:

From a final judgment in the superior court, in any such proceeding, an appeal shall lie to the supreme court or the court of appeals.

Sec. 31. Section 436, page 212, Laws of 1854 as last amended by section 10, chapter 9, Laws of 1957 and RCW 7.36.040 are each amended to read as follows:

Writs of habeas corpus may be granted by the supreme court, the court of appeals, or superior court, or by any judge of ~~((either))~~ such courts, and upon application the writ shall be granted without delay.

Sec. 32. Section 2, chapter 256, Laws of 1947 and RCW 7.36.140 are each amended to read as follows:

In the consideration of any petition for a writ of habeas corpus by the supreme court or the court of appeals, whether in an original proceeding or upon an appeal, if any federal question shall be presented by the pleadings, it shall be the duty of the supreme court to determine in its opinion whether or not the petitioner has been denied a right guaranteed by the Constitution of the United States.

Sec. 33. Section 2, chapter 213, Laws of 1955 and RCW 8.04.070 are each amended to read as follows:

At the time and place appointed for hearing the petition, or to which the hearing may have been adjourned, if the court has satisfactory proof that all parties interested in the lands, real estate, premises or other property described in the petition have been duly served with the notice, and is further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property are sought to be appropriated is really necessary for the public use of the state, it shall make and enter an order, to be recorded in the minutes of the court, and which order shall be final unless review thereof to the supreme court or the court of appeals of the state is taken within five days after entry thereof, adjudicating that the contemplated use for which the lands, real estate, premises or other property are sought to be appropriated is really a public use of the state.

Sec. 34. Section 2, chapter 156, Laws of 1955 and RCW 8.04.098 are each amended to read as follows:

At the time and place appointed for hearing the petition, the court may enter an order adjudicating public use as affecting all tracts of land, property, or property rights as described therein, which order shall be final as to those respondents not seeking a review to the supreme court or the court of appeals within five days after the entry thereof.

Sec. 35. Section 7, chapter 74, Laws of 1891 as last amended by section 4, chapter 177, Laws of 1951 and RCW 8.04.130 are each amended to read as follows:

Upon the entry of judgment upon the verdict of the jury or the decision of the court awarding damages, the state may make payment of the damages and the costs of the proceedings by depositing them with the clerk of the court, to be paid out under the direction of the court or judge thereof; and upon making such payment into court of the damages assessed and allowed for any land, real estate, premises, or other property mentioned in the petition, and of the costs, the state shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or party interested

recovers a greater amount of damages; and in that case the state shall be liable only for the amount in excess of the sum paid into court and the costs of appeal.

In the event of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the moneys paid into the superior court by the state pursuant to this section shall remain in the custody of the court until the final determination of the proceedings by the supreme court or the court of appeals.

Sec. 36. Section 9, chapter 74, Laws of 1891 and RCW 8.04.150 are each amended to read as follows:

Either party may appeal from the judgment for damages entered in the superior court, to the supreme court or the court of appeals of the state, within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the amount of damages in respect to the parties to the appeal: PROVIDED HOWEVER, That upon such appeal no bond shall be required: AND PROVIDED FURTHER, That if the owner of land, the real estate or premises accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals, and final judgment by default may be rendered in the superior court as in other cases: PROVIDED FURTHER, That no appeal shall operate so as to prevent the said state of Washington from taking possession of such property pending such appeal after the amount of said award shall have been paid into court.

Sec.37. Section 4, chapter 79, Laws of 1949 and RCW 8.08.040 are each amended to read as follows:

At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition have been duly served with said notice as prescribed herein, and shall be further satisfied by competent proof that the contemplated use for which the lands, real estate, premises, or other property sought to be appropriated is a public use of the county, the court or judge thereof may make and enter an order adjudicating that the contemplated use is really a public use of the county, and which order shall be final unless review thereof to the supreme court or the court of appeals be taken within five days after entry of such order, adjudicating that the contemplated use for which the lands, real estate, premises or other property sought to be appropriated is really a public use of the county, and directing that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises, or other property

sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking or appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated, after offsetting against any and all such compensation and damages, special benefits, if any, accruing to such remainder by reason of such appropriation and use by the county of such lands, real estate, premises, and other property described in the petition; such determination to be made by a jury, unless waived, in which event the compensation or damages shall be determined by the court without a jury.

Sec. 38. Section 8, chapter 79, Laws of 1949 and RCW 9.08.080 are each amended to read as follows:

Either party may appeal from the judgment for compensation of the damages awarded in the superior court to the supreme court or the court of appeals within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court or the court of appeals the propriety and justice of the amount of damage in respect to the parties to the appeal: PROVIDED, That upon such appeal no bonds shall be required: AND PROVIDED FURTHER, That if the owner of land, real estate, or premises accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals, and final judgment by default may be rendered in the superior court as in other cases.

Sec. 39. Section 16, chapter 84, Laws of 1893 as last amended by section 16, chapter 153, Laws of 1907 and RCW 8.12.200 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases, provided that in case any defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement unless appealed from, and no appeal from the same shall delay proceedings under said ordinance, if such city shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such city, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the

rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings the money so paid into the superior court by such city, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals and final judgment may be rendered in the superior court as in other cases.

Sec. 40. Section 49, chapter 153, Laws of 1907 as amended by section 21, chapter 154, Laws of 1915 and RCW 8.12.530 are each amended to read as follows:

At any time within six months from the date of rendition of the last judgment awarding compensation for any such improvement in the superior court, or if any appeal be taken, then within two months after the final determination of the appeal in the supreme court or the court of appeals, any such city may discontinue the proceedings by ordinance passed for that purpose before making payment or proceeding with the improvement by paying or depositing in court all taxable costs incurred by any parties to the proceedings up to the time of such discontinuance. If any such improvement be discontinued, no new proceedings shall be undertaken therefor until the expiration of one year from the date of such discontinuance.

Sec. 41. Section 13, page 375, Laws of 1909 and RCW 8.16.130 are each amended to read as follows:

Either party may appeal from the judgment for compensation awarded for the property taken, entered in the superior court, to the supreme court or the court of appeals of the state within sixty days after the entry of the judgment, and such appeal shall bring before the supreme court or the court of appeals the justness of the compensation awarded for the property taken, and any error occurring on the hearing of such matter, prejudicial to the party appealing: PROVIDED, HOWEVER, That if the owner or owners of the land taken accepts the sum awarded by the jury or court, he or they shall be deemed thereby to have waived their right of appeal to the supreme court or the court of appeals.

Sec. 42. Section 7, page 299, Laws of 1890 and RCW 8.20.100 are each amended to read as follows:

Upon the entry of judgment upon the verdict of the jury or the decision of the court or judge thereof, awarding damages as hereinbefore prescribed, the petitioner, or any officer of, or other person duly appointed by said corporation, may make payment of the damages assessed to the parties entitled to the same, and of the

costs of the proceedings, by depositing the same with the clerk of said superior court, to be paid out under the direction of the court or judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs, to any land, real estate, premises or other property mentioned in said petition, such corporation shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or other person or party interested shall recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court, and the costs of appeal: PROVIDED, That in case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by such corporation as aforesaid, shall remain in the custody of said court until the final determination of the proceedings by the said supreme court or the court of appeals.

Sec. 43. Section 9, page 300, Laws of 1890 and RCW 8.20.120 are each amended to read as follows:

Either party may appeal from the judgment for damages entered in the superior court, to the supreme court or the court of appeals of the state, within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the amount of damages in respect to the parties to the appeal: PROVIDED, HOWEVER, That no bond shall be required of any person interested in the property sought to be appropriated by such corporation, but in case the corporation appropriating such land, real estate, premises or other property is appellant, it shall give a bond like that prescribed in RCW 8.20.130, to be executed, filed and approved in the same manner: AND PROVIDED FURTHER, That if the owner of the land, real estate, premises or other property accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals, and final judgment by default may be rendered in the superior court as in other cases.

Sec. 44. Section 15, chapter 254, Laws of 1951 and RCW 9.81.090 are each amended to read as follows:

Reasonable grounds on all the evidence to believe that any person is a subversive person, as defined in this act, shall be cause for discharge from any appointive office or other position of profit or trust in the government of or in the administration of the business of this state, or of any county, municipality or other political subdivision of this state, or any agency thereof. The attorney general and the personnel director, and the civil service commission of any county, city or other political subdivision of this state, shall, by appropriate rules or regulations, prescribe that

persons charged with being subversive persons, as defined in this act, shall have the right of reasonable notice, date, time and place of hearing, opportunity to be heard by himself and witnesses on his behalf, to be represented by counsel, to be confronted by witnesses against him, the right to cross-examination, and such other rights which are in accordance with the procedures prescribed by law for the discharge of such person for other reasons. Every person and every board, commission, council, department, or other agency of the state of Washington or any political subdivision thereof having responsibility for the appointment, employment or supervision of public employees not covered by the classified service in this section referred to, shall establish rules or procedures similar to those required herein for classified services for a hearing for any person charged with being a subversive person, as defined in this act, after notice and opportunity to be heard. Every employing authority discharging any person pursuant to any provision of this act, shall promptly report to the special assistant attorney general in charge of subversive activities the fact of and the circumstances surrounding such discharge. Any person discharged under the provisions of this act shall have the right within thirty days thereafter to appeal to the superior court of the county wherein said person may reside or wherein he may have been employed for determination by said court as to whether or not the discharge appealed from was justified under the provisions of this act. The court shall regularly hear and determine such appeals and the decision of the superior court may be appealed to the supreme court or the court of appeals of the state of Washington as in civil cases. Any person appealing to the superior court may be entitled to trial by jury if he or she so elects.

Sec. 45. Section 67, chapter 249, Laws of 1909 and RCW 9.82.030 are each amended to read as follows:

Every person having knowledge of the commission of treason, who conceals the same, and does not, as soon as may be, disclose such treason to the governor or a (~~judge of the supreme court or a superior court;~~) justice of the supreme court or a judge of either the court of appeals or the superior court, shall be guilty of misprision of treason and punished by a fine of not more than one thousand dollars, or by imprisonment in the state penitentiary for not more than five years or in a county jail for not more than one year.

Sec. 46. Section 7, chapter 133, Laws of 1955 as amended by section 10, chapter 200, Laws of 1967 and RCW 9.95.060 are each amended to read as follows:

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the

supreme court or the court of appeals, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of institutions, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Sec. 47. Section 4, chapter 42, Laws of 1955 and RCW 9.95.063 are each amended to read as follows:

If a defendant who has been in prison during the pendency of an appeal, upon a new trial ordered by the supreme court or the court of appeals shall be again convicted, the period of his former imprisonment shall be deducted by the superior court from the period of imprisonment to be fixed on the last verdict of conviction.

Sec. 48. Section 16, page 75, Laws of 1865 as last amended by section 1, chapter 91, Laws of 1967 and RCW 10.31.060 are each amended to read as follows:

Whenever any person or persons shall have been indicted or accused on oath of any public offense, or thereof convicted, and a warrant of arrest shall have been issued, the magistrate issuing such warrant, or any ((judge)) justice of the supreme court, ((~~or of any superior court;~~)) or any judge of either the court of appeals or superior court may indorse thereon an order signed by him and authorizing the service thereof by telegraph or teletype, and thereupon such warrant and order may be sent by telegraph or teletype to any marshal, sheriff, constable or policeman, and on the receipt of the telegraphic or teletype copy thereof by any such officer, he shall have the same authority and be under the same obligations to arrest, take into custody and detain the said person or persons, as if the said original warrant of arrest, with the proper direction for the service thereof, duly indorsed thereon, had been placed in his hands, and the said telegraphic or teletype copy shall be entitled to full faith and credit, and have the same force and effect in all courts and places as the original; but prior to indictment and conviction, no such order shall be made by any officer, unless in his judgment there is probable cause to believe the said accused person or persons guilty of the offense charged: PROVIDED, That the making of such order by any officer aforesaid, shall be prima facie evidence

of the regularity thereof, and of all the proceedings prior thereto. The original warrant and order, or a copy thereof, certified by the officer making the order, shall be preserved in the telegraph office or police agency from which the same is sent, and in telegraphing or teletyping the same, the original or the said certified copy may be used.

Sec. 49. Section 5, chapter 30, Laws of 1907 and RCW 10.76.050 are each amended to read as follows:

Either party to the cause may have the evidence and all of the matters not of record in the cause made a part of the record by the certifying of a statement of facts or bill of exceptions as in other cases. If an appeal should be not taken, such statement of facts or bill of exceptions shall remain on file in the office of the clerk of the court where the cause was tried, and if an appeal be taken, the statement of facts or bill of exceptions shall be returned from the supreme court or the court of appeals to the court where the cause was tried when the supreme court or the court of appeals shall have rendered its final judgment in the cause.

Sec. 50. Section 8, chapter 30, Laws of 1907 as last amended by section 1, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.060 are each amended to read as follows:

The (~~director of institutions~~) secretary of social and health services shall forthwith provide adequate facilities at one or several of the state institutions under his direction and control wherein shall be confined persons committed as criminally insane. Such persons shall be under the custody and control of the (~~director of institutions~~) secretary of social and health services to the same extent that other persons are who are committed to his custody, but such provision shall be made for their control, care and treatment as is proper in view of their derangement. In order that the (~~director~~) secretary can adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the (~~director~~) secretary to place such individual in a proper institution, all persons who are committed to the (~~director of institutions~~) secretary of social and health services as criminally insane shall be promptly examined by qualified personnel in such manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the custody of the (~~director of institutions~~) secretary of social and health services save upon the order of a court of competent jurisdiction made after a trial and judgment of discharge.

When any person so committed petitions for a discharge, the (~~director of institutions~~) secretary of social and health services shall send him in the custody of a guard to the county where the

hearing is to be held at the time the case is called for trial. During the time he is absent from the institution, he shall be confined in the county jail, but shall at all times be deemed to be in the custody of the guard. If he is remitted to custody, the guard shall forthwith return him to such institution as designated by the ((director of institutions)) secretary of social and health services. If the state does not desire to appeal, the order of discharge shall be sufficient acquittal to the ((director of institutions)) secretary of social and health services. If the state does appeal from an order of discharge, it shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution designated by the ((director of institutions)) secretary of social and health services until the supreme court or the court of appeals has rendered a final decision in the cause.

Sec. 51. Section 6, chapter 30, Laws of 1907 as last amended by section 2, chapter 9, Laws of 1965 ex. sess. and RCW 10.76.070 are each amended to read as follows:

When any person committed under the authority of this chapter, including persons found sane at the time of trial but committed by reason of being so liable to a relapse or recurrence of the insane or mentally irresponsible condition as to be an unsafe person to be so at large, claims to be sane or mentally responsible and to be free from danger of any relapse or recurrence of mental unsoundness and a safe person to be at large, he shall apply to the ((director of institutions)) secretary of social and health services for an examination of his mental condition and fitness to be at large. If the ((director of institutions)) secretary of social and health services certifies that there is reasonable cause to believe that the person has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of trial, that he is not liable to a recurrence of a prior insane or mentally irresponsible condition, and is a safe person to be at large, the ((director of institutions)) secretary of social and health services shall permit him to present a petition to the court that committed him, setting up the facts leading to his commitment, and that he has since become sane and mentally responsible, and is in such condition that he is a safe person to be at large, and shall pray his discharge from custody.

The petition shall be served upon the prosecuting attorney of the county, and it shall be his duty to resist the application. No other pleadings than the petition need be filed, and the court shall set the cause down for trial before a jury, and the trial shall proceed as in other cases. The sole issue to be tried in the case shall be whether the person petitioning for a discharge has, since his commitment, become a safe person to be at large, and the burden

of proof shall be upon him. If the evidence given upon his trial upon the criminal charge has been preserved by a certified statement of facts or bill of exceptions filed in the cause, either party may read such parts of the record as may be desired as evidence upon the hearing.

The jury shall be required to find whether the petitioner has either become sane since his commitment, and is not liable to a recurrence of the mental unsoundness or relapse, or not having been found insane at the time of the trial, whether he is still liable to a recurrence of a prior insane or mentally irresponsible condition, and, in either case, whether he is a safe person to be at large. If they so find, he shall be entitled to discharge. If not, his petition shall be dismissed, and he shall be remitted to custody. Either party may appeal to the supreme court or the court of appeals from the judgment discharging the petitioner or remitting him to custody. The procedure on appeal shall be the same as in other cases. The judgment of remission shall be conclusive that the petitioner is an unsafe person to be at large at the time of its entry.

If he subsequently claims to have become sane and a safe person to be at large, he may upon a certificate of probable cause by the ((director of institutions)) secretary of social and health services, which shows a change in his mental condition since the last trial and his present sanity and fitness to be at large, again petition for discharge, and the proceedings thereon shall be as in this chapter provided.

Sec. 52. Section 7, chapter 30, Laws of 1907 and RCW 10.76.080 are each amended to read as follows:

Should any criminally insane person discharged hereunder again become insane or mentally irresponsible, or be found to be an unsafe person to be at large because of mental unsoundness, the prosecuting attorney of the county from which he was committed may file a petition in the name of the state, setting up the facts leading to his commitment and subsequent discharge, and the relapse which is the basis of the petition. A warrant shall be issued for the defendant as in criminal cases, the defendant taken into custody, and the case tried to a jury, as in other cases provided herein; but the burden of proof, showing reasons for commitment, shall be upon the state. Should the jury find the defendant sane, and a safe person to be at large, he shall be discharged. Should they find that since his discharge he has suffered a relapse or recurrence of his mental unsoundness, and by reason thereof he is an unsafe person to be at large, the court shall issue an order remitting him to custody as criminally insane. The evidence given upon the former trial or trials, if preserved by statement of facts or bill of exceptions as

hereinbefore prescribed, may be read upon such hearing, and either party may appeal to the supreme court or the court of appeals as in other cases.

Sec. 53. Section 11.96.010, chapter 145, Laws of 1965 and RCW 11.96.010 are each amended to read as follows:

Any interested party may appeal to the supreme court or the court of appeals from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions.

Sec. 54. Section 14, chapter 302, Laws of 1961 and RCW 13.04.220 are each amended to read as follows:

If the court finds that the decision of the ((director)) secretary on the institutional placement or transfer of institutional placement of any juvenile committed under the provisions of RCW 13.04.190 and 13.04.200 is arbitrary, capricious, or contrary to law, the court may change, modify, or set aside the decision of the ((director)) secretary. The ruling of the committing court shall be appealable to the state supreme court or the court of appeals.

Sec. 55. Section 24, chapter 87, Laws of 1961 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 ((director)) secretary 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.

Sec. 56. Section 14, chapter 125, Laws of 1929 and RCW 17.04.230 are each amended to read as follows:

Any interested party may appeal from the decision and order of the board of directors of such district to the superior court of the county in which such district is located, by serving written notice of appeal on the chairman of the board of directors and by filing in the office of the clerk of the superior court a copy of said notice of appeal with proof of service attached, together with a good and sufficient cost bond in the sum of two hundred dollars, said cost bond to run to such district and in all respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice must be served and filed within ten days

from the date of the decision and order of such board of directors, and said bond must be filed within five days after the filing of such notice of appeal. Whenever notice of appeal and the cost bond as herein provided shall have been filed with the clerk of the superior court, the clerk shall notify the board of directors of such district thereof, and such board shall forthwith certify to said court all notices and records in said matters, together with proof of service, and a true copy of the order and decision pertaining thereto made by such board. If no appeal be perfected within ten days from the decision and order of such board, the same shall be deemed confirmed and the board shall certify the amount of such charges to the county treasurer who shall enter the same on the tax rolls against the land. When an appeal is perfected the matter shall be heard in the superior court de novo and the court's decision shall be conclusive on all persons served under this chapter: PROVIDED, That an appeal may be taken to the supreme court or the court of appeals from the order or decision of the superior court in the manner provided by existing laws, and upon the conclusion of such appeal, the amount of charges and costs adjudged to be paid shall be certified by the clerk of the superior court to the county treasurer and said treasurer shall proceed to enter the same on his rolls against the lands affected.

Sec. 57. Section 12, chapter 140, Laws of 1921 and RCW 17.16.110 are each amended to read as follows:

Any person feeling himself aggrieved at the decision and order of the board of county commissioners approving the amount of such expenses and establishing the same as a tax against the land involved may appeal therefrom to the superior court of the county, by serving a written notice of appeal on the board and by filing a copy of same with proof of service attached, together with a good and sufficient cost bond to be approved by the county clerk in the sum of two hundred dollars, said cost bond to run to the county and in all other respects to comply with the laws relating to cost bonds required of nonresident plaintiffs in the superior court. Said notice of appeal must be served and filed within ten days from the date of the decision and order of the board approving the amount of said expense and establishing the same as a tax against the land involved, and said appeal must be brought on for hearing upon a certified copy of the records in the matter without further pleadings, at the next term of court thereafter. An appeal from the judgment of the superior court in the matter may be taken to the supreme court or the court of appeals of the state as in other cases (~~of~~) on appeal (~~to that tribunal~~). Upon the final conclusion of any appeal so taken, the county clerk shall certify to the county treasurer the result of such appeal.

Sec. 58. Section 12, chapter 323, Laws of 1959 and RCW

18.08.210 are each amended to read as follows:

In all cases where the director shall refuse to renew or shall revoke a certificate of registration the holder shall be entitled to a hearing and shall be given twenty days' notice in writing by the director thereof. The notice shall specify the offenses with which the accused person is charged and shall also give the day and place where the hearing is to be held. The hearing shall be held in the county seat of the county in which the accused person resides.

The director may issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be taken in writing, and may be taken by deposition under such rules as the director may prescribe.

The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, file them in his office, and serve upon the accused a copy of such findings and conclusions.

Any order refusing renewal of registration or revoking registration shall be in writing signed by the director, stating the grounds upon which such order is based and the aggrieved person shall have the right to appeal from such order within fifteen days after a copy thereof is served upon him, to the superior court of the county in which the aggrieved person resides, which shall hear the matter de novo.

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as provided in other civil cases.

Sec. 59. Section 36, chapter 52, Laws of 1957 and RCW 18.32.280 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as provided in other civil cases.

Sec. 60. Section 15, chapter 222, Laws of 1949 and RCW 18.78.140 are each amended to read as follows:

Proceedings to revoke or suspend any license granted pursuant to this chapter may be instituted by the director on his own complaint, or on the verified complaint of any person filed with the director. Such complaint shall set forth the facts constituting the grounds for which said license shall be revoked or suspended. The board of directors provided for in this chapter, together with the director, shall constitute a committee to hear and determine the charges and make findings of fact and conclusions. The director

shall serve upon the license-holder against whom the complaint is made a notice in writing twenty days prior to the date set for the hearing, which notice shall specify the offense with which said person is charged, shall contain a copy of the complaint, and shall state the time and place of hearing. All hearings shall be held in Olympia unless the director shall fix a different place. Said notice may be served by registered mail addressed to the license-holder at his or her address last known to the director. The director shall have the power to issue subpoenas to compel the attendance of witnesses, or the production of books or documents. The accused person shall have an opportunity to defend and to have counsel and may have such subpoenas as he or she may desire, issued by the director. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath, administered by the director. Testimony may be taken by deposition under such rules as the director may prescribe. The committee shall hear and determine the charges and shall make findings of fact and conclusions upon the evidence produced, and shall file the same in the director's office. The director shall serve a copy of said findings and conclusions by registered mail upon the accused. The revocation or suspension of a license to practice shall be in writing and signed by the director, and shall state the grounds upon which such order is based. The accused person shall have the right to appeal from such order to the superior court of Thurston county within twenty days after a copy of such order is served upon such person, for the purpose of having the reasonableness and lawfulness of said order inquired into and determined. On such appeal the entire record laid before the committee shall be certified by the director to said superior court, and the review on appeal shall be confined to the evidence and exhibits introduced at the hearing before the committee. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court in the manner provided by law in civil cases.

Sec. 61. Section 16, chapter 305, Laws of 1955 as amended by section 16, chapter 70, Laws of 1965 and RCW 18.83.160 are each amended to read as follows:

Any person feeling himself aggrieved by the refusal of the director to issue a license as provided in this chapter, or to renew the same, or by the revocation or suspension of a license issued pursuant to the provisions of this chapter, shall have the right to appeal from such order within fifteen days after a copy of such order is served upon him to the superior court of any county, which court shall hear such matter de novo, and appeal shall lie to the supreme court or the court of appeals of the state from the judgment of the said superior court in the same manner as provided by law in other

civil cases.

Sec. 62. Section 17, chapter 222, Laws of 1951 as amended by section 46, chapter 52, Laws of 1957 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.

Sec. 63. Section 15, chapter 71, Laws of 1941 and RCW 18.92.210 are each amended to read as follows:

Any person feeling himself aggrieved by an order of the director shall have the right to appeal from such order within fifteen days after a copy of such order is served upon him, to the superior court of any county, which court shall hear such matter de novo. An appeal shall lie to the supreme court or the court of appeals of the state from the judgment of said superior court in the same manner as provided by law in other civil cases.

Sec. 64. Section 11, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.110 are each amended to read as follows:

When the attorney general requires the attendance of any person, as provided in RCW 19.10.100, 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, 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 through 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 supreme court or the court of appeals by certiorari or other appropriate proceeding.

Sec. 65. Section 10, chapter 211, Laws of 1955 and RCW 19.77.100 are each amended to read as follows:

Any person who believes he will be damaged by a registration of a trademark by the secretary of state may request cancellation of such registration by filing with the secretary of state in duplicate a verified petition setting forth the facts in support of such request, accompanied by a fee of twenty-five dollars payable to the secretary of state. To each copy of said petition for cancellation there shall be attached a copy of each of the trademarks or trade names, or the personal name, portrait, or signature, of the petitioner, or other exhibits of like character relied on in the petition. Thereafter the secretary of state shall mail to the registrant or his agent for service of record with the secretary of state a copy of said petition, addressed to the last known address of the registrant or such agent according to the files of the secretary of state, accompanied by a notice that said registrant may, within twenty days if the registrant is a resident of the state of Washington, or within sixty days if the registrant is a nonresident of the state of Washington, file in duplicate a verified answer to said petition. Thereafter the secretary of state shall forward a copy of said answer to said petitioner, accompanied by a notice that said petitioner may, within a specified time, not less than twenty days, file in duplicate a verified statement as to any further facts which are pertinent to issues raised by said answer, and the secretary of state shall in like manner forward a copy thereof to said registrant or such agent. The secretary of state shall then fix a hearing date not less than thirty days from the last day that the petitioner may file a statement of further facts. Written notice of such hearing shall be served on the parties by the secretary of state not less than fifteen days before the hearing in the same manner as the petition and answer were forwarded. Additional relevant testimony or other evidence may be introduced by the parties, and the secretary of state may subpoena such witnesses as he deems necessary. The parties shall have the right to be represented by counsel. On conclusion of the hearing the secretary of state shall grant or deny the petitioner's request for cancellation of the registration as the facts shall warrant and shall send a copy of his decision to the petitioner and to the registrant or such agent. If the secretary of state finds that the trademark should not have been registered, or is in violation of the common law rights of the petitioner, or if the

secretary of state receives no answer from the registrant within the time limits specified hereinabove, he shall cancel said registration from the register, unless a petition for review of such decision is filed as provided hereinafter.

Either the petitioner or the registrant may, within sixty days after mailing of the copy of the decision by the secretary of state, file in the superior court of the state of Washington for Thurston county, and mail to the secretary of state and the other party or such agent at his last known address according to the files of the secretary of state, a petition for review of the decision of the secretary of state. The court shall review such decision on the basis of the record before the secretary of state for the purpose of determining the reasonableness and lawfulness of such decision and, subject to the right of appeal to the supreme court or the court of appeals of the state, the decree of the superior court shall be binding upon the secretary of state with respect to the granting or denial of the petitioner's request for cancellation. In any such petition for review the secretary of state shall be a necessary party, and the petitioner for cancellation and the registrant shall be proper parties.

Sec. 66. Section 20, chapter 139, Laws of 1959 and RCW 20.01.200 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as provided in other civil cases.

Sec. 67. Section 7, chapter 154, Laws of 1933 and RCW 22.20.100 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, hearings 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 the public service commission laws of this state.

Sec. 68. Section 28, chapter 115, Laws of 1921 and RCW 24.32.360 are each amended to read as follows:

Every order, decision or other official act of the director of agriculture shall be subject to review, and any party aggrieved by such order, decision or act of the director of agriculture may appeal therefrom to the superior court of the county of Thurston by serving upon the director of agriculture a notice of such appeal, specifying the order, decision or act appealed from, and filing the same with

the clerk of the superior court of the county of Thurston within sixty days after the date of such order, decision or official act. Whereupon the director of agriculture shall, within ten days after filing of such notice of appeal, make and certify a transcript of all the records and papers on file in his office affecting or relating to the order, decision or act appealed from, and upon the payment of the fee therefor by the appellant, the director of agriculture shall file the same in the office of the clerk of said superior court. Upon the hearing of such appeal the burden of proof shall be upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the director of agriculture from which appeal is taken. Any party to such appeal to the superior court who is aggrieved by the judgment of said court rendered upon such appeal may prosecute an appeal to the supreme court or the court of appeals of the state of Washington. The general laws relating to bills of exception, statements of fact and appeals to the supreme court or the court of appeals, shall apply to all appeals taken to the supreme court or the court of appeals under this chapter: PROVIDED, That no supersedeas of the judgment of the superior court shall be allowed, except at the discretion of said superior court. If supersedeas is allowed, it shall be upon such bond and with such conditions as the superior court may require by its order.

Sec. 69. Section 4, page 404, Laws of 1854 as last amended by section 1, chapter 35, Laws of 1913 and RCW 26.04.050 are each amended to read as follows:

The following named officers and persons are hereby authorized to solemnize marriages, to wit: ((Judges)) Justices of the supreme court, judges of the court of appeals, judges of the superior courts, any regularly licensed or ordained minister or any priest of any church or religious denomination anywhere within the state, and justices of the peace within their respective counties.

Sec. 70. Section 9, chapter 215, Laws of 1949 and RCW 26.08.090 are each amended to read as follows:

Pending an action for divorce or annulment the court may make, and by attachment enforce, such orders for the disposition of the persons, property and children of the parties as the court may deem right and proper, and such orders relative to the expenses of such action, including attorneys' fees, as will insure to the wife an efficient preparation of her case and a fair and impartial trial thereof. Upon the entry of judgment in the superior court, reasonable attorneys' fees may be awarded either party, in addition to statutory costs. Upon any appeal, the supreme court or the court of appeals may in its discretion award reasonable attorneys' fees to either party for services on the appeal, in addition to statutory

costs.

Sec. 71. Section 28A.58.500, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.500 are each amended to read as follows:

Either party to the proceedings in the superior court may appeal the decision to the supreme court or the court of appeals of this state as any other civil action is appealed.

Sec. 72. Section 16, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.160 are each amended to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appeal shall be available to the supreme court or the court of appeals from the order of the superior court as in other civil cases.

Sec. 73. Section 28B.50.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.300 are each amended to read as follows:

Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this act by or for a school district and obtained identifiably with federal, state or local funds appropriated for community college purposes or post-high school vocational educational purposes, or used or obtained with funds budgeted for community college purposes or post-high school vocational educational purposes, or used or obtained primarily for community college or vocational educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the state board for community college education: PROVIDED, That cash, funds, accounts or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before April 3, 1967 for community college purposes shall remain with and continue to be, after April 3, 1967, an asset of the school district: AND PROVIDED FURTHER, That any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other

property for community college purposes: AND PROVIDED FURTHER, That unexpended funds of a common school district derived from the sale, prior to July 1, 1967, of bonds authorized for any purpose which includes community college purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

For the purposes of this section and to facilitate the process of allocating the assets, the board of directors of each school district in which a community college is located, and the president of each community college, shall each submit to the state board of education, and the state board for community college education within sixty days of April 3, 1967, an inventory listing all real estate, personal property, choses in action, and other assets, held by a school district, which under the criteria of this section, will become the assets of the state board for community college education: PROVIDED, That assets used "primarily" for community college purposes shall include, but not be limited to, all assets currently held by school districts which have been used on an average of at least seventy-five percent of the time during the school year 1965-1966, or if acquired subsequent to July 1, 1966, since its time of acquisition, for community college purposes: PROVIDED, FURTHER, That the ultimate decision and approval with respect to the allocation and disposition of the assets under this section shall be made by the governor, or an advisory committee appointed by him for that purpose. The decision of the governor or his advisory committee may be appealed within sixty days after such decision is issued by appealing to the district court of Thurston county. The decision of the superior court may be appealed to the supreme court or the court of appeals of the state in accordance with the provision of the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 74. Section 29.04.030, chapter 9, Laws of 1965 and RCW 29.04.030 are each amended to read as follows:

Any ((judge)) justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer has occurred or is about to occur.

Sec. 75. Section 29.21.070, chapter 9, Laws of 1965 and RCW 29.21.070 are each amended to read as follows:

The offices of ~~((judge))~~ justice of the supreme court, judge of the court of appeals, judge of the superior court and justice of the peace shall be nonpartisan and the candidates therefor shall be nominated and elected as such. Not less than ten days before the time for filing declarations of candidacy, each county auditor shall designate how many justices of the peace are to be elected in each precinct in his county.

Sec. 76. Section 29.30.020, chapter 9, Laws of 1965 and RCW 29.30.020 are each amended to read as follows:

The positions on a primary ballot shall be arranged substantially as follows: First, United States senator; next, congressional; next, ~~((judges))~~ justices of supreme court; next, judges of the court of appeals; next, judges of superior court; next, other state officers; next, legislative; next, county officers; next, precinct officers; next, justice of the peace; next, precinct committeemen. There shall be a blank space left following the list of names of candidates for each office for writing in the name of a candidate, if desired.

Sec. 77. Section 29.65.130, chapter 9, Laws of 1965 and RCW 29.65.130 are each amended to read as follows:

Any candidate at a primary election who may desire to contest the nomination of any candidate for the same office thereat may proceed by affidavit presented to any ~~((judge))~~ justice of the supreme court, any judge of the court of appeals, or any judge of the superior court of the county in which any error or omission occurred. The affidavit shall be presented within five days after the completion of the canvass by the canvassing board, and not later, and the candidate whose nomination is so contested shall by the order of such judge or justice, duly served, be required to appear and abide the orders of the court to be made therein.

Sec. 78. Section 29.80.020, chapter 9, Laws of 1965 and RCW 29.80.020 are each amended to read as follows:

Not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor,

secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, ((judge)) justice of the supreme court, judge of the court of appeals, and judge of the superior court may file with the secretary of state a typewritten statement advocating his candidacy not to exceed three hundred fifty words per printed page accompanied by a photograph not more than five years old and suitable for reproduction. No such statement or photograph shall be filed by any person who is the sole nominee for any office.

Sec. 79. Section 30.04.040, chapter 33, Laws of 1955 and RCW 30.04.040 are each amended to read as follows:

Any bank or trust company may, within thirty days after a rule or regulation has been served upon it, apply to the superior court of Thurston county for a writ of review to test its reasonableness or lawfulness. In every such hearing the burden shall be upon the corporation to establish the rule or regulation to be unreasonable or unlawful. Appeal may be taken to the supreme court or the court of appeals as in other actions.

Pendency of the writ of review shall not stay the operation of the rule or regulation but the court may restrain or suspend it in whole or in part.

Sec. 80. Section 30.30.090, chapter 33, Laws of 1955 and RCW 30.30.090 are each amended to read as follows:

The decree so rendered shall be a final order from which any party in interest may appeal as in civil actions to the supreme court or the court of appeals of the state of Washington.

Sec. 81. Section 23, chapter 208, Laws of 1941 and RCW 31.08.260 are each amended to read as follows:

Whenever the supervisor shall deny an application for a license or shall revoke or suspend a license issued pursuant to this chapter, or shall issue any specific order or demand, then such applicant or licensee thereby affected may, within thirty days from the date of service of notice as provided for in this chapter, appeal to the superior court of the state of Washington for Thurston county. The appeal shall be perfected by serving a copy of the notice of appeal upon the supervisor and by filing it, together with proof of service, with the clerk of the superior court of Thurston county. Whereupon the supervisor shall, within fifteen days after filing of such notice of appeal, make and certify a transcript of the evidence and of all the records and papers on file in his office relating to the order appealed from, and the supervisor shall forthwith file the same in the office of the clerk of said superior court. The reasonable costs of preparing such transcript shall be assessed by the court as part of the costs. A trial shall be had in said

superior court de novo. The applicant or licensee, as the case may be, shall be deemed the plaintiff and the state of Washington the defendant. Each party shall be entitled to subpoena witnesses and produce evidence to sustain or reverse the findings and order or demand of the supervisor. During the pendency of any appeal from the order of revocation or suspension of a license, the order of revocation theretofore entered by the supervisor shall be stayed and any other order or demand appealed from may be stayed in the discretion of the court. Either party may appeal from the judgment of said superior court to the supreme court or the court of appeals of the state of Washington as in other civil actions.

Sec. 82. Section 3, chapter 173, Laws of 1933, as last amended by section 1, chapter 65, Laws of 1969 and RCW 31.12.050 are each amended to read as follows:

A credit union shall be organized in the following manner:

The applicants shall execute in quadruplicate articles of incorporation and bylaws by the terms of which they agree to be bound, which shall be submitted to and approved by the supervisor.

The articles of incorporation shall state:

- (1) The name and location of the proposed credit union;
- (2) The number of its directors, which shall not be less than five nor more than fifteen;
- (3) The names, occupations and post office address of the subscribers to the articles of incorporation, and a statement of the number of shares which each has agreed to take; and
- (4) The par value of the shares of the credit union, which shall be five dollars.

When articles of incorporation complying with the foregoing requirements, together with duplicate copies of such bylaws, have been filed with the supervisor, he shall ascertain whether such articles of incorporation and bylaws of such credit union are consistent with the purposes of this chapter and whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the purpose of the proposed credit union will be honestly and efficiently conducted in accordance with the purpose of this chapter, and he shall further determine the economic advisability for such credit union, also taking into consideration all surrounding facts and circumstances pertaining to a successful operation of said credit union, and whether the proposed credit union is being formed for other than the legitimate objects covered by this chapter. After the supervisor shall have satisfied himself of the above facts, and within thirty days after receipt of such certificates and bylaws, he shall endorse upon each of the articles of incorporation his official signature with the word "approved" or the word "refused" with the

date thereof. In case of refusal, he shall return one of the quadruplicate certificates so endorsed with a copy of the bylaws to the person from whom the same were received, which refusal shall be conclusive unless the incorporators, within ten days of the issuance of such notice of refusal, shall appeal to the superior court of the county in which the credit union is proposed to be located. In case an appeal is taken the supervisor shall prepare, certify and deliver to such credit union a copy of the order of refusal with any documents filed by the applicant, and upon such transcript of proceedings, with any testimony that may be offered by either party, the case shall be tried in the superior court to which the appeal is taken, which shall be heard in the nature of a writ of review and summarily disposed of by the superior court upon such orders and proceedings as the judge may deem best and a judgment rendered, from which an appeal may be taken by either party to the supreme court or the court of appeals; all conditioned that the appellant, upon taking the appeal, shall pay the reasonable charges for a transcript of the proceedings. In case of approval of the proposed corporation, the supervisor shall give notice thereof to the proposed incorporators, and shall file one of the quadruplicate articles of incorporation in his own office, and shall transmit another quadruplicate copy to the secretary of state, and shall return two quadruplicate copies and one of the duplicate bylaws of the incorporators. The incorporators shall file one of the quadruplicate copies with the county auditor of the county in which such credit union is to be located, with a filing fee of twenty-five cents.

Upon receipt from the proposed incorporators of a filing fee of five dollars the secretary of state shall file and record the articles of incorporation. Upon the filing of articles of incorporation, approved as aforesaid by the supervisor, with the secretary of state and county auditor, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this chapter, and whose existence may be perpetual. In order to simplify the organization of credit unions the supervisor shall cause forms of articles of incorporation and bylaws to be prepared consistent with the provisions of this chapter, and upon written application of any seven residents of this state shall supply them without charge with blank forms of articles of incorporation and form of suggested bylaws.

Sec. 83. Section 31, chapter 173, Laws of 1933 as last amended by section 15, chapter 180, Laws of 1967 and RCW 31.12.360 are each amended to read as follows:

If an officer of a credit union is, in the opinion of the supervisor, dishonest, inefficient, incapable of doing his work, or

wilfully disobeying orders of the supervisor, or is in any way violating this chapter or the bylaws of the credit union, he may be suspended by the supervisor. The supervisor shall give the board of the credit union prompt notice of such suspension and promptly upon receipt thereof the board shall call a meeting of its members to consider the matter forthwith and give the supervisor at least seven days' notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, it shall remove such director, officer or employee immediately. In the event that the board of the credit union shall fail to remove such director, officer or employee, the supervisor may petition the superior court of the county wherein the principal office of the credit union is located, setting forth the reasons why such person should be removed. Such petition shall be answered by the credit union as in civil actions. Such cause shall be heard by the court de novo without the intervention of a jury and upon such hearing the superior court shall enter its decision as to whether such person shall remain in or be removed from his position. The court shall make and enter specific findings of fact and conclusions of law and its decision shall be reviewable by the supreme court or the court of appeals. The supervisor shall be charged with the administration and enforcement of this chapter, shall require each credit union to conduct its business in compliance therewith, and shall have power to commence and prosecute actions and proceedings to enforce the provisions of this chapter, to enjoin violations thereof, and to collect sums due the state of Washington from any credit union.

Sec. 84. Section 115, chapter 235, Laws of 1945 and RCW 33.04.060 are each amended to read as follows:

An association may petition the superior court of the state of Washington for Thurston county for the review of any decision, ruling, requirement or other action or determination of the supervisor, by filing its complaint, duly verified, with the clerk of the court and serving a copy thereof upon the supervisor. Upon the filing of the complaint, the clerk of the court shall docket the same as a cause pending therein.

The supervisor may answer the complaint and the petitioner reply thereto, and the cause shall be heard before the court as in other civil actions. Both the petitioner and the supervisor may appeal from the decision of the court to the supreme court or the court of appeals of the state of Washington.

Sec. 85. Section 9, chapter 235, Laws of 1945 as amended by section 1, chapter 71, Laws of 1953 and RCW 33.08.070 are each amended to read as follows:

The supervisor, not later than six months after receipt of the proposed articles and bylaws shall endorse upon each copy thereof the

word "approved" or "refused" and the date thereof. In case of refusal, he shall forthwith return one copy of the articles and bylaws to the incorporators, and the refusal shall be final unless the incorporators, or a majority of them, within thirty days after the refusal, appeal to the superior court of Thurston county. The appeal may be accomplished by the incorporators preparing a notice of appeal, serving a copy of it upon the supervisor, and filing the notice with the clerk of the court, whereupon the clerk, under the direction of the judge, shall give notice to the appellants and to the supervisor of a date for the hearing of the appeal. The appeal shall be tried de novo by the court. At the hearing a record shall be kept of the evidence adduced, and the decision of the court shall be final unless an appeal therefrom is taken to the supreme court or the court of appeals as in other cases.

Sec. 86. Section 113, chapter 235, Laws of 1945 and RCW 33.40.120 are each amended to read as follows:

The court, upon notice and hearing may remove the liquidator for cause. From such order of removal the supervisor may appeal to the supreme court or the court of appeals by notice of appeal and bond for costs as in other appeals.

During the pendency of any appeal the director of ((finance, budget and business)) general administration shall act as liquidator of the association, without giving any additional bond for the performance of his duties as such liquidator.

If such order of removal shall be affirmed, the director of ((finance, budget and business)) general administration shall name another liquidator for the association, which nominee, upon qualifying as required for receivers generally, shall succeed to the position of liquidator of the association.

Sec. 87. Section 14, chapter 234, Laws of 1959 and RCW 34.04.140 are each amended to read as follows:

An aggrieved party may secure a review of any final judgment of the superior court under this chapter by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Sec. 88. Section 35.20.070, chapter 7, Laws of 1965 and RCW 35.20.070 are each amended to read as follows:

In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein in criminal cases. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge to pay a fine of not to exceed five hundred dollars or to imprisonment in the city jail for not to exceed six months, or both such fine and imprisonment. Neither the appellant nor the respondent

shall be required to pay in advance any fee for filing or prosecuting the appeal in a criminal case, but if the appellant is convicted he may be required, as a part of the sentence, to pay the costs of prosecution which shall be taxed in the amount and manner of costs in criminal prosecutions in the superior court, in addition to the costs taxed in the municipal court. If the appellant be acquitted, he shall have judgment against the city for his costs to be fixed and taxed in the same manner. From judgment of the superior court appeal shall lie to the supreme court or the court of appeals as in other superior court actions.

Sec. 89. Section 35.22.560, chapter 7, Laws of 1965 and RCW 35.22.560 are each amended to read as follows:

In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein. If the defendant be convicted in the superior court he shall be sentenced anew by the superior court judge with a fine of not to exceed three hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Neither the city nor the appellant shall be required to pay in advance any fee for filing or prosecuting the appeal, but if the appellant is convicted he may be required, as a part of the sentence to pay the costs of prosecution, to be taxed in the amount and manner of costs in criminal prosecutions in the superior court. If the appellant be acquitted he shall have judgment against the city for his costs to be fixed and taxed in the same manner. Appeal shall lie to the supreme court or the court of appeals as in other criminal cases in the superior court.

Sec. 90. Section 35.44.230, chapter 7, Laws of 1965 and RCW 35.44.230 are each amended to read as follows:

Within ten days from the filing of the notice of appeal, the appellant shall file with the clerk of the superior court a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming the assessment roll and the record of the council with reference to the assessment. This transcript, upon payment of the necessary fees therefor, shall be furnished by the city or town clerk and shall be certified by him to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees payable therefor shall be the same as those payable to the clerk of the superior court for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions.

Sec. 91. Section 35.44.260, chapter 7, Laws of 1965 and RCW 35.44.260 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as in other cases if

taken within fifteen days after the date of the entry of the judgment in the superior court. The record and the opening brief of the appellant must be filed in the supreme court or the court of appeals within sixty days after the filing of the notice of appeal: PROVIDED, That the time for filing the record and the serving and filing of briefs may be extended by order of the superior court or by stipulation of the parties concerned.

Sec. 92. Section 35.44.270, chapter 7, Laws of 1965 and RCW 35.44.270 are each amended to read as follows:

A certified copy of the decision of the superior court pertaining to assessments for local improvements shall be filed with the officer having custody of the assessment roll and he shall modify and correct the assessment roll in accordance with the decision. In case of appeal to the supreme court or the court of appeals, a certified copy of its order shall be filed with the officer having custody of the assessment roll and he shall thereupon modify and correct the assessment roll in accordance with the order.

Sec. 93. Section 35.50.260, chapter 7, Laws of 1965 and RCW 35.50.260 are each amended to read as follows:

In the alternative method of foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and costs chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects the trial; judgment and order of sale, and appeals to the supreme court or the court of appeals shall be governed by the statutes governing the foreclosure of mortgages on real property.

Sec. 94. Section 35.55.080, chapter 7, Laws of 1965 and RCW 35.55.080 are each amended to read as follows:

Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as

made by the city council to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. Appeal shall lie to the supreme court or the court of appeals as in other causes.

Sec. 95. Section 35.56.090, chapter 7, Laws of 1965 and RCW 35.56.090 are each amended to read as follows:

Any person who has made objections to the assessment as equalized, shall have the right to appeal from the equalization as made by the city council or commission to the superior court of the county. The appeal shall be made by filing a written notice of appeal with the city clerk within ten days after the equalization of the assessments by the council or commission. The notice of appeal shall describe the property and the objections of such appellant to such assessment.

The appellant shall also file with the clerk of the superior court within ten days from the time of taking the appeal a copy of the notice of appeal together with a copy of the assessment roll and proceedings thereon, certified by the city clerk and a bond to the city conditioned to pay all costs that may be awarded against appellant in such sum not less than two hundred dollars, and with such security as shall be approved by the clerk of the court.

The case shall be docketed by the clerk of the court in the name of the person taking the appeal as plaintiff, and the city as defendant. The cause shall then be at issue and shall be tried immediately by the court as in the case of equitable causes; no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment insofar as the same affects the property of the appellant. An appeal shall lie to the supreme court or the court of appeals as in other causes.

Sec. 96. Section 36.05.060, chapter 4, Laws of 1963 and RCW 36.05.060 are each amended to read as follows:

The practice, procedure, rules of evidence, and appeals to the supreme court or the court of appeals applicable to civil actions, are preserved under this chapter.

Sec. 97. Section 16, chapter 189, Laws of 1967 as amended by section 9, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed

change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Sec. 98. Section 29, chapter 72, Laws of 1967 and RCW 36.94.290 are each amended to read as follows:

The decision of the board of county commissioners upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written

notice of appeal with the clerk of the board of county commissioners and with the clerk of the superior court within ten days after the resolution confirming such assessment roll shall have become published, and such notice shall describe the property and set forth the objections of such appellant to such assessment. Within the ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening

brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this section. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 99. Section 16, chapter 4, Laws of 1917 and RCW 37.16.130 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any respondent recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive unless appealed from, and no appeal from the same shall delay the proceedings nor deprive the county of the right to possession of the property condemned, if such county shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such county, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings the money so paid into the superior court shall remain in the custody of said superior court until the final determination of the proceedings. If any party entitled to appeal accepts the sum awarded by the jury or by the court, he shall be deemed thereby to have waived an appeal to the supreme court or the court of appeals.

Sec. 100. Section 7, chapter 1, Laws of 1961 as last amended by section 23, chapter 36, Laws of 1969 ex.sess. and RCW 41.06.070 are each amended 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 ((judges)) 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, ((health)) fisheries, ((institutions and public assistance)) 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) Officer and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW).

Sec. 101. Section 21, chapter 1, Laws of 1961 and RCW 41.06.210 are each amended to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court or the court of appeals from the order of the superior court as in other civil cases.

Sec. 102. Section 12, chapter 1, Laws of 1959 and RCW 41.14.120 are each amended to read as follows:

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or demoted may within ten days from the time of his removal, suspension, or demotion, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the

determination of the question of whether the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation, in lieu of affirming a removal, may modify the order by directing the suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the supreme court or the court of appeals.

Sec. 103. Section 21, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.230 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

Sec. 104. Section 65, chapter 80, Laws of 1947 and RCW 41.32.650 are each amended to read as follows:

Appeals from the judgment of the superior court may be taken

to the supreme court or the court of appeals in the manner provided for taking appeals in equity cases.

Sec. 105. Section 16, chapter 50, Laws of 1951 and RCW 41.40.440 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board effecting such claimant's right to retirement or disability benefits.

Sec. 106. Section 2, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.020 are each amended to read as follows:

"Public official" means every person holding a position of public trust in or under an executive, legislative or judicial office of the state and includes judges of the superior ~~((and))~~ court, the court of appeals, and justices of the supreme court~~((s))~~, members of the legislature together with the secretary and sergeant at arms of the senate and the clerk and sergeant at arms of the house of representatives, elective and appointive state officials and such employees of the supreme court, of the legislature, and of the state offices as are engaged in supervisory, policy making or policy enforcing work.

"Candidate" means any individual who declares himself to be a candidate for an elective office and who if elected thereto would meet the definition of public official herein set forth.

"Regulatory agency" means any state board, commission, department or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches.

Sec. 107. Section 43.07.120, chapter 8, Laws of 1965 and RCW 43.07.120 are each amended to read as follows:

The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;

(3) For filing and recording trademark, ten dollars;

(4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, ~~((judge))~~ justice of the supreme court ~~((or of a superior court))~~, judge of the court

of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance.

Sec. 108. Section 43.08.020, chapter 8, Laws of 1965 and RCW 43.08.020 are each amended 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 the sum of two hundred and fifty thousand dollars, to be approved by the secretary of state and one of the ((judges)) 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.

Sec. 109. Section 43.10.030, chapter 8, Laws of 1965 and RCW 43.10.030 are each amended to read as follows:

The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for

failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state.

Sec. 110. Section 3, chapter 32, Laws of 1969 and RCW 43.19.190 are each amended to read as follows:

The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing advisory committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: PROVIDED, That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the director after consultation with the state purchasing advisory committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the purchasing advisory committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors.

Sec. 111. Section 43.19.200, chapter 8, Laws of 1965 and RCW 43.19.200 are each amended to read as follows:

The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefor, to the director.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

Sec. 112. Section 43.24.120, chapter 8, Laws of 1965 and RCW 43.24.120 are each amended to read as follows:

Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of motor vehicles to the superior court of Thurston county, which shall be taken, prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of motor vehicles, but the decision may be reviewed as to matters of law by the supreme court or the court of appeals upon writs of review sued out in the manner provided by law.

Sec. 113. Section 43.52.430, chapter 8, Laws of 1965 and RCW 43.52.430 are each amended to read as follows:

Any party in interest deeming itself aggrieved by any order of the commission or of the director of ~~((conservation))~~ ecology may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court or the court of appeals as in the case of civil appeals.

Sec. 114. Section 43.78.030, chapter 8, Laws of 1965 and RCW 43.78.030 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: PROVIDED, That this section shall not apply to the printing of the supreme court, and the court of appeals reports: PROVIDED FURTHER, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: AND PROVIDED FURTHER, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of ~~((institutions))~~ social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed two hundred dollars, may be

done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Sec. 115. Section 47.32.070, chapter 13, Laws of 1961 and RCW 47.32.070 are each amended to read as follows:

Six days after filing of the order above provided for, if no review thereof be taken to the supreme court or the court of appeals of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

Sec. 116. Section 10, chapter 7, Laws of 1933 ex. sess. and RCW 49.32.080 are each amended to read as follows:

Whenever any court of the state of Washington shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the supreme court or the court of appeals for its review. Upon the filing of such record in the supreme court or the court of appeals, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.

Sec. 117. Section 8, chapter 294, Laws of 1959 and RCW 49.46.080 are each amended to read as follows:

(1) As new regulations or changes or modification of previously established regulations are proposed, the director shall call a public hearing for the purpose of the consideration and establishment of such regulations following the procedures used in the promulgation of standards of safety under RCW 49.16.080,

49.16.090 and 49.16.100, as amended.

(2) Any interested party may obtain a review of the director's findings and order in the superior court of county of petitioners' residence by filing in such court within sixty days after the date of publication of such regulation a written petition praying that the regulation be modified or set aside. A copy of such petition shall be served upon the director. The finding of facts, if supported by evidence, shall be conclusive upon the court. The court shall determine whether the regulation is in accordance with law. If the court determines that such regulation is not in accordance with law, it shall remand the case to the director with directions to modify or revoke such regulation. If application is made to the court for leave to adduce additional evidence by any aggrieved party, such party shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for the failure to adduce such evidence before the director. If the court finds that such evidence is material and that reasonable grounds exist for failure of the aggrieved party to adduce such evidence in prior proceedings, the court may remand the case to the director with directions that such additional evidence be taken before the director. The director may modify the findings and conclusions, in whole or in part, by reason of such additional evidence.

(3) The judgment and decree of the court shall be final except that it shall be subject to review by the supreme court or the court of appeals as in other civil cases.

(4) The proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of an administrative regulation issued under the provisions of this chapter. The court shall not grant any stay of an administrative regulation unless the person complaining of such regulation shall file in the court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the regulation, in the event such regulation is affirmed, of the amount by which the compensation such employees are entitled to receive under the regulation exceeds the compensation they actually receive while such stay is in effect.

Sec. 118. Section 21, chapter 37, Laws of 1957 and RCW 49.60.260 are each amended to read as follows:

(1) The board shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business, for the enforcement of any order which is not complied with and is issued by a tribunal under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file

in court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the hearing tribunal. Within five days after filing such petition in court the board shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

The court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to issue such orders and grant such relief by injunction or otherwise, including temporary relief, as it deems just and suitable and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any order of the board or hearing tribunal.

(2) The findings of the hearing tribunal as to the facts, if supported by substantial and competent evidence shall be conclusive. The court, upon its own motion or upon motion of either of the parties to the proceeding, may permit each party to introduce such additional evidence as the court may believe necessary to a proper decision of the cause.

(3) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to a review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court or the court of appeals, and the record so certified shall contain all that was before the lower court.

Sec. 119. Section 128, chapter 35, Laws of 1945 and RCW 50.32.120 are each amended to read as follows:

Within thirty days after any commissioner's decision, involving review of an appeal tribunal's decision, has been communicated to any interested party, such interested party may appeal to the superior court of the county of his residence, and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the appeal tribunal. The proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the commissioner personally, by personal service, or by mailing a copy thereof to the commissioner, and by filing the notice of appeal together with proof of service thereof with the clerk of the court and by complying with the requirements of this title

relating to undertakings on appeal. The service and the filing together with proof of service of the notice of appeal and compliance with the provisions of this title relating to undertakings on appeal, all within thirty days, shall be jurisdictional. The commissioner shall within twenty days after receipt of such notice of appeal serve and file his notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The commissioner shall serve upon the appellant and file with the clerk of the court before hearing, a certified copy of his complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court or the court of appeals as in other civil cases.

Sec. 120. Section 129, chapter 35, Laws of 1945 and RCW 50.32.130 are each amended to read as follows:

No bond of any kind shall be required of any individual appealing to the superior court or the supreme court or the court of appeals from a commissioner's decision affecting such individual's application for initial determination or claim for waiting period credit or for benefits.

No appeal from a commissioner's decision by any other interested party shall be deemed to be perfected nor shall the court have jurisdiction thereof unless within the thirty day appeal period provided by this title for service and filing of notice of appeal the appellant shall first have deposited with the commissioner the sum theretofore determined by the commissioner to be due from such appellant, if any, together with interest thereon, if any, and in addition thereto shall have filed with the commissioner an undertaking in such amount and with such sureties as the superior court shall approve to the effect that appellant will pay all costs which may be adjudged against him in the prosecution of such appeal. At the option of the appellant such undertaking may be in a sum sufficient to guarantee payment of the amount previously determined by the commissioner to be due from the appellant, if any, together with interest, if any, in addition to an amount approved by the court as sufficient to pay all costs which may be adjudged against appellant in prosecution of such appeal, in which event the appellant shall not be required to deposit any sum with the commissioner as a condition precedent to the taking of an appeal to the superior court. In the event of an appeal to the supreme court or the court of appeals, a deposit or undertaking shall be required of the appellant guaranteeing payment of all sums for which appellant may be adjudged liable, including costs. Such deposit or undertaking shall be approved by the superior court and filed with either the clerk of the supreme court or the court of appeals within the time allowed ((in

civil cases)) for appeal ((to the supreme court)) in civil cases. The jurisdictional requirements of this section are in addition to the provisions of this title relating to the service and filing of a notice of appeal.

Sec. 121. Section 132, chapter 35, Laws of 1945 and RCW 50.32.160 are each amended to read as follows:

It shall be unlawful for any attorney engaged in any appeal to the courts on behalf of an individual involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits to charge or receive any fee therein in excess of a reasonable fee to be fixed by the superior court in respect to the services performed in connection with the appeal taken thereto and to be fixed by the supreme court or the court of appeals in the event of an appeal thereto, and if the decision of the commissioner shall be reversed or modified, such fee and the costs shall be payable out of the unemployment compensation administration fund. In the allowance of fees the court shall give consideration to the provisions of this title in respect to fees pertaining to proceedings involving an individual's application for initial determination, claim for waiting period credit, or claim for benefits. In other respects the practice in civil cases shall apply.

Sec. 122. Section 51.52.110, chapter 23, Laws of 1961 and RCW 51.52.110 are each amended to read as follows:

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. 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 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. 123. Section 17, chapter 390, Laws of 1955 as amended by section 4, chapter 142, Laws of 1959 and RCW 54.16.160 are each amended to read as follows:

Before approval of the roll, a notice shall be published once each week for two successive weeks in a newspaper of general circulation in the county, stating that the roll is on file and open to inspection in the office of the secretary, and fixing a time not less than fifteen nor more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing shall be held by the commission on the protests. After the hearing the commission may alter any and all assessments shown on the roll and may, by resolution, approve it, but if an assessment is raised, a new notice, similar to the first, shall be given, and a hearing had thereon, after which final approval of the roll may be made. Any person aggrieved by the assessments shall perfect an appeal to the superior court of the county within ten days after the approval, in the manner provided for appeals from assessments levied by cities of the first class. In the event such an appeal shall be taken, the judgment of the court shall confirm the assessment insofar as it affects the property of the appellant unless the court shall find from the evidence that such assessment is founded upon a fundamentally wrong basis and/or the decision of the commission thereon was arbitrary or capricious; in which event the judgment of the court shall correct, change, modify, or annul the assessment insofar as it affects the property of the appellant. In the same manner as provided with reference to cities of the first class an appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, if taken within fifteen days after the date of the entry of the judgment in the superior court. Engineering, office, and other expenses necessary or incident to the improvement shall be borne by the public utility district: PROVIDED, That when a municipal

corporation included in the public utility district already owns or operates a utility of a character like that for which the assessments are levied hereunder, all such engineering and other expenses shall be borne by the local assessment district.

Sec. 124. Section 1, chapter 142, Laws of 1959 and RCW 54.16.165 are each amended to read as follows:

Whenever any land against which there has been levied any special assessment by any public utility district shall have been sold in part or subdivided, the board of commissioners of such public utility district shall have the power to order a segregation of the assessment.

Any person owning any part of the land involved in a special assessment and desiring to have such special assessment against the tracts of land segregated to apply to smaller parts thereof shall apply in writing to the board of commissioners of the public utility district which levied the assessment. If the commissioners determine that a segregation should be made they shall do so as nearly as possible on the same basis as the original assessment was levied and the total of the segregated parts of the assessment shall equal the assessment before segregation.

The commission shall then send notice thereof by mail to the several owners interested in the tract, as shown on the general tax rolls. If no protest is filed within twenty days from date of mailing said notice, the commission shall then by resolution approve said segregation. If a protest is filed, the commission shall have a hearing thereon, after mailing to the several owners at least ten days notice of the time and place thereof. After the hearing, the commission may by resolution approve said segregation, with or without change. Within ten days after the approval, any person aggrieved by the segregation may perfect an appeal to the superior court of the county wherein the property is situated and therefrom to the supreme court or the court of appeals, all as provided for appeals from assessments levied by cities of the first class. The resolution approving said segregation shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part, and shall order the county treasurer to make segregation on the original assessment roll as directed in the resolution. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered. The board of commissioners may require as a condition to the order of segregation that the person seeking it pay the public utility district the reasonable engineering and clerical costs incident to making the segregation. Unless otherwise provided in said resolution, the county treasurer shall apportion amounts paid

on the original assessment in the same proportion as the segregated assessments bear to the original assessment. Upon segregation being made by the county treasurer, as aforesaid, the lien of the special assessment shall apply to the segregated parcels only to the extent of the segregated part of such assessment.

Sec. 125. Section 32, chapter 210, Laws of 1941 as amended by section 2, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.080 are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which such sewer district is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such

appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 126. Section 13, chapter 114, Laws of 1929 as amended by section 2, chapter 39, Laws of 1965 ex. sess. and RCW 57.16.090 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which such water district is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said

water district commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such water district, that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such water district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance

with such decision.

Sec. 127. Section 49, chapter 231, Laws of 1909 and RCW 58.28.490 are each amended to read as follows:

Appeals and writs of review may be prosecuted to the supreme court or the court of appeals from a superior court from the judgment ((of)) or orders of the superior court in all cases arising under this chapter or said acts of congress as in other cases and the general statutes as to the commencement of actions, bringing the same to trial, making an entry of judgment, the taking and perfecting appeals, and the making up of the records on appeal and relating to writs of review in the superior court, court of appeals, and supreme court, and all other procedure in the superior court, court of appeals, and supreme courts shall be applicable to actions under this chapter and under said acts of congress.

Sec. 128. Section 22, chapter 96, Laws of 1891 and RCW 59.12.200 are each amended to read as follows:

If either party feels aggrieved by the judgment he may appeal to the supreme court or the court of appeals, as in other civil actions: PROVIDED, That if the defendant appealing desires a stay of proceedings pending such appeal, he shall execute and file a bond, with two or more sufficient sureties to be approved by the judge, conditioned to abide the order of the court on such appeal, and to pay all rents and other damages justly accruing to the plaintiff during the pendency of the appeal.

Sec. 129. Section 12, chapter 24, Laws of 1893 as last amended by section 1, chapter 38, Laws of 1969 and RCW 60.04.130 are each amended to read as follows:

In every case in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

- (1) All persons performing labor.
- (2) All persons furnishing material or supplying equipment.
- (3) The subcontractors.
- (4) The original contractors.

The proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow to the

prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the superior court, court of appeals, and supreme court.

Sec. 130. Section 4, chapter 86, Laws of 1961 and RCW 60.76.040 are each amended to read as follows:

The lien may be enforced within the same time and in the same manner as mechanics' liens are foreclosed when said lien is upon real property, or within the same time and in the same manner as chattel liens are enforced when the lien is upon personal property. The court may allow, as part of the costs of the action, the moneys paid for filing or recording the claim, a reasonable attorney's fee in the superior court, court of appeals, and supreme court, and court costs.

Sec. 131. Section 3, chapter 33, Laws of 1929 as amended by section 1, chapter 13, Laws of 1931 and RCW 64.08.010 are each amended to read as follows:

Acknowledgments of deeds, mortgages and other instruments in writing, required to be acknowledged may be taken in this state before a ((judge)) justice of the supreme court, or the clerk thereof, or the deputy of such clerk, before a judge of the court of appeals, or the clerk thereof, before a judge of the superior court, or qualified court commissioner thereof, or the clerk thereof, or the deputy of such clerk, or a county auditor, or the deputy of such auditor, or a qualified notary public, or a qualified United States commissioner appointed by any district court of the United States for this state, and all said instruments heretofore executed and acknowledged according to the provisions of this section are hereby declared legal and valid.

Sec. 132. Section 27, chapter 250, Laws of 1907 and RCW 65.12.175 are each amended to read as follows:

If the court, after hearing, finds that the applicant has title, whether as stated in his application or otherwise, proper for registration, a decree of confirmation of title and registration shall be entered. Every decree of registration shall bind the land, and quiet the title thereto, except as herein otherwise provided, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the application, or included in "all other persons or parties unknown claiming any right, title, estate, lien or interest in, to, or upon the real estate described in the application herein", and such decree shall not be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any proceeding at law, or in equity, for reversing judgments or decrees, except as herein especially provided. An appeal may be taken to the supreme court or the court of appeals of the state of Washington, within the same time, upon like notice, terms and

conditions as are now provided for the taking of appeals from the superior court to the supreme court or the court of appeals of the state of Washington in civil actions.

Sec. 133. Section 6, chapter 127, Laws of 1967 ex. sess. as amended by section 1, chapter 268, Laws of 1969 ex. sess. and RCW 71.02.413 are each amended to read as follows:

In any case where determination is made that a person, or the estate of such person, is able to pay all, or any portion of the monthly charges for hospitalization, and/or charges for outpatient services, a notice of finding of responsibility shall be served on such person or persons and the legal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay per month not to exceed the monthly costs of hospitalization, and/or costs of outpatient services, as fixed in accordance with the provisions of RCW 71.02.410, or as otherwise limited by the provisions of RCW 71.02.230, 71.02.320, and 71.02.410 through 71.02.417. The responsibility for the payment to the department of ~~((institutions))~~ social and health services shall commence thirty days after service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospitalization, and/or the costs of outpatient services, accruing thereafter. The notice and finding of responsibility shall be served upon all persons found financially responsible either personally, or, by registered or certified mail, enclosing a form for acknowledgment of service with return postage prepaid. If service is by mailing and a form of acknowledgment of service is not executed and returned to the department, then personal service must be made for the finding of responsibility to be effective. An appeal may be made to the ~~((director of institutions))~~ secretary of social and health services, or his designee within thirty days from the date of posting of such notice and finding of responsibility, upon the giving of written notice of appeal to the ~~((director of institutions))~~ secretary of social and health services by registered or certified mail, or by personal service. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeal may be presided over by a hearing examiner appointed by the ~~((director))~~ secretary, and the proceedings shall be recorded either manually or by a mechanical device. At the conclusion of such hearing, the hearing examiner shall make findings of fact and his conclusions and recommended determination of responsibility.

Thereafter, the ~~((director))~~ secretary, or his designee, may either affirm, reject or modify the findings, conclusions and determination of responsibility made by the hearing examiner. Judicial review of the ~~((director's))~~ secretary's determination of responsibility in the superior court, the court of appeals, and the supreme court may be taken in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

Sec. 134. Section 8, chapter 122, Laws of 1967 ex. sess. and RCW 72.15.060 are each amended to read as follows:

All female persons convicted in the superior courts of a felony and sentenced to a term of confinement, shall be committed to the Washington correctional institution for women. Female persons sentenced to death shall be committed to the Washington correctional institution for women, notwithstanding the provisions of RCW 10.70.060, except that the death warrant shall provide for the execution of such death sentence at the Washington state penitentiary as provided by RCW 10.70.050, and the ~~((director of institutions))~~ secretary of social and health services shall transfer to the Washington state penitentiary any female offender sentenced to death not later than seventy-two hours prior to the date fixed in the death warrant for the execution of the death sentence. The provisions of this section shall not become effective until the ~~((director of institutions))~~ secretary of social and health services certifies to the chief justice of the supreme court, the chief judge of each division of the court of appeals, the superior courts and the prosecuting attorney of each county that the facilities and personnel for the implementation of commitments are ready to receive persons committed to the Washington correctional institution for women under the provisions of this section.

Sec. 135. Section 72.33.240, chapter 28, Laws of 1959 and RCW 72.33.240 are each amended to read as follows:

Any parent or guardian feeling aggrieved by an adverse decision of a superintendent of a state school pertaining to admission, placement or discharge of his ward may apply to the supervisor of the division for a review and reconsideration of the decision. The supervisor shall rule within ten days from the date of receipt of the request for review. In the event of an unfavorable ruling by the supervisor, such parent or guardian may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent or guardian shall have the right to appeal from the decision of the superior court to the supreme court or the court of appeals of the

state of Washington, as in civil cases.

Sec. 136. Section 74.08.080, chapter 26, Laws of 1959 as amended by section 2, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.080 are each amended to read as follows:

In the event an appellant feels himself aggrieved by the decision rendered in the hearing provided for in RCW 74.08.070, he shall have the right to petition the superior court for judicial review in accordance with the provisions of chapter 34.04 RCW, as now or hereafter amended. Either party may appeal from the decision of the superior court to the supreme court or the court of appeals of the state: PROVIDED, That no filing fee shall be collected of the appellant and no bond shall be required on any appeal under this chapter. In the event that (~~either~~) the superior court, the court of appeals, or the supreme court renders a decision in favor of the appellant, said appellant shall be entitled to reasonable attorney's fees and costs. If a decision of the court is made in favor of the appellant, assistance shall be paid from date of the denial of the application or forty-five days following the date of application, whichever is sooner; or in the case of a recipient, from the effective date of the initial departmental county office decision.

Sec. 137. Section 74.08.100, chapter 26, Laws of 1959 and RCW 74.08.100 are each amended to read as follows:

Proof of age and length of residence in the state of any applicant may be established as provided by the rules and regulations of the department: PROVIDED, That if an applicant is unable to establish proof of age or length of residence in the state by any other method he may make a statement under oath of his age on the date of application or the length of his residence in the state, before any judge of the superior court, any judge of the court of appeals, or any justice of the supreme court of the state of Washington, and such statement shall constitute sufficient proof of age of applicant or of length of residence in the state: PROVIDED HOWEVER, That any applicant who wilfully makes a false statement as to his age or length of residence in the state under oath before a judge of the superior court, a judge of the court of appeals, or a justice of the supreme court, as provided above, shall be guilty of a felony.

Sec. 138. Section 53, chapter 146, Laws of 1951 and RCW 78.52.500 are each amended to read as follows:

The executive secretary, upon receipt of said copy of the application for review, shall forthwith transmit to the clerk of the superior court in which the application for review has been filed, a certified transcript of all pleadings, applications, proceedings, rules, regulations or orders of the committee and of the evidence heard by the committee on the hearings of the matter or cause:

PROVIDED, That the parties, with the consent and approval of the committee may stipulate in writing that only certain portions of the record be transcribed. Said proceedings for review shall be for the purpose of having the lawfulness or reasonableness of the rule, regulation, order or decision of the committee, inquired into and determined, and the superior court hearing said cause shall have the power to vacate or set aside such rule, regulation, order or decision on the ground that it is unlawful or unreasonable. After the said transcript is filed, the judge of said superior court may, on his motion, or on application of any parties interested therein, make an order fixing a time for the filing of the transcript and briefs and shall fix a day for the hearing of the cause. All proceedings under this section shall have precedence in any court in which they may be pending. An appeal shall lie to the supreme court or the court of appeals of this state from orders, judgments and decisions made by the superior court. The procedure upon the trial of such proceedings in the superior court and upon appeal to the supreme court or the court of appeals of this state shall be the same as in other civil actions, except as herein provided.

Sec. 139. Section 125, chapter 255, Laws of 1927 and RCW 79.01.500 are each amended to read as follows:

Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of state land commissioners, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is

taken. The hearing and trial of said appeal in the superior court shall be de novo before the court, without a jury, upon the pleadings and papers so certified, but the court may order the pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court may appeal therefrom to the supreme court or the court of appeals of the state, in the manner, and within the time, for appealing from judgments in actions at law. Unless appeal be taken from the judgment of the superior court, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tidelands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

Sec. 140. Section 80.04.260, chapter 14, Laws of 1961 and RCW 80.04.260 are each amended to read as follows:

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for the appropriate relief by

way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court or the court of appeals from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court or the court of appeals under the provisions of this section.

Sec. 141. Section 80.28.190, chapter 14, Laws of 1961 and RCW 80.28.190 are each amended to read as follows:

No gas company shall, after January 1, 1956, operate in this state any gas plant for hire without first having obtained from the commission under the provisions of this chapter a certificate declaring that public convenience and necessity requires or will require such operation and setting forth the area or areas within which service is to be rendered; but a certificate shall be granted where it appears to the satisfaction of the commission that such gas company was actually operating in good faith, within the confines of the area for which such certificate shall be sought, on June 8, 1955. Any right, privilege, certificate held, owned or obtained by a gas company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the commission. The commission shall have power, after hearing, when the applicant requests a certificate to render service in an area already served by a certificate holder under this chapter only when the existing gas company or companies serving such area will not provide the same to the satisfaction of the commission and in all other cases, with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and

conditions as, in its judgment, the public convenience and necessity may require.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the commission as is provided herein.

In all respects in which the commission has power and authority under this chapter applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review to the superior court filed therewith, appeals or mandate filed with the supreme court or the court of appeals of this state considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations and with the effect specified in the ((public service)) Washington utilities and transportation commission laws of this state.

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any of the provisions of this section or who fails to obey, observe or comply with any order, decision, rule or regulation, directive, demand or requirements, or any provision of this section, is guilty of a gross misdemeanor and punishable as such.

Neither this section, RCW 80.28.200, 80.28.210, nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union except insofar as the same may be permitted under the provisions of the Constitution of the United States and acts of congress.

The commission shall collect the following miscellaneous fees from gas companies: Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Sec. 142. Section 80.36.240, chapter 14, Laws of 1961 and RCW 80.36.240 are each amended to read as follows:

The commission in conducting hearings, promulgating rules, and otherwise proceeding to make effective the provisions of RCW

80.36.230 and 80.36.240, shall be governed by, and shall have the powers provided in this title, as amended; all provisions as to review of the commission's orders and appeals to the supreme court or the court of appeals contained in said title, as amended, shall be available to all companies and parties affected by the commission's orders issued under authority of RCW 80.36.230 and 80.36.240.

Sec. 143. Section 81.04.260, chapter 14, Laws of 1961 and RCW 81.04.260 are each amended to read as follows:

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court or the court of appeals from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court or the court of appeals under the

provisions of this section.

Sec. 144. Section 81.53.130, chapter 14, Laws of 1961 and RCW 81.53.130 are each amended to read as follows:

In the construction of new railroads across existing highways, the railroads shall do or cause to be done all the work of constructing the crossings and road changes that may be required, and shall acquire and furnish whatever property or easements may be necessary, and shall pay, as provided in RCW 81.53.100 through 81.53.120, the entire expense of such work including all compensation or damages for property or property rights taken, damaged or injuriously affected. In all other cases the construction work may be apportioned by the commission between the parties who may be required to contribute to the cost thereof as the parties may agree, or as the commission may consider advisable. All work within the limits of railroad rights of way shall in every case be done by the railroad company owning or operating the same. The cost of acquiring additional lands, rights or easements to provide for the change of existing crossings shall, unless the parties otherwise agree, in the first instance be paid by the municipality or county within which the crossing is located; or in the case of a state road or parkway, shall be paid in the manner provided by law for paying the cost of acquiring lands, rights or easements for the construction of state roads or parkways. The expense accruing on account of property taken or damaged shall be divided and paid in the manner provided for dividing and paying other costs of construction. Upon the completion of the work and its approval by the commission, an accounting shall be had, and if it shall appear that any party has expended more than its proportion of the total cost, a settlement shall be forthwith made. If the parties shall be unable to agree upon a settlement, the commission shall arbitrate, adjust and settle the account after notice to the parties. In the event of failure and refusal of any party to pay its proportion of the expense, the sum with interest from the date of the settlement may be recovered in a civil action by the party entitled thereto. In cases where the commission has settled the account, the finding of the commission as to the amount due shall be conclusive in any civil action brought to recover the same if such finding has not been reviewed or appealed from as herein provided, and the time for review or appeal has expired. If any party shall review or appeal from any finding or order of the commission apportioning the cost between the parties liable therefor, the superior court, the court of appeals, or the supreme court, as the case may be, shall cause judgment to be entered in such review proceedings for such sum or sums as may be found lawfully or justly due by one party to another.

Sec. 145. Section 81.53.170, chapter 14, Laws of 1961 and RCW

81.53.170 are each amended to read as follows:

Upon the petition of any party to a proceeding before the commission, any finding or findings, or order or orders of the commission, made under color of authority of this chapter, except as otherwise provided, may be reviewed in the superior court of the county wherein the crossing is situated, and the reasonableness and lawfulness of such finding or findings, order or orders inquired into and determined, as provided in this title for the review of the commission's orders generally. An appeal may be taken to the supreme court or the court of appeals from the judgment of the superior court in like manner as provided in said ~~((public service))~~ utilities and transportation commission law for appeals to the supreme court or the court of appeals.

Sec. 146. Section 81.68.070, chapter 14, Laws of 1961 and RCW 81.68.070 are each amended to read as follows:

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

Sec. 147. Section 81.80.340, chapter 14, Laws of 1961 and RCW 81.80.340 are each amended to read as follows:

In all respects in which the commission has power and authority under this chapter applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review to the superior court filed therewith, appeals or mandate filed with the supreme court or the court of appeals of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in this title. The right of review and appeal hereby conferred shall be available to any motor carriers, complainant, protestant or other person adversely affected by any decision or order of the commission.

Sec. 148. Section 82.32.180, chapter 15, Laws of 1961 as last amended by section 51, chapter 26, Laws of 1967 ex. sess. and RCW 82.32.180 are each amended to read as follows:

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston

county, within the time limitation for a refund provided in chapter 82.32 RCW. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, 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 competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party shall be allowed to appeal to the supreme court or the court of appeals in the same manner as other civil actions are appealed to ~~((that))~~ those courts.

It shall not be necessary for the taxpayer to protect against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Sec. 149. Section 13, chapter 292, Laws of 1961 and RCW 83.24.020 are each amended to read as follows:

Any person who may feel aggrieved by the determination of the ~~((tax commission))~~ department of revenue as provided for in RCW 83.24.010 may file a petition with the superior court of the county wherein the decedent resided, which petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary

to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such hearing, shall be served by the petitioner or his attorney upon the supervisor of the inheritance tax division and on each person interested in said property at least twenty days before the date of hearing, if served personally, and if served by publication the service shall be the same as the service of summons by publication in civil action. The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact, but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court or the court of appeals as allowed by the laws of the state.

Sec. 150. Section 83.32.050, chapter 15, Laws of 1961 and RCW 83.32.050 are each amended to read as follows:

Should the court determine that the property described in the findings is subject to the lien of the said tax and that said property has been transferred within the meaning of the inheritance provisions of this title, the court shall afford affirmative relief to the state in said action and a judgment shall be rendered therein in favor of the state ascertaining and determining the amount of said tax, and the person or persons liable therefor and the property chargeable therewith or subject to lien therefor.

No fee shall be charged against the state, the ((tax commission)) department of revenue or the supervisor by any officer in this state in any proceeding taken under the inheritance tax provisions of this title, nor shall any bond or undertaking be required in any such proceeding.

The orders, decrees, and judgments, fixing tax or determining that no tax is due, shall have the force and effect of judgments in civil actions, and the state or any interested party may appeal to the supreme court or the court of appeals.

The lien of a judgment rendered as provided by this section shall be and remain a lien from the date of entry thereof for six years unless sooner paid, irrespective of the provisions of RCW 83.04.010, as amended.

Sec. 151. Section 83.56.160, chapter 15, Laws of 1961 and RCW 83.56.160 are each amended to read as follows:

(1) If the ((tax commission)) department of revenue determines that there is a deficiency in respect to the tax imposed by this

chapter, it is authorized to send notice of such deficiency to the donor by registered mail. Within thirty days after such notice is mailed the donor may have the decision of the ((tax commission)) department of revenue reviewed by filing a petition in the superior court for Thurston county, Washington, for determination of the deficiency. No assessment of a deficiency in respect to the tax imposed by this chapter, and no distraint or proceeding in court for its collection shall be made, begun or prosecuted until such notice has been mailed to the donor, nor until the expiration of such thirty days; nor if a petition be filed with the superior court for review until the decision has become final;

(2) If the donor files a petition for review, the entire amount redetermined as a deficiency by the decision of the court shall become final and shall be assessed and shall be paid upon notice and demand from the ((tax commission)) department of revenue. No part of the amount determined as a deficiency by the ((tax commission)) department of revenue, but disallowed as such by the decision of the court, shall be assessed or collected by distraint or by proceedings in court without assessment;

(3) If the donor does not file a petition for review as provided herein within the time prescribed, the deficiency, notice of which has been mailed to the donor, shall be assessed and shall be paid upon notice and demand of the ((tax commission)) department of revenue;

(4) The donor shall at any time have the right, by a signed notice in writing filed with the ((tax commission)) department of revenue, to waive the restrictions provided herein on the assessment and collection of the whole or any part of the deficiency;

(5) The ((tax commission)) department of revenue shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the donor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the ((tax commission)) department of revenue at or before the hearing or rehearing;

(6) If the ((tax commission)) department of revenue has mailed to the donor notice of a deficiency as provided herein, and the donor files a petition with the ((tax commission)) department of revenue within the time prescribed, the ((tax commission)) department of revenue shall have no right to determine any additional deficiency in respect to the calendar year, except in the case of fraud, and except as provided in this section, relating to assertion of greater deficiencies before the ((tax commission)) department of revenue, or the making of jeopardy assessments. If the donor is notified that, on account of a mathematical error appearing upon the face of the

return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered (for the purposes of this chapter) as a notice of deficiency, and the donor shall have no right to file a petition with the ((tax commission)) department of revenue based on such notice, nor shall such assessment or collection be prohibited by the provisions hereof;

(7) The ((tax commission)) department of revenue in redetermining a deficiency in respect to any calendar year shall consider such facts with relation to the taxes for other calendar years as may be necessary correctly to determine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether the tax for any other calendar year has been overpaid or underpaid;

(8) For the purposes of this chapter the decision of the superior court shall be final unless there is an appeal taken to the supreme court or the court of appeals;

(9) Where it is shown to the satisfaction of the ((tax commission)) department of revenue that the payment of the deficiency upon the date prescribed for the payment thereof, will result in undue hardship to the donor, the ((tax commission)) department of revenue, except where the deficiency is due to negligence, to intentional disregard of the rules and regulations, or to fraud with intent to evade the tax, may grant an extension for the payment of such deficiency or any part thereof, for a period not in excess of six months. If an extension is granted, the ((tax commission)) department of revenue may require the donor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the ((tax commission)) department of revenue deems necessary conditioned upon the payment of the deficiency in accordance with the terms of the extension;

(10) In the absence of notice to the ((tax commission)) department of revenue of the existence of a fiduciary relationship notice of a deficiency in respect of the tax imposed by this chapter, if mailed to the donor at his last known address, shall be sufficient for the purposes of this chapter even if such donor is deceased, or is under a legal disability.

Sec. 152. Section 84.28.080, chapter 15, Laws of 1961 as amended by section 9, chapter 214, Laws of 1963 and RCW 84.28.080 are each amended to read as follows:

Whenever the department or the ((commission)) department of revenue shall enter an order or decision with respect to classification or declassification of forest lands under this chapter, the owner of such lands, the department, the county assessor

of the county in which such lands are located, or the taxpayers in a case arising under RCW 84.28.060, may, within thirty days following the entry of such order or decision, appeal to the superior court of the county within which such lands are situated for a review of the order or decision of the department or of the ~~((commission))~~ department of revenue. The appeal shall be perfected in the same manner as is provided by law for appeals from decisions of the ~~((commission))~~ department of revenue. Upon such appeal, the superior court shall sit without a jury, shall receive evidence de novo and shall determine the correct classification of the lands involved in accordance with the requirements of this chapter. The decision of the superior court shall be subject to appeal and review in the supreme court or the court of appeals in the same manner and by the same procedure as appeals are taken and perfected ~~((to that court))~~ in civil actions at law. Upon appeal from any order or decisions of the department or the ~~((commission))~~ department of revenue and pending the dismissal or final determination of such appeal, the lands involved shall be assessed and taxed in the same manner as they were assessed and taxed prior to the effective date of such order or decision.

Sec. 153. Section 84.28.110, chapter 15, Laws of 1961 as amended by section 12, chapter 214, Laws of 1963 and RCW 84.28.110 are each amended to read as follows:

Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the fifteenth day of February of each year, report under oath to the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same were cut. If no such report of cutting is made, or if the assessor shall believe the report to be inaccurate, incorrect or mistaken, the assessor may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. As soon as the report is filed, if the assessor is satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor shall have determined the amount of timber or forest crop cut as herein provided, the assessor shall determine the full current stumpage rates for the timber or forest crop cut and shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to twelve and one-half percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the assessor: PROVIDED, Whenever within

the period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one percent for each year that has expired from the date of such classification until such cutting: PROVIDED, FURTHER, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Whenever the owner is dissatisfied with the determination of the amount cut as made by the assessor, or with the full current stumpage rates as fixed by the assessor, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved and the county assessor of the county, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only, to be charged against the funds to which the collected tax was paid. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. The judgment of the superior court shall be subject to appeal to the supreme court or the court of appeals in the same manner and by the same procedure as appeals are taken and perfected ((to that court)) in civil actions at law.

Sec. 154. Section 84.64.120, chapter 15, Laws of 1961 and RCW 84.64.120 are each amended to read as follows:

Appeals from the judgment of the court may be taken to the supreme court or the court of appeals at any time within thirty days after the rendition of said judgment by giving notice thereof orally in open court at the time of the rendition of the judgment, or by giving written notice thereof at any time thereafter, and within thirty days from the date of the rendition of such judgment, and the party taking such appeal shall execute, serve and file a bond payable to the state of Washington, with two or more sureties, to be approved by the court, in an amount to be fixed by the court, conditioned that the appellant shall prosecute his said appeal with effect, and will pay the amount of any taxes, interest and costs which may be finally adjudged against the real property involved in the appeal by any court having jurisdiction of the cause, which bond shall be so served

and filed at the time of the service of said notice of appeal, and the respondent may, within five days after the service of such bond, object to the sureties thereon, or to the form and substance of such bond, in the court in which the action is pending, and if, upon hearing of such objections to said bond, it is determined by the court that the sureties thereon are insufficient for any reason, or that the bond is defective for any other reason, the court shall direct a new bond to be executed with sureties thereon, to be justified as provided by law, but no appeal shall be allowed from any judgment for the sale of land or lot for taxes, and no bond given on appeal as herein provided shall operate as a supersedeas, unless the party taking such appeal shall before the time of giving notice of such appeal, and within thirty days herein allowed within which to appeal, deposit with the county treasurer of the county in which the land or lots are situated, an amount of money equal to the amount of the judgment and costs rendered in such cause by the trial court. If, in case of an appeal, the judgment of the lower court shall be affirmed, in whole or in part, the supreme court or the court of appeals shall enter judgment for the amount of taxes, interest and costs, with damages not to exceed twenty percent, and shall order that the amount deposited with the treasurer as aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the supreme court or the clerk of the division of the court of appeals in which the appeal is pending shall transmit to the county treasurer of the county in which the land or lots are situated a certified copy of the order of affirmance, and it shall be the duty of such county treasurer upon receiving the same to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the supreme court, and to account for the same as collected taxes. If the judgment of the superior court shall be reversed and the cause remanded for a rehearing, and if, upon a rehearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, as herein provided, the clerk of such superior court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit such judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein shall be construed as requiring an additional deposit in case of more than one appeal being prosecuted in said proceeding. If, upon a final hearing, judgment

shall be refused for the sale of the land or lots for the taxes, penalties, interest and costs, or any part thereof, in said proceedings, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the land or lots in respect to which such deposit shall have been made.

Sec. 155. Section 84.64.400, chapter 15, Laws of 1961 and RCW 84.64.400 are each amended to read as follows:

Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court or the court of appeals of the state substantially in the manner and within the time prescribed for appeals in RCW 84.64.120.

Sec. 156. Section 10, chapter 153, Laws of 1915 and RCW 85.05.079 are each amended to read as follows:

Either the dike commissioners or any landowner who has appealed to the superior court in accordance with the provisions of this act shall have a right to appeal to the supreme court or the court of appeals within the time and in the manner prescribed by existing law.

Sec. 157. Section 13, chapter 117, Laws of 1995 as last amended by section 1, chapter 89, Laws of 1913 and RCW 85.05.130 are each amended to read as follows:

If at any time it shall appear to the board of diking commissioners that any lands within or without said district as originally established are being benefited by the diking system of said district and that said lands are not being assessed for the benefits received, or that any lands within said district are being assessed out of or not in proportion to the benefits which said lands are receiving from the maintenance of the diking system of said district, and said board of diking commissioners shall determine that certain lands, either within or without the boundaries of the district as originally established, should be assessed for the purpose of raising funds for the future maintenance of the diking system of the district, or that the assessments on land already assessed should be equalized by diminishing or increasing the same so that said lands shall be assessed in proportion to the benefits received, said commissioners shall file a petition in the superior court in the original cause, setting forth the facts, describing the lands not previously assessed and the lands the assessments on which should be equalized, stating the estimated amount of benefits per acre being received by each tract of land respectively, giving the name of the owner or reputed owner of each such tract of land, and praying that such original cause be opened for further proceedings

for the purpose of subjecting new lands to assessment or equalizing the assessments upon lands already assessed, or both.

Upon the filing of such petition, summons shall issue thereon and be served on the owners of all lands affected, in the same manner as summons is issued and served in original proceedings, as near as may be, and if such new lands lie within the boundaries of any other diking district, said summons shall also be served upon the commissioners of such other diking district.

In case any of the new lands sought to be assessed in said proceeding lie within the boundaries of any other diking district, and the diking commissioners of such other district believe that the maintenance of the dike or dikes of such other district is benefiting lands within the district instituting the proceedings, said diking commissioners of such other districts shall intervene in such proceedings by petition, setting forth the facts, describing the lands in the district instituting the proceeding which they believe are being benefited by the maintenance of the diking system of their district, and praying that the benefits to such lands may be determined and such lands subjected to assessment for the further maintenance of the diking system of their district, to the end that all questions of benefits to lands in their respective districts may be settled and determined in one proceeding, and such petitioners in intervention shall cause summons to be issued upon such petition in intervention and served upon the commissioners of the diking district instituting the proceeding and upon the owners of all lands sought to be affected by such petition in intervention.

In case the owner of any such new lands sought to be assessed in said proceedings shall be maintaining a private dike against salt or fresh water for the benefit of said lands, and shall believe that the maintenance of such private dike is benefiting any lands within or without the district instituting the proceedings, or in case any such new lands sought to be assessed are included within the boundaries of some other diking district and are being assessed for the maintenance of the dikes of such other district, and the owner of such lands believes that the maintenance of the dike or dikes of such other district is benefiting lands included within the district instituting said proceedings, such owner or owners may by answer and cross-petition set forth the facts and pray that at the hearing upon said petition and cross-petition the benefits accruing from the maintenance of the respective dikes may be considered, to the end that a fair and equitable adjustment of the benefits being received by any lands from the maintenance of the various dikes benefiting the same, may be determined for the purpose of fixing the assessments for the future maintenance of such dikes, and may interplead in said proceeding such other diking district in which his lands sought to be

assessed in said proceeding are being assessed for the maintenance of the dike or dikes of such other district.

No answer to any petition or petition in intervention shall be required, unless the party served with summons desires to offset benefits or to ask other affirmative relief, and no default judgment shall be taken for failure to answer any petition or petition in intervention, but the petitioners or petitioners in intervention shall be required to establish the facts alleged by competent evidence.

Upon the issues being made up, or upon the lapse of time within which the parties served are required to appear by any summons, the court shall impanel a jury to hear and determine the matters in issue, and the jury shall determine and assess the benefits, if any, which the respective tracts of land are receiving or will receive from the maintenance of the dike or dikes to be maintained, taking into consideration any and all matters relating to the benefits, if any, received or to be received from any dike, structure or improvement, and to credit, or charge, as the case may be, to each tract so situated as to affect any other tract or tracts, or having improvements or structures thereon or easements granted in connection therewith affecting any other tract or tracts included in such proceedings and shall specify in their verdict the respective amount of benefits per acre, if any, assessed to each particular tract of land, by legal subdivisions. Upon the return of the verdict of the jury, the court shall enter its judgment in accordance therewith, as supplemental to the original decree, or in case a petition in intervention be filed by the diking commissioners of some other district than that instituting the proceeding, such judgment to be supplemental to all such original decrees, and thereafter, all assessments and levies for the future maintenance of any dike or dikes described in said judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in said judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal to the supreme court or the court of appeals within thirty days after the entry thereof, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the verdicts of the jury in respect to the parties to the appeal. No bonds shall be allowed on such appeals. Nothing in this section contained shall be construed as affecting the right of diking districts to consolidation in any manner provided by law.

Sec. 158. Section 6, chapter 342, Laws of 1955 and RCW 85.05.470 are each amended to read as follows:

Any protestant who filed a protest prior to the final order of the board, may appeal from such final order, but to do so must within

ten days from the date said order was entered, bring direct action in the superior court in the county wherein such district or portion thereof is situated, against such board of commissioners in their official capacity, which action shall be prosecuted under the procedure of civil actions, with right of appeal to the supreme court or the court of appeals as provided in civil actions. In any such action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings, and all other matters, except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary or unreasonable action of the board.

Sec. 159. Section 13, chapter 115, Laws of 1895 as last amended by section 1, chapter 133, Laws of 1917 and RCW 85.06.130 are each amended to read as follows:

If at any time it shall appear to the board of drainage commissioners that any lands within or without said district as originally established are being benefited by the drainage system of said district and that said lands are not being assessed for the benefits received, or if after the construction of any drainage system, it appears that lands embraced therein have in fact received or are receiving benefits different from those found in the original proceedings, and which could not reasonably have been foreseen before the final completion of the improvement, or that any lands within said district are being assessed out of or not in proportion to the benefits which said lands are receiving from the maintenance of the drainage system of said district, and said board of drainage commissioners shall determine that certain lands, either within or without the boundaries of the district as originally established, should be assessed for the purpose of raising funds for the future maintenance of the drainage system of the district, or that the assessments on land already assessed should be equalized by diminishing or increasing the same so that said lands shall be assessed in proportion to the benefits received, said commissioners shall file a petition in the superior court in the original cause, setting forth the facts, describing the lands not previously assessed and the lands the assessment on which should be equalized, stating the estimated amount of benefits per acre being received by each tract of land respectively, giving the name of the owner or reputed owner of each such tract of land and praying that such original cause be opened for further proceedings for the purpose of subjecting new lands to assessments or equalizing the assessments upon lands already assessed, or both. Upon the filing of such petition, summons shall issue thereon and be served on the owners of all lands affected, in the same manner as summons is issued and served in original proceedings, as near as may be, and if such new lands lie within the boundaries of any other drainage district, said summons shall also be

served upon the commissioners of such other drainage district. In case any of the new lands sought to be assessed in said proceeding lie within the boundaries of any other drainage district, and the drainage commissioners of such other district believe that the maintenance of the drain or drains of such other district is benefiting lands within the district instituting the proceeding, said drainage commissioners of such other districts shall intervene in such proceedings by petition, setting forth the facts, describing the lands in the district instituting the proceeding which they believe are being benefited by the maintenance of the drainage system of their district, and praying that the benefits to such lands may be determined and such lands subjected to assessment for the further maintenance of the drainage system of their district, to the end that all questions of benefits to lands in the respective districts may be settled and determined in one proceeding, and such petitioners in intervention shall cause summons to be issued upon such petition in intervention and served upon the commissioners of the drainage district instituting the proceeding and upon the owners of all lands sought to be affected by such petition in intervention. In case the owner of any such new lands sought to be assessed in said proceedings shall be maintaining a private drain against salt or fresh water for the benefit of said lands, and shall believe that the maintenance of such private drain is benefiting any lands within or without the district instituting the proceedings, or in case any such new lands sought to be assessed are included within the boundaries of some other drainage district and are being assessed for the maintenance of the drains of such other district, and the owner of such lands believes that the maintenance of the drain or drains of such other district is benefiting lands included within the district instituting said proceedings, such owner or owners may by answer and cross-petition set forth the facts and pray that at the hearing upon said petition and cross-petition the benefits accruing from the maintenance of the respective drains may be considered, to the end that a fair and equitable adjustment of the benefits being received by any lands from the maintenance of the various drains benefiting the same, may be determined for the purpose of fixing the assessments for the future maintenance of such drains, and may interplead in said proceeding such other drainage district in which his lands sought to be assessed in said proceeding are being assessed for the maintenance of the drain or drains of such other district. No answer to any petition or petition in intervention shall be required, unless the party served with summons desires to offset benefits or to ask other affirmative relief, and no default judgment shall be taken for failure to answer any petition or petition in intervention, but the petitioners or petitioners in intervention shall be required to

establish the facts alleged by competent evidence. Upon the issues being made up, or upon the lapse of time within which the parties served are required to appear by any summons, the court shall impanel a jury to hear and determine the matters in issue, and the jury shall determine and assess the benefits, if any, which the respective tracts of land are receiving or will receive from the maintenance of the drain or drains to be maintained, taking into consideration any and all matters relating to the benefits, if any, received or to be received from any drain, structure or improvement, and to credit or charge, as the case may be, to each tract so situated as to affect any other tract or tracts, or having improvement or structures thereon or easements granted in connection therewith, affecting any other tract or tracts included in such proceedings, and shall specify in their verdict the respective amount of benefits per acre, if any, assessed to each particular tract of land, by legal subdivisions. Upon the return of the verdict of the jury, the court shall enter its judgment in accordance therewith, as supplemental to the original decree, or in case a petition in intervention be filed by the drainage commissioners of some other district than that instituting the proceeding, such judgment to be supplemental to all such original decrees, and thereafter, all assessments and levies for the cost of construction or future maintenance of any drain or drains described in said judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in said judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal to the supreme court or the court of appeals within thirty days after the entry thereof, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the verdicts of the jury in respect to the parties to the appeal. No bonds shall be required on such appeals. Nothing in this section contained shall be construed as affecting the right of drainage districts to consolidation in any manner provided by law.

Sec. 160. Section 3, chapter 170, Laws of 1935 and RCW 85.06.660 are each amended to read as follows:

Whenever the board of commissioners of any district desire to exercise any of the foregoing powers under this act, it shall pass a resolution declaring its intention to do so, which shall describe in general terms the proposed improvement to be undertaken. The resolution shall set a date upon which the board shall meet to determine whether such work shall be done. Thereafter a copy of such declaratory resolution and a notice of hearing shall be posted by the secretary or member of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing and that plans therefor are

on file with the secretary of the board subject to inspection by any party interested.

Any property owner affected by such proposed improvement, or any property owner within such district, may appear at said hearing and object to said proposed improvement by filing a written protest against the proposed action of the board. The protest shall clearly state the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed project and all protests filed, and on said date or any adjourned date, take final action thereon. If protests be filed before said hearing by owners of more than forty percent of the property in said district, the board shall not have power to make the proposed improvement nor again initiate the same for one year. If the board determines to proceed with such project in its original or modified form, it shall thereupon adopt a resolution so declaring and adopt general plans therefor, which resolution may authorize the acquisition by condemnation, or otherwise, of the necessary rights and properties to complete the same. Any protestant who filed a written protest prior to said hearing may appeal from the order of the board, but to do so must, within ten days from the date of entering of such order, bring direct action in the superior court of the state of Washington in the county wherein such district is situated, against such board of directors in their official capacity, which action shall be prosecuted under the procedure for civil actions, with the right of appeal to the supreme court or the court of appeals, as provided in civil actions. In any action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings and all other matters except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary, or unreasonable action of the board.

Sec. 161. Section 5, chapter 187, Laws of 1921 and RCW 85.06.750 are each amended to read as follows:

Upon the return of the verdict of the jury as provided in the preceding section, if it shall appear to the court that the total benefits found by the jury to have accrued to the lands of the district is equal to or exceeds the actual cost of the improvement including the increased cost of completing the same, the court shall enter its judgment in accordance therewith, as supplemental to and in lieu of the original decree fixing the benefits to the respective tracts of land, and thereafter the assessment and levy for the original cost of the construction of the improvement, including the indebtedness incurred for completing the improvement together with interest at the legal rate on the warrants issued therefor, and all assessments and levies if any, for the future maintenance of the drainage system described in the judgment shall be based upon the

respective benefits determined and assessed against the respective tracts of land as specified in the judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal therefrom to the supreme court or the court of appeals within thirty days after the entry thereof, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the verdict of the jury in respect to the parties to the appeal.

Sec. 162. Section 1, chapter 157, Laws of 1921 and RCW 85.08.440 are each amended to read as follows:

The decision of the board of county commissions upon any objections made within the time and in the manner prescribed in RCW 85.08.400 through 85.08.430, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of such board and with the clerk of the superior court of the county in which such drainage or diking improvement district is situated, or in case of joint drainage or diking improvement districts with the clerk of the court of the county in which the greater length of such drainage or diking improvement system lies, within ten days after the order confirming such assessment roll shall have become effective, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court a transcript consisting of the assessment roll and his objections thereto, together with the order confirming such assessment roll, and the record of the board of county commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the board of county commissioners, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall execute and file with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with good and sufficient surety, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county or the drainage or diking improvement district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require; within three days after such transcript is

filed in the superior court as aforesaid, the appellant shall give written notice to the prosecuting attorney of the county, and to the clerk of the board of county commissioners that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court of said county shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court as in other cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this chapter. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court or the court of appeals, on such appeal, may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Sec. 163. Section 14, chapter 184, Laws of 1967 and RCW 85.15.130 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the superior court as in other civil cases: PROVIDED, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals may change, conform, correct, or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county treasurer having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such judgment as and if required.

Sec. 164. Section 14, chapter 26, Laws of 1949 and RCW 85.16.190 are each amended to read as follows:

The decision of the board upon any objections to the

determination of benefits and/or apportionment of costs and /or the levy of the assessments therefor, made within the time and in the manner prescribed in RCW 85.16.130, may be reviewed by appeal to the superior court of the county in which the district is situated and thereafter to the supreme court or the court of appeals within the time and in the manner and upon the conditions, so far as applicable, provided in RCW 85.08.440, with respect to appeals from the board's apportionment of the cost of construction of the district's system of improvements. The provisions of RCW 85.08.450, shall be controlling as to the regularity, validity, and conclusiveness of all the proceedings hereunder.

Sec. 165. Section 16, chapter 26, Laws of 1949 and RCW 85.16.210 are each amended to read as follows:

At such hearing, which may be adjourned from time to time as may be necessary to give all persons interested or affected a reasonable opportunity to be heard, and after consideration of all evidence offered and all factors, situations and conditions bearing upon or determinative of the benefits accruing and to accrue to such pieces or parcels of property, the board shall correct, revise, raise, lower, or otherwise change or confirm the benefits as theretofore determined, in respect of such pieces or parcels of property, as to it shall seem fair, just and equitable under the circumstances, and thereafter such proceedings shall be had with respect to the confirmation or determination of the benefits and making and filing of a roll thereof, as are in RCW 85.16.130, 85.16.150 and 85.16.160 provided. Any property owner affected by any change thus made in the determination of benefits accruing to his property who shall have appeared at the hearing by the board and made written objections thereto as provided in RCW 85.16.130, may appeal from the action of the board to the superior court and thence to the supreme court or the court of appeals, within the time, in the manner and upon the conditions, so far as applicable, provided in RCW 85.08.440, with respect to appeals from the order of the board confirming the apportionment of the original cost of construction.

Sec. 166. Section 15, chapter 45, Laws of 1951 and RCW 85.18.140 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the superior court as in other civil cases: PROVIDED, HOWEVER, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals, on such appeal, may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct

such roll in accordance with such decision if required.

Sec. 167. Section 6, chapter 225, Laws of 1909 and RCW 85.24.130 are each amended to read as follows:

Any person interested in any real estate affected by said assessment may, within the time fixed, appear and file objections. As to all parcels, lots or blocks as to which no objections are filed, within the time as aforesaid, the assessment thereon shall be confirmed and shall be final. On the hearing, each person may offer proof, and proof may also be offered on behalf of the assessment, and the board shall affirm, modify, change and determine the assessment, in such sum as to the board appears just and right. The commissioners may increase the assessment during such hearing upon any particular tract by mailing notice to the owner at his last known address, to be and appear within a time not less than ten days after the date of the notice, to show cause why his assessment should not be increased. When the assessment is finally equalized and fixed by the board, the secretary thereof shall certify the same to the county treasurer of each county in which the lands are situated, for collection; or if appeal has been taken from any part thereof, then so much thereof as has not been appealed from shall be certified. In case any owner of property appeals to the superior court in relation to the assessment or other matter when the amount of the assessment is determined by the court finally, either upon determination of the superior court, or appeal to the supreme court or the court of appeals, then the assessment as finally fixed and determined by the court shall be certified by the clerk of the proper court to the county treasurer of the county in which the lands are situated and shall be spread upon and become a part of the assessment roll hereinbefore referred to.

Sec. 168. Section 7, chapter 225, Laws of 1909 and RCW 85.24.140 are each amended to read as follows:

Any person who feels aggrieved by the final assessment made against any lot, block or parcel of land owned by him, may appeal therefrom to the superior court of the county in which the land is situated. Such appeal shall be taken within the time and substantially in the manner prescribed by the laws of this state for appeals from justices' courts. All notice of appeal shall be filed with the said board, and shall be served upon the prosecuting attorney of the county in which the action is brought. The secretary of the board shall, at appellant's expense, certify to the superior court so much of the record as appellant may request, and the cause shall be tried in the superior court de novo.

Any person desiring to appeal from any final order or judgment made by the superior court concerning any assessment authorized by this chapter, may appeal therefrom to the supreme court or the court

of appeals, in accordance with the laws of this state relative to appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment.

Sec. 169. Section 21, chapter 131, Laws of 1961 and RCW 85.32.200 are each amended to read as follows:

An appeal shall lie to the supreme court or the court of appeals from the superior court as in other civil cases: PROVIDED, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court or the court of appeals on such appeal may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court or the court of appeals shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such decision, if required.

Sec. 170. Section 8, chapter 194, Laws of 1933 and RCW 87.03.410 are each amended to read as follows:

Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court or the court of appeals of the state in the manner and within the time prescribed for appeals in civil actions generally.

Sec. 171. Section 3, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.760 are each amended to read as follows:

At the conclusion, or final adjournment, of the hearing provided for in RCW 87.03.755, the board of directors of the district shall have the power, by unanimous resolution to adopt the proposed plan, or such modification thereof as may be determined by the board, and reduce the boundaries of the district to such area as, in the judgment of the board, can be furnished with sufficient water for successful irrigation by the irrigation system of the district, and to exclude from the district all lands lying outside of such reduced boundaries, and provide for the repayment to the owners of any such excluded lands, respectively, of any sums paid for assessments levied by the district, and to cancel all unpaid assessments levied by the district against the lands excluded and release such lands from further liability therefor. Any person interested and feeling himself aggrieved by the adoption of such final resolution reducing the boundaries of the district and excluding lands therefrom, shall have a right of appeal from the action of the board to the superior court of the county in which the district is situated, which appeal may be taken in the manner provided by law for appeals from justices' courts, and if upon the hearing of such appeal it shall be determined by the court that the irrigation system of the district will not furnish sufficient water for the successful irrigation of the lands

included within the reduced boundaries of the district, or that any lands have been excluded from the district unnecessarily, arbitrarily, capriciously or fraudulently or without substantial reason for such exclusion, the court shall enter a decree canceling and setting aside the proceedings of the board of directors, otherwise the court shall enter a decree confirming the action of the board. Any party to the proceedings on appeal in the superior court, feeling himself aggrieved by the decree of the superior court confirming the action of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, shall have the right of appeal therefrom to the supreme court or the court of appeals of the state of Washington within thirty days after the entry of the decree of the superior court in the manner provided by law. If, at the expiration of thirty days from the entry of the final resolution of the board of directors of the district reducing the boundaries of the district and excluding lands therefrom, no appeal has been taken to the superior court of the county in which the district is situated, or if, after hearing upon appeal the superior court shall confirm the action of the district, and at the expiration of thirty days from the entry of such decree, no appeal has been taken to the supreme court or the court of appeals, the boundaries of the district shall thereafter be in accordance with the resolution of the board reducing the boundaries, and all lands excluded from the district by such resolution shall be relieved from all further liability for any indebtedness of the district or any unpaid assessments theretofore levied against such lands, and the owners of excluded lands, upon which assessments have been paid, shall be entitled to warrants of the district for all sums paid by reason of such assessments, payable from a special fund created for that purpose, for which levies shall be made upon the lands remaining in the district, as the board of directors may provide.

Sec. 172. Section 4, chapter 138, Laws of 1925 ex. sess. and RCW 87.03.765 are each amended to read as follows:

Whenever it shall appear, to the satisfaction of the director of ~~((conservation and development))~~ ecology, that the irrigation system of any irrigation district, to which the department of ~~((conservation and development))~~ ecology of the state of Washington under a contract with the district for the purchase of its bonds, has advanced funds for the purpose of constructing an irrigation system for the district, has been found incapable of furnishing sufficient water for the successful irrigation of all of the lands of such district, and that the board of directors of such district has reduced the boundaries thereof and excluded from the district, as provided in RCW 87.03.750 through 87.03.760, sufficient lands to

render such irrigation system adequate for the successful irrigation of the lands of the district, and that more than thirty days have elapsed since the adoption of the resolution by the board of directors reducing the boundaries of the district and excluding lands therefrom, and no appeal has been taken from the action of the board, or that the action of the board has been confirmed by the superior court of the county in which the district is situated and no appeal has been taken to the supreme court or the court of appeals, or that upon appeal to the supreme court or the court of appeals the action of the board of directors of the district has been confirmed, the director of ((conservation and development)) ecology shall be and he is hereby authorized to cancel and reduce the obligation of the district to the department of ((conservation and development)) ecology, for the repayment of moneys advanced for the construction of an irrigation system for the district, to such amount as, in his judgment, the district will be able to pay from revenues derived from assessments upon the remaining lands of the district, and to accept, in payment of the balance of the obligation of the district, the authorized bonds of the district, in numerical order beginning with the lowest number, on the basis of the percentage of the face value thereof fixed in contracts between the district and the department of ((conservation and development)) ecology, in an amount equal to said balance of the obligation of the district, in full and complete satisfaction of all claims of the department of ((conservation and development)) ecology against the district.

Sec. 173. Section 11, chapter 120, Laws of 1929 and RCW 87.22.090 are each amended to read as follows:

Appeal may be taken to the supreme court or the court of appeals from the judgment entered in said proceedings in the same manner as in other cases in equity. Notice of appeal need be served only on the persons who have appeared in said proceedings and on the president of the board of directors if the district is respondent, or on their respective attorneys of record in the proceedings.

Sec. 174. Section 29, chapter 124, Laws of 1925 ex. sess. and RCW 87.56.225 are each amended to read as follows:

Any interested person feeling aggrieved at the judgment of the superior court dismissing the proceedings or determining the indebtedness of the district and the status and priority thereof and determining the plan of liquidation, may appeal from such judgment to the supreme court or the court of appeals in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Sec. 175. Section 7, chapter 236, Laws of 1907 and RCW 88.32.090 are each amended to read as follows:

Any person who feels aggrieved by the final assessment made

against any lot, block or parcel of land owned by him may appeal therefrom to the superior court of such county. Such appeal shall be taken within the time, and substantially in the manner prescribed by the laws of this state for appeals from justice's courts. All notices of appeal shall be filed with the board of county commissioners, and served upon the prosecuting attorney of the county. The clerk of the board of county commissioners shall at appellant's expense certify to the superior court so much of the record, as appellant may request, and the cause shall be tried in the superior court de novo.

Any person desiring to appeal from any final order or judgment, made by the superior court concerning any assessment authorized by RCW 88.32.010 through 88.32.220, may appeal therefrom to the supreme court or the court of appeals, in accordance with the laws of this state relative to such appeals, except that all such appeals shall be taken within thirty days after the entry of such judgment.

Sec. 176. Section 23, chapter 117, Laws of 1917 and RCW 90.03.200 are each amended to read as follows:

Upon the filing of the evidence and the report of the supervisor of water resources, any interested party may, on or before five days prior to the date of said hearing, file exceptions to such report in writing and such exception shall set forth the grounds therefor and a copy thereof shall be served personally or by registered mail upon all parties who have appeared in the proceeding. If no exceptions be filed, the court shall enter a decree determining the rights of the parties according to the evidence and the report of the supervisor, whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in case of reference of a suit in equity and the court may in its discretion take further evidence or, if necessary, remand the case for such further evidence to be taken by the supervisor, and may require further report by him. Costs, not including taxable attorneys fees, may be allowed or not; if allowed, may be apportioned among the parties in the discretion of the court. Appeal may be taken to the supreme court or the court of appeals from such decree in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Sec. 177. Section 8, chapter 107, Laws of 1939 and RCW 90.24.070 are each amended to read as follows:

Any person aggrieved by the order of judgment of the superior court may appeal to the supreme court or the court of appeals in the same manner as in other civil actions.

Sec. 178. Section 20, chapter 11, Laws of 1911 and RCW 91.04.325 are each amended to read as follows:

Every person or corporation feeling himself or itself aggrieved by any judgment for damages or compensation or any assessment of benefits provided in this chapter, may appeal to the supreme court or the court of appeals of the state within thirty days after the entry of the judgment, and such appeal shall bring before the supreme court or the court of appeals the propriety and justness of the amount of compensation or damages or assessment of benefits in respect to the parties to the appeal. Upon such appeal no bonds shall be required and no stay shall be allowed.

Sec. 179. Section 23, chapter 8, Laws of 1909 ex. sess. as amended by section 24, chapter 11, Laws of 1911 and RCW 91.04.360 are each amended to read as follows:

Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs, which shall be taxed as in other civil cases: PROVIDED, That in any case defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement, and as to the compensation to be allowed for property taken, unless appealed from, and no appeal from the same shall delay proceedings, if such district shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such districts, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation or damages which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by such district, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals and final judgment may be rendered in the superior court as in other cases.

Sec. 180. Section 23, chapter 23, Laws of 1911 and RCW 91.08.250 are each amended to read as follows:

Any final judgment rendered by said court upon the findings of the court or a jury, shall be the lawful and sufficient condemnation

of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: PROVIDED, That in case any defendant recovers no award, no costs shall be taxed. Such judgment shall be final and conclusive as to the damages caused by such improvement, unless appealed from, and no appeal from the same shall delay proceedings under the order of said board if it shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs; but such board after making such payment into court shall be liable to such owner or owners, or parties interested, for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court or the court of appeals of the state by any party to the proceedings, the money so paid into the superior court by the board, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property, accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court or the court of appeals and final judgment may be rendered in the superior court as in other cases.

Sec. 181. Section 58, chapter 23, Laws of 1911 and RCW 91.08.580 are each amended to read as follows:

Every defendant feeling aggrieved by any condemnation judgment for compensation or damages, or by any judgment confirming an assessment upon land for benefits under this chapter, may appeal to the supreme court or the court of appeals of the state from such judgments within thirty days after the entry thereof. An appeal from a condemnation judgment may bring before the supreme court or the court of appeals either the legality of the proceeding as a taking for a public use, or the justness of the amount of compensation or damages awarded to the appellant; but an appeal from a judgment confirming an assessment of benefits shall bring before the supreme court or the court of appeals only the justness of the assessment against the property of the appellant. Two or more defendants may join in an appeal. The bill of exceptions or statement of facts upon such appeals shall contain only such portions of the evidence in the case as relates to the property of the appellants. Otherwise than as provided in this section such appeals shall be taken as provided by law in appeals ~~((to the supreme court))~~ from final judgments in actions at law.

NEW SECTION. Sec. 182. There is added to chapter 221, Laws of 1969 ex. sess. and to chapter 2.06 RCW a new section to read as follows:

The several judges of the court of appeals, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the court of appeals of the State of Washington to the best of my ability." Which oath or affirmation may be administered by any person authorized to administer oaths, a certificate whereof shall be affixed thereto by the person administering the oath. And the oath or affirmation so certified shall be filed in the office of the secretary of state.

NEW SECTION. Sec. 183. The following acts or parts of acts are each hereby repealed:

- (1) Section 17, page 324, Laws of 1890 and RCW 2.04.060;
- (2) Section 5, page 322, Laws of 1890, section 2, chapter 5, Laws of 1905, section 3, chapter 24, Laws of 1909 and RCW 2.04.120;
- (3) Section 2, page 321, Laws of 1890 and RCW 2.04.130;
- (4) Section 6, chapter 24, Laws of 1909 and RCW 2.04.140;
- (5) Section 2174, Code of 1881, section 13, page 324, Laws of 1890 and RCW 2.32.010;
- (6) Section 2, page 366, Laws of 1854, section 2, page 417, Laws of 1863; section 2175, Code of 1881 and RCW 2.32.020;
- (7) Section 3, page 366, Laws of 1854, section 2176, Code of 1881 and RCW 2.32.030;
- (8) Section 4, chapter 57, Laws of 1891 and RCW 2.32.040;
- (9) Section 1, chapter 192, Laws of 1947 and RCW 2.32.080;
- (10) Section 1, page 320, Laws of 1890 and RCW 2.32.100;
- (11) Section 6, page 320, Laws of 1890, section 1, chapter 58, Laws of 1891, section 1, chapter 30, Laws of 1897, section 1, chapter 148, Laws of 1909 and RCW 2.32.150;

(12) Section 1, page 331, Laws of 1890 and RCW 2.32.340; and

(13) Section 2, page 331, Laws of 1890 and RCW 2.32.350.

NEW SECTION. Sec. 184. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 12, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 82

[Engrossed Substitute Senate Bill No. 157]

STATE HOSPITALS--
PATIENTS' PROPERTY

AN ACT Relating to the mentally ill; amending section 72.23.230, chapter 28, Laws of 1959 as amended by section 1, chapter 60, Laws of 1959 and RCW 72.23.230; and declaring an emergency.

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

Section 1. Section 72.23.230, chapter 28, Laws of 1959 as amended by section 1, chapter 60, Laws of 1959 and RCW 72.23.230 are each amended to read as follows:

The superintendent of a state hospital shall be the custodian without compensation of such personal property of a patient involuntarily hospitalized therein as may come into the superintendent's possession while the patient is under the jurisdiction of the hospital. As such custodian, the superintendent shall have authority to disburse moneys from the patients' funds for the following purposes only and subject to the following limitations:

(1) The superintendent may disburse any of the funds in his possession belonging to a patient for such personal needs of that patient as may be deemed necessary by the superintendent; and

(2) Whenever the funds belonging to any one patient exceed the sum of three hundred dollars, the superintendent may apply the excess to the payment of the state hospitalization and/or outpatient charges of such patient except, reduction of such funds to a lesser amount may be made where necessary to qualify such patient for eligibility in any public or private program for the care, treatment, hospitalization, support, training, or rehabilitation of such patient, and to qualify such patient for the payment from any public or private program providing benefits for the payment of all or a portion of the costs of care, treatment, hospitalization, support,

training, or rehabilitation or for the discharge of the liabilities imposed by the by the provisions of RCW 71.02.411; and

(3) When a patient is paroled, the superintendent shall deliver unto the said patient all or such portion of the funds or other property belonging to the patient as the superintendent may deem necessary and proper in the interests of the patient's welfare, and the superintendent may during the parole period deliver to the patient such additional property or funds belonging to the patient as the superintendent may from time to time determine necessary and proper. When a patient is discharged from the jurisdiction of the hospital, the superintendent shall deliver to such patient all funds or other property belonging to the patient.

All funds held by the superintendent as custodian may be deposited in a single fund. Annual reports of receipts and expenditures shall be forwarded to the department, and shall be open to inspection by interested parties: PROVIDED, That all interest accruing from, or as a result of the deposit of such moneys in a single fund shall be used by the superintendent for the general welfare of all the patients of such institution: PROVIDED, FURTHER, That when the personal accounts of patients exceed three hundred dollars, the interest accruing (~~therefrom~~) from such excess shall be credited to the personal accounts of such patients. All such expenditures shall be accounted for by the superintendent.

The appointment of a guardian for the estate of such patient shall terminate the superintendent's authority to pay state hospitalization charges upon the superintendent's receipt of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall forward to such guardian any funds or other property of the patient remaining in the superintendent's possession, together with a final accounting of receipts and expenditures.

NEW SECTION. Sec. 2. This 1971 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 March 1, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 23, 1971.

Filed in Office of Secretary of State March 23, 1971.

WASHINGTON LAWS

1971 FIRST EXTRAORDINARY SESSION

CHAPTER 1
[Engrossed Senate Bill No. 737]
EXPO '74--
COMMISSION--CORPORATION--
STATE AGENCY COOPERATION

AN ACT Relating to state government; establishing a commission; describing its powers and duties; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The Alaska-Yukon-Pacific and the Century 21 Expositions held in Seattle in 1909 and 1962, respectively, contributed substantially to the growth of this state and the eminence which it enjoys by exhibiting to our sister states and the world at large our agriculture, trade, and manufacturing capabilities. In the almost ten years that have elapsed since Century 21, man's place in nature and his relation to his environment has become the most critical concern of our state and nation. Today all sectors of society question man's ability to relate himself to the environment in a manner which will continue to support life on this planet. Because of this state's unique natural endowments, the state of Washington is capable of demonstrating to the nation and the world at large that man can live in harmony with his environment. It is therefore fitting that another exposition be held in the state of Washington which will demonstrate to people everywhere our great natural resources, our great forests and rivers, and our great outdoor recreational capabilities. It is also fitting that this exposition be held in the city of Spokane, the queen city of the Inland Empire, which in 1974 will celebrate the commencement of its second hundred years of growth.

NEW SECTION. Sec. 2. A complete study, investigation, and report of the feasibility and desirability of such an exposition has been made and this report and its recommendations on participation of the state of Washington in such an exposition is hereby approved and adopted.

NEW SECTION. Sec. 3. The exposition shall be known and called "Expo '74".

NEW SECTION. Sec. 4. There is created the Expo '74 commission to consist of fifteen members to be selected as follows: Five by the governor, of whom one shall be designated by the governor as chairman of the commission, three by the president of the senate (lieutenant governor) and three by the speaker of the house of representatives to serve until April 30, 1975, the lieutenant governor, the speaker of the house of representatives, one member of the board of county commissioners of Spokane county to be appointed by such board, and one member of the Spokane city council to be

appointed by such council. The commission shall serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission.

NEW SECTION. Sec. 5. The members of the exposition commission may become directors of Expo '74, a nonprofit corporation organized under the provisions of chapter 24.03 RCW and may remain directors of the corporation as long as they are members of the commission or until their successors are appointed and qualified. The exposition commission through the nonprofit corporation shall stage an exposition in the city of Spokane during the year 1974 or as soon thereafter as deemed practical by the commission and shall carry out the purposes of the exposition by suitable exhibits.

NEW SECTION. Sec. 6. The department of commerce and economic development and the department of ecology, as well as all other interested departments and agencies, shall cooperate with the exposition commission to the end that the exposition to be conducted by the commission shall become a memorable success.

The exposition commission and all other state departments and agencies are further enjoined to cooperate in all respects with the city of Spokane and with other departments, agencies, political subdivisions, and municipal corporations of this state. The department of commerce and economic development and the exposition commission shall cooperate with the government of the United States and with governments or agencies of other states or foreign countries or their lesser subdivisions to the extent required to secure their participation in the exposition.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 12, 1971.

Passed the House March 18, 1971.

Approved by the Governor March 19, 1971.

Filed in Office of Secretary of State March 19, 1971.

CHAPTER 2

[Engrossed Senate Bill No. 738]

CORPORATION LICENSES AND FEES--

SURTAX

AN ACT Relating to business corporations; providing for a surtax on the license and other fees on domestic and foreign corporations as prescribed by RCW 23A.40.040, 23A.40.060,

23A.40.130 and 23A.40.140; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby imposed and levied on the license and filing fees on domestic and foreign corporations as prescribed by RCW 23A.40.040, 23A.40.060, 23A.40.130 and 23A.40.140 a surtax of twenty-five percent to be collected from those corporations at the time they pay those license and filing fees. All fees collected in compliance with this section shall be deposited in the state general fund.

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 March 12, 1971.

Passed the House March 18, 1971.

Approved by the Governor March 19, 1971.

Filed in Office of Secretary of State March 19, 1971.

CHAPTER 3

[Engrossed Senate Bill No. 739]

EXPO '74--

STATE BUILDING IN SPOKANE

AN ACT Relating to the acquisition of land and the construction and use of a state building or buildings in the city of Spokane; authorizing the construction of such building or buildings by the state building authority and the acquisition of the necessary land therefor by either the state building authority or department of commerce and economic development; providing for the lease thereof by the state building authority to the department of commerce and economic development; authorizing the sublease thereof; and declaring an emergency.

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

NEW SECTION. Section 1. The state building authority is authorized to acquire by gift, purchase, lease, or condemnation a site in the city of Spokane on or in the vicinity of Havermale Island and to construct or otherwise acquire or lease a building or buildings and appurtenant improvements at a cost to the building authority to approximate but not to exceed the sum of seven million five hundred thousand dollars thereon for use by the state for purposes to be prescribed hereafter by the legislature and to be used temporarily as a portion of the grounds and a building for an exposition known as "Expo '74".

The state building authority is further authorized to make all necessary plans and surveys for such acquisition and construction and any such plans shall be subject to the approval of the department of commerce and economic development and the Expo '74 commission created by the legislature. The authority may delegate responsibility for such plans and surveys to the department of general administration or the department of commerce and economic development. The provisions of RCW 43.19.450 shall govern with regard to such delegation.

NEW SECTION. Sec. 2. In furtherance of the purposes of this act and in lieu of the acquisition of the building site by the state building authority, the department of commerce and economic development may acquire such site by gift, purchase or condemnation.

NEW SECTION. Sec. 3. The state building authority may contract with the department of commerce and economic development to lease land from such department acquired by such department for the purpose of erecting thereon the building or buildings as requested by such department for the purposes specified in section 1 in this act or the authority may, on land acquired by the authority, construct such building or buildings and appurtenant facilities. Such building or buildings, together with the land upon which it shall be built, shall be leased or released by the authority to the department of commerce and economic development at any time prior to or subsequent to the commencement of construction thereof for a term of years not to exceed seventy-five at reasonable rental rates.

NEW SECTION. Sec. 4. The department of commerce and economic development is authorized to enter into a lease as provided in this act. The lease shall provide for the building or buildings erected to become or remain the sole property of the department upon termination of the lease.

NEW SECTION. Sec. 5. The provisions of RCW 43.75.060 shall apply with respect to the fixing of rental rates for the building or buildings leased by the state building authority to the department of commerce and economic development.

NEW SECTION. Sec. 6. Upon the completion of construction of the building or buildings, the authority shall make a determination of the cost thereof and the amount required to reimburse the authority for its expenditures in connection therewith. The department of commerce and economic development shall have the right to purchase the interest of the authority in any building or buildings and land pertaining thereto at any time and to terminate the lease thereon by paying to the authority the amount agreed upon by the authority and the department.

NEW SECTION. Sec. 7. The department of commerce and economic development is authorized to lease or otherwise permit for a temporary period the site and building or buildings herein provided

for to be used by the Expo '74 commission in conducting or assisting to be conducted such exposition.

NEW SECTION. Sec. 8. The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of the building or buildings, equipment, and appurtenances therefor suitable for use as a site for an exposition and for the future use by the state in promoting and fostering the well-being of its citizens is declared to be a state public purpose.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

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

Passed the Senate March 12, 1971.

Passed the House March 18, 1971.

Approved by the Governor March 19, 1971.

Filed in Office of Secretary of State March 19, 1971.

CHAPTER 4

[Engrossed Senate Bill No. 151]

COMMON SCHOOL PLANT FACILITIES--

BONDS

AN ACT Relating to the common schools and the support thereof; amending section 1, chapter 13, Laws of 1969 and RCW 28A.47.792; amending section 4, chapter 13, Laws of 1969 and RCW 28A.47.795; amending section 5, chapter 13, Laws of 1969 and RCW 28A.47.796; and declaring an emergency.

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

Section 1. Section 1, chapter 13, Laws of 1969 and PCW 28A.47.792 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-six million four hundred thousand dollars to be paid and discharged in accordance with terms to be established by the state finance committee. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of

the twenty-six million four hundred thousand dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW 28A.47.792 through 28A.47.799 as now or hereafter amended as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of 1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW 28A.47.784 through RCW 28A.47.791, as amended, and in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

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

Sec. 2. Section 4, chapter 13, Laws of 1969 and RCW

28A.47.795 are each amended to read as follows:

The common school building bond redemption fund of 1967 (~~is hereby~~) has been created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW 28A.47.784 through RCW 28A.47.791, as amended, and by RCW 28A.47.792 through 28A.47.799 as now or hereafter amended and to the retirement of and payment of interest on any additional bonds which may be issued on a parity therewith. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet reserve account payments, interest payments on and retirement of bonds (~~authorized by RCW 28A.47.792 through 28A.47.799~~) payable out of such common school building bond redemption fund of 1967. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 3. Section 5, chapter 13, Laws of 1969 and RCW 28A.47.796 are each amended to read as follows:

The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by RCW 28A.47.792 through 28A.47.799 as now or hereafter amended from any source or sources not prohibited by the state constitution and RCW 28A.47.792 through 28A.47.799 as now or hereafter amended shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

NEW SECTION. Sec. 4. This 1971 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 March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 23, 1972.

Filed in Office of Secretary of State March 23, 1971.

CHAPTER 5
[House Bill No. 878]
SESSION LAWS--
APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; 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 appropriated from the general fund to the statute law committee the sum of ninety-eight thousand nine hundred forty-five dollars, or so much thereof as may be necessary, for the preparation, reproduction, printing and mailing of the session laws of the Washington state legislature.

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 March 2, 1971.

Passed the Senate March 18, 1971.

Approved by the Governor March 25, 1971.

Filed in Office of Secretary of State March 25, 1971.

CHAPTER 6
[House Bill No. 215]
VOTING DEVICES AND VOTE TALLYING SYSTEMS

AN ACT Relating to elections; amending section 18, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.080; amending section 2, chapter 130, Laws of 1967 ex. sess. and RCW 29.34.180; and declaring an emergency.

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

Section 1. Section 18, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.080 are each amended to read as follows:

No voting device shall be approved by the state voting machine committee unless it is constructed so that it:

- (1) Secures to the voter secrecy in the act of voting;
- (2) Provides facilities for voting for the candidate of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;
- (3) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for;
- (4) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;
- (5) Correctly registers or records all votes cast for any and all persons and for or against any and all measures;
- (6) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States;

(7) Voting devices shall ~~((be so prepared for use to provide party column voting in separate party columns at partisan general elections))~~ list all candidates for any office in every primary and election, special or general, in the manner shown in RCW 29.30.030 after an arrangement of positions as provided in RCW 29.30.020; PROVIDED, That at partisan general elections the candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first under the position designation, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state.

Sec. 2. Section 2, chapter 130, Laws of 1967 ex. sess. and RCW 29.34.180 are each amended to read as follows:

Voting devices and vote tally systems as defined in RCW 29.34.010, ~~((shall))~~ may be used ~~((only))~~ in all primaries and elections, general or special, in all counties ~~((of the second class as defined by RCW 36.43.040))~~.

NEW SECTION. Sec. 3. If any provision of this 1971 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. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of

the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 26, 1971.

Passed the Senate March 26, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 7

[Engrossed Senate Bill No. 49]

MOTOR VEHICLE WRECKERS

AN ACT Relating to motor vehicle wreckers; amending section 46.80.020, chapter 12, Laws of 1961, as amended by section 94, chapter 32, Laws of 1967 and RCW 46.80.020; amending section 46.80.030, chapter 12, Laws of 1961, as last amended by section 1, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.030; amending section 46.80.040, chapter 12, Laws of 1961, as amended by section 96, chapter 32, Laws of 1967 and RCW 46.80.040; amending section 46.80.050, chapter 12, Laws of 1961, as last amended by section 2, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.050; amending section 46.80.070, chapter 12, Laws of 1961, as amended by section 98, chapter 32, Laws of 1967 and RCW 46.80.070; amending section 46.80.080, chapter 12, Laws of 1961, as amended by section 99, chapter 32, Laws of 1967 and RCW 46.80.080; amending section 46.80.090, chapter 12, Laws of 1961, as amended by section 100, chapter 32, Laws of 1967 and RCW 46.80.090; amending section 46.80.110, chapter 12, Laws of 1961, as last amended by section 3, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.110; amending section 46.80.130, chapter 12, Laws of 1961, as last amended by section 4, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.130; amending section 46.80.150, chapter 12, Laws of 1961, as last amended by section 5, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.150.

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

Section 1. Section 46.80.020, chapter 12, Laws of 1961, as amended by section 94, chapter 32, Laws of 1967 and RCW 46.80.020 are each amended to read as follows:

Any motor vehicle wrecker, as defined herein, who shall engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the ~~((director))~~ department of motor vehicles authorizing him so to do shall be guilty of a gross misdemeanor, and upon conviction shall be punished by

imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars.

Sec. 2. Section 46.80.030, chapter 12, Laws of 1961, as last amended by section 1, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.030 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the ~~((director))~~ department of motor vehicles, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant has been complying with the provisions of this chapter and the provisions of ~~((chapter))~~ Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of motor vehicles;

(4) Any other information that the ~~((director))~~ department may require.

Sec. 3. Section 46.80.040, chapter 12, Laws of 1961, as amended by section 96, chapter 32, Laws of 1967 and RCW 46.80.040 are each amended to read as follows:

Such application, together with a fee of twenty-five dollars, and a surety bond as hereinafter provided, shall be forwarded to the ~~((director))~~ department. Upon receipt of the application the ~~((director))~~ department shall, if the application be in order, issue a motor vehicle wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time.

Sec. 4. Section 46.80.050, chapter 12, Laws of 1961, as last amended by section 2, chapter 13, Laws of 1967 ex. sess. and RCW

46.80.050 are each amended to read as follows:

A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten dollars. Any motor vehicle wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the ~~((director))~~ department.

Sec. 5. Section 46.80.070, chapter 12, Laws of 1961 as amended by section 98, chapter 32, Laws of 1967 and RCW 46.80.070 are each amended to read as follows:

Before issuing a motor vehicle wrecker's license, the ~~((director))~~ department shall require the applicant to file with said ~~((director))~~ department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. Such bond shall be approved as to form by the attorney general and conditioned that such wrecker shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery against such motor vehicle wrecker and surety upon such bond: PROVIDED, That the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

Sec. 6. Section 46.80.080, chapter 12, Laws of 1961, as amended by section 99, chapter 32, Laws of 1967 and RCW 46.80.080 are each amended to read as follows:

Every motor vehicle wrecker shall maintain books or files in which he shall keep a record and a description of every vehicle wrecked, dismantled, disassembled or substantially altered by him, together with the name of the person, firm or corporation from whom he purchased the vehicle. Such record shall also contain:

- (1) The certificate of title number (if previously titled in this or any other state);
- (2) Name of state where last registered;
- (3) Number of the last license number plate issued;
- (4) Name of vehicle;
- (5) Motor or identification number and serial number of the vehicle;
- (6) Date purchased;
- (7) Disposition of the motor and chassis, and such other

information as the ((director)) department may require. Such record shall be subject to inspection at all times by members of the police department, sheriff's office and members of the Washington state patrol. A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

Sec. 7. Section 46.80.090, chapter 12, Laws of 1961, as amended by section 100, chapter 32, Laws of 1967 and RCW 46.80.090 are each amended to read as follows:

Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the ((director)) department on forms furnished by ((him)) the department. This report shall be in such form as the ((director)) department shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the ((director)) department and contain such information as the ((director)) department may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public. Any motor vehicle wrecker who fails, neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both fine and imprisonment.

Sec. 8. Section 46.80.110, chapter 12, Laws of 1961, as last amended by section 3, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.110 are each amended to read as follows:

((If for a good and sufficient cause the director has reason to believe that the application for motor vehicle wrecker's license or renewal of motor vehicle wrecker's license should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a motor vehicle wrecker's license whenever he shall have reason to believe that such motor vehicle wrecker has:))

The director may, pursuant to the provisions of chapter 34.04 RCW, by order deny, suspend or revoke the license of any motor vehicle wrecker, if he finds that the applicant or licensee has:

(1) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

(5) Failed to comply with any of the provisions of this chapter ((and the provisions of Title 46,)) or any of the rules and regulations adopted thereunder, or with any of the provisions of Title 46 relating to registration and certificates of title of vehicles;

(6) Procured a license fraudulently or that such license was erroneously issued.

((Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay.))

Sec. 9. Section 46.80.130, chapter 12, Laws of 1961, as last amended by section 4, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.130 are each amended to read as follows:

It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the ((director)) department, without permission of the ((director)) department. All premises containing such motor vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the

land, the ((director)) department shall have the right to establish specifications or standards for said fence or wall: PROVIDED, HOWEVER, That such wall or fence shall be painted or stained a neutral shade which shall blend in with the surrounding premises, and that such wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of such hedge shall be replaced.

Sec. 10. Section 46.80.150, chapter 12, Laws of 1961, as last amended by section 5, chapter 13, Laws of 1967 ex. sess. and RCW 46.80.150 are each amended to read as follows:

It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's premises and records provided for in this chapter, and furnish a certificate of inspection to the ((director)) department in such manner as may be determined by the ((director)) department: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 8

[Engrossed Senate Bill No. 56]

CIVIL DEFENSE AND EMERGENCY SERVICES

AN ACT Related to civil defense and emergency services; amending section 13, chapter 178, Laws of 1951 as amended by section 1, chapter 210, Laws of 1955 and RCW 38.52.110; amending section 11, chapter 178, Laws of 1951 as amended by section 1, chapter 145, Laws of 1953 and RCW 38.52.180; amending section 5, chapter 223, Laws of 1953 and RCW 38.52.220; 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:

Section 1. Section 13, chapter 178, Laws of 1951 as amended by section 1, chapter 210, Laws of 1955 and RCW 38.52.110 are each amended to read as follows:

(1) In carrying out the provisions of this chapter, the governor and the executive heads of the political subdivisions of the

state are directed to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the state, ~~((and of the))~~ political subdivisions, and all other municipal corporations thereof including but not limited to districts and quasi municipal corporations organized under the laws of the state of Washington to the maximum extent practicable, and the officers and personnel of all such departments, offices, and agencies are directed to cooperate with and extend such services and facilities to the governor and to the civil defense organizations of the state upon request notwithstanding any other provision of law.

(2) The governor, the chief executive of counties, cities and towns and the civil defense directors of local political subdivisions appointed in accordance with this chapter, in the event of a disaster, after proclamation by the governor of the existence of such disaster, shall have the power to command the service and equipment of as many citizens as considered necessary in the light of the disaster proclaimed: PROVIDED, That citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by this chapter and federal and state civil defense regulations for registered civil defense workers.

Sec. 2. Section 11, chapter 178, Laws of 1951 as amended by section 1, chapter 145, Laws of 1953 and RCW 38.52.180 are each amended to read as follows:

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for civil defense as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of wilful negligence by such owner or occupant or his servants, agents, or employees.

(2) All legal liability for damage to property or injury or death to persons (except a civil defense worker, regularly enrolled and acting as such), caused by acts done, or attempted, under the color of this chapter in a bona fide attempt to comply therewith shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of

such liability, or for the indemnification of persons appointed and regularly enrolled as civil defense workers while actually engaged in civil defense duties, or as members of any agency of the state or political subdivision thereof engaged in civil defense activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of wilful misconduct, gross negligence or bad faith on the part of any agent of civil defense: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an ((civil defense)) emergency described in this chapter.

(4) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the workmen's compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

Sec. 3. Section 5, chapter 223, Laws of 1953 and RCW 38.52.220 are each amended to read as follows:

Said compensation board shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any monthly meeting day when any claim for compensation under this chapter has been submitted to the board: PROVIDED, That as to claims involving amounts of five hundred dollars or less, the local organization director shall submit recommendations directly to the state without convening a compensation board.

NEW SECTION. Sec. 4. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

All claims against the state for property damages or indemnification therefor arising from civil defense related activities will be presented to and filed with the state auditor within one hundred twenty days from the date the claim arose. Contents of all such claims shall conform to the tort claim filing

requirements found in RCW 4.92.100 as now or hereafter amended.

NEW SECTION. Sec. 5. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

The director of the state department of civil defense, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle property loss or damage claims arising out of conduct or circumstances for which the state of Washington would be liable in law for money damages of five hundred dollars or less. The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request for administrative settlement shall not preclude a claimant from filing court action pending administrative determination, or limit the amount recoverable in such a suit, or constitute an admission against interest of either the claimant or the state.

NEW SECTION. Sec. 6. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

The governor, or upon his direction, the state civil defense director, or any political subdivision of the state, is authorized to contract with any person, firm, corporation, or entity to provide construction or work on a cost basis to be used in civil defense functions or activities as defined in RCW 38.52.010(1) or as hereafter amended, said functions or activities to expressly include natural disasters, as well as all other emergencies of a type contemplated by this 1971 amendatory act. All funds received for purposes of this 1971 amendatory act, whether appropriated funds, local funds, or from whatever source, may be used to pay for the construction, equipment, or work contracted for under this section.

NEW SECTION. Sec. 7. There is added to chapter 178, Laws of 1951 and to chapter 38.52 RCW a new section to read as follows:

Notwithstanding any other provision of law, no person, firm, corporation, or other entity acting under the direction or control of the proper authority to provide construction, equipment, or work as provided for in this 1971 amendatory act while complying with or attempting to comply with this 1971 amendatory act or any rule or regulation promulgated pursuant to the provisions of this 1971 amendatory act shall be liable for the death of or any injury to persons or damage to property as a result of any such activity: PROVIDED, That said exemption shall only apply where all of the following conditions occur:

(1) Where, at the time of the incident the worker is performing services as a civil defense worker, and is acting within the course of his duties as a civil defense worker;

(2) Where, at the time of the injury, loss, or damage, the organization for civil defense which the worker is assisting is an approved organization for civil defense;

(3) Where the injury, loss, or damage is proximately caused by his service either with or without negligence as a civil defense worker;

(4) Where the injury, loss, or damage is not caused by the intoxication of the worker; and

(5) Where the injury, loss, or damage is not due to wilful misconduct or gross negligence on the part of a worker.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 9

[Senate Bill No. 172]

EMINENT DOMAIN--

DISPLACED PERSONS--

SUPPLEMENTAL RENT PAYMENTS

AN ACT Relating to eminent domain; and amending section 13, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.170.

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

Section 1. Section 13, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.170 are each amended to read as follows:

No payment received by a displaced person under RCW 8.25.040 through 8.25.060 and 8.25.080 through 8.25.930 shall be considered as income for the purposes of any personal income tax or any tax imposed under Title 82 RCW as now or hereafter amended. Such payments shall not be considered as income or resources, and such payments shall not be deducted from any amount which any recipient would otherwise be entitled, under Title 74 RCW, as now or hereafter amended; PROVIDED, That supplemental rent payments paid under this chapter may be considered in determining the amount of public assistance to which a recipient may be entitled to the extent that there is or would be a duplication of a shelter allowance as established by the public assistance standards.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 10
[Senate Bill No. 302]
LOCAL GOVERNMENT--
RECORDS CONTROL

AN ACT Relating to public documents, records, and publications; and amending section 7, chapter 246, Laws of 1957 and RCW 40.14.070.

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

Section 1. Section 7, chapter 246, Laws of 1957 and RCW 40.14.070 are each amended to read as follows:

County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management, lists of such records, in triplicate, on forms prepared by the division. The archivist and the chief examiner of the division of municipal corporations of the office of the state auditor and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee which shall review such lists, and ((either)) may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

No ((official)) public record other than office files and memoranda of any local ((governmental unit)) government agency shall be destroyed until it is either photographed, microphotographed, photostated, or reproduced on film, or until it is ten years old, and except as otherwise provided by law no public record shall be destroyed until approved for destruction by the local records committee.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other

matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government((a1)) agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency, selected by the archivist, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 11

[Engrossed Substitute Senate Bill No. 352]

SALES, USE TAXES--

EXEMPTIONS--

MOTOR VEHICLES AND TRAILERS

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 65, Laws of 1970 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961, as last amended by section 7, chapter 65, Laws of 1970 ex. sess. and RCW 82.12.030; and prescribing an effective date.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 6, chapter 65, Laws of 1970 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any

exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or

watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the

property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying

(1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening,

washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

Sec. 2. Section 62.12.030, chapter 15, Laws of 1961 as last amended by section 7, chapter 65, Laws of 1970 ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of

this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of

business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to

furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of

new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of pollen.

(21) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

NEW SECTION. Sec. 3. The effective date of this 1971 amendatory act is July 1, 1971.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 12
[Senate Bill No. 496]
HOMESTEADS

AN ACT Relating to homesteads, including awards in addition to or awards in lieu thereof; amending section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1955 and RCW 6.12.050; amending section 11.52.010, chapter 145, Laws of 1965 as amended by section 12, chapter 168, Laws of 1967 and RCW 11.52.010; amending section 11.52.020, chapter 145, Laws of 1965 as amended by section 13, chapter 168, Laws of 1967 and RCW 11.52.020; and amending section 11.52.022, chapter 145, Laws of 1965 and RCW 11.52.022.

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

Section 1. Section 24, chapter 64, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1955 and RCW 6.12.050 are each amended to read as follows:

Homesteads may be selected and claimed in lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ~~((six))~~ ten thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the claimants, and shall not be devoted exclusively to any other purpose.

Sec. 2. Section 11.52.010, chapter 145, Laws of 1965 as amended by section 12, chapter 168, Laws of 1967 and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ~~((ten))~~ fifteen thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from

the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 3. Section 11.52.020, chapter 145, Laws of 1965 as amended by section 13, chapter 168, Laws of 1967 and RCW 11.52.020 are each amended to read as follows:

In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed (~~ten~~) fifteen thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's, or materialmen's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: PROVIDED, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

Sec. 4. Section 11.52.022, chapter 145, Laws of 1965 and RCW 11.52.022 are each amended to read as follows:

If the value of the homestead, exclusive of all such liens, be less than (~~ten~~) fifteen thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal (~~ten~~) fifteen thousand dollars: PROVIDED, That if it shall appear to the court, either (1) there are incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or incompetent children are entitled to receive property including insurance by

reason of the death of the deceased spouse in the sum of ~~((ten))~~ fifteen thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than ~~((ten))~~ fifteen thousand dollars in value, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

NEW SECTION. Sec. 5. If any provision of this 1971 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 March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor March 29, 1971.

Filed in Office of Secretary of State March 29, 1971.

CHAPTER 13

[Engrossed Senate Bill No. 380]

INSURANCE--

DISABILITY, CHIROPRACTIC SERVICES--

HOLDING COMPANIES--

REQUIRED INVESTMENTS

AN ACT Relating to insurance; amending section .13.26, chapter 79, Laws of 1947 and RCW 48.13.260; adding new sections to chapter 79, Laws of 1947 and a new chapter to Title 48 RCW; adding a new section to chapter 48.20 RCW; and adding a new section to chapter 48.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 48.20 RCW a new section to read as follows:

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health care service performed by a holder of a license issued pursuant to chapter 18.25 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and

procedural to the extent they do not impair the obligation of any existing contract.

NEW SECTION. Sec. 2. There is added to chapter 48.21 RCW a new section to read as follows:

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license issued pursuant to chapter 18.25 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

NEW SECTION. Sec. 3. As used in this 1971 act, unless the context otherwise requires:

(1) "Affiliate" of, or a person "affiliated" with, a specific person, shall mean a person who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) "Control", including "controlling", "controlled by", and "under common control with", shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is solely the result of an official position with or a corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, ten percent or more of the voting securities of any other person. This presumption may be rebutted by showing that control does not exist in fact.

(3) "Insurance holding company system" shall consist of two or more affiliated persons, one or more of which is an insurer.

(4) "Insurer" shall have the same meaning given it in RCW 48.01.050.

(5) "Person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert.

(6) "Subsidiary" of a specified person shall mean an affiliate controlled by such person directly, or indirectly through one or more

intermediaries.

(7) "Commissioner" shall mean the insurance commissioner.

NEW SECTION. Sec. 4. No person other than the issuer or an affiliate of the issuer shall make a tender offer for a request or invitation for tenders of, or agreement to exchange securities for or otherwise acquire, any voting security or any security convertible into a voting security of a domestic insurer or of any other person controlling a domestic insurer if, as a result of the consummation thereof, the person making such tender offer, request or agreement, would directly or indirectly, acquire actual control of such insurer, unless:

(1) Such person has filed with the commissioner a statement containing such of the following information, and such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate in the public interest or for the protection of policyholders:

(a) The background and identity of all persons by whom or on whose behalf the purchases or the exchange, merger, or other acquisition of control are to be effected;

(b) The source and amount of the funds or other consideration used or to be used in making the purchases or in effecting the exchange, merger or other acquisition of control, and, if any part of such funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the purchases or effecting the exchange, merger, or other acquisition of control, a description of the transaction and the names of the parties thereto;

(c) Any plans or proposals which such persons may have to liquidate such insurer, to sell its assets or merge it with any person, or to make any other major change in its business or corporate structure or management;

(d) The amount of each class of voting securities, or securities which may be converted into voting securities, of such insurer or such controlling person, which are beneficially owned, and the amount of each class of voting securities or securities which may be converted into voting securities of such insurer or such controlling person concerning which there is a right to acquire beneficial ownership, by each such person and by each such affiliate;

(e) Information as to any contracts, arrangements or understandings with any person with respect to any securities of such insurer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements or understandings have been entered into, and giving the details

thereof; and

(f) A copy of any such agreement, and any amendments thereto, to exchange or otherwise acquire securities or to merge with or otherwise to acquire control of such insurer; and

(2) The time for disapproval, as provided in section 7 of this 1971 amendatory act, including any agreed extensions, has elapsed or approval has been given by the commissioner.

NEW SECTION. Sec. 5. All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such voting securities for actual control of a domestic insurer made by or on behalf of any such person shall contain such of the information specified in section 4 of this 1971 amendatory act as the commissioner may prescribe, and shall be filed with the commissioner at least ten days prior to the time such material is first published or sent or given to security holders. Copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain such information as the commissioner may prescribe as necessary or appropriate in the public interest or for the protection of policyholders and stockholders, and shall be filed with the commissioner at least ten days prior to the time copies of such material are first published or sent or given to security holders.

NEW SECTION. Sec. 6. If the person required to file the statement referred to in section 4 of this 1971 amendatory act is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by section 4 of this 1971 amendatory act shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group and each person who controls such partner or member. If the person required to file the statement referred to in section 4 of this 1971 amendatory act is a corporation, the commissioner may require that the information called for by section 4 of this 1971 amendatory act shall be given with respect to such corporation and each officer and director of such corporation and each person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding securities of such corporation.

NEW SECTION. Sec. 7. (1) In the absence of approval by the commissioner the purchases, exchanges, mergers or other acquisitions of control referred to in section 4 of this 1971 amendatory act may be made unless the commissioner, within twenty days after the statement required by section 4 of this 1971 amendatory act has been filed with him, disapproves the purchases, exchanges, mergers or other acquisitions of control. The commissioner may disapprove any such transaction within twenty days after such filing if he finds

that:

(a) After the change of control the domestic insurer could not satisfy the requirements for the issuance of a certificate of authority according to requirements in force at the time of the issuance of its last certificate of authority to do the insurance business which it intends to transact in this state;

(b) The effect of the purchases, exchanges, mergers, or other acquisitions of control may be substantially to lessen competition in insurance in this state or tend to create a monopoly therein; or would violate the laws of this state or the United States relating to monopolies or restraint of trade;

(c) The financial condition of an acquiring person is such as would jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or, in the case of an acquisition of control, the interest of any remaining shareholders who are unaffiliated with the acquiring person:

(d) The plans or proposals which the acquiring person has to liquidate the insurer, to sell its assets, or to merge it with any person, or to make any other major change in its business or corporate structure or management, are unfair or prejudicial to policyholders; or

(e) The competence, experience and integrity of those persons who would control the operation of the insurer indicate that it would not be in the interest of policyholders, shareholders, or the public to permit them to do so.

(2) The provisions of sections 4 through 7 of this 1971 amendatory act apply to any change of control if and to the extent that the commissioner, by rule or regulation or by order, shall exempt the same from the provisions of such sections as not comprehended within the purpose of this section.

NEW SECTION. Sec. 8. (1) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except that such requirements shall not apply to a foreign insurer domiciled in a jurisdiction which has adopted by statute or regulation disclosure requirements and standards substantially similar to those contained in this 1971 amendatory act. Any insurer which is subject to registration under the provisions of this section shall register within sixty days after the effective date of this act or fifteen days after it becomes subject to registration, whichever is later, unless the commissioner, for good cause shown, extends the time for registration, and then within such extended time. Nothing in this section shall be construed to prohibit the commissioner from requesting any authorized insurer, which is a member of a holding company system, which is not subject to registration under the

provisions of this section for a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of its state of domicile.

(2) Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:

(a) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(b) The following transactions currently outstanding between such insurer and its affiliates:

(i) Loans, other investments, or purchases, sales or exchanges of securities of the affiliate by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchanges of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements, based upon generally accepted accounting principles, and

(vi) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company; and

(c) Other matters concerning transactions between a registered insurer and any affiliate as may be required by the commissioner.

(3) No information need be disclosed on the registration statement filed pursuant to the provisions of this section if such information is not material for the purposes of this 1971 amendatory act. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one half of one percent or less of an insurer's admitted assets as of December 31 immediately preceding shall not be deemed material for purposes of this section.

(4) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on forms provided by the commissioner on or before the fifteenth day of the following month in which it learns of each such change or addition.

(5) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(6) Two or more affiliated insurers subject to registration hereunder may file a consolidated registration statement or

consolidated reports amending their respective consolidated statements or their individual registration statements so long as such consolidated filings correctly reflect the condition of and transactions between such persons.

(7) The commissioner may allow any insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (1) of this section, and to file all information and material required to be filed under the provisions of this 1971 amendatory act.

(8) The provisions of this section shall not apply to any insurer, information or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section as not comprehended within the purposes thereof.

(9) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and basis for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard, and after making specific findings of fact to support such disallowance.

NEW SECTION. Sec. 9. Material transactions by registered insurers with their affiliates occurring after the effective date of this 1971 amendatory act shall be subject to the following standards:

- (1) The terms shall be fair and reasonable;
- (2) The books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transaction; and
- (3) The insurer's surplus to policyholders following any dividends or distributions to shareholders or affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

NEW SECTION. Sec. 10. For purposes of this 1971 amendatory act, in determining whether an insurer's surplus to policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

- (1) The size of the insurer as measured by its assets, capital

and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(2) The extent to which the insurer's business is diversified among the several lines of insurance;

(3) The number and size of risks insured in each line of business;

(4) The extent of the geographical dispersion of the insurer's insured risks;

(5) The nature and extent of the insurer's reinsurance program;

(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

(7) The recent past and projected future trend in the size of the insurer's surplus to policyholders;

(8) The surplus to policyholders maintained by other comparable insurers;

(9) The adequacy of the insurer's reserves; and

(10) The quality and liquidity of investments in subsidiaries.

NEW SECTION. Sec. 11. No insurer subject to registration under the provisions of this 1971 amendatory act shall pay any extraordinary dividend or make any other extraordinary distribution to its stockholders until sixty days after the commissioner has received notice of the intent to declare such dividend or distribution and has not within such period disapproved such payment, or the commissioner shall have approved such payment within such sixty-day period. For purposes of this section, an extraordinary dividend or distribution is any dividend or distribution which, together with other dividends or distributions made within the preceding twelve months, exceeds the greater of ten percent of such insurer's surplus to policyholders as of December 31 of the year immediately preceding, or the net gain from operations of such insurer if such insurer is a life insurer, or the net investment income if such insurer is not a life insurer, for the twelve-month period ending December 31 of the year immediately preceding. Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon stockholders until the commissioner has approved the payment of such dividend or distribution or the commissioner has not disapproved such payment within the thirty-day period referred to above. V.

NEW SECTION. Sec. 12. (1) Subject to the limitations contained in this section and in addition to the powers which the commissioner has under chapter 48.03 RCW, relating to the examination of insurers, the commissioner shall also have the power to order any

insurer registered under the provisions of this 1971 amendatory act to produce such records, books, or papers in the possession of the insurer or affiliates as shall be necessary to verify the information required to be contained in the insurer's registration statement, and any additional information pertinent to transactions between insurer and affiliates. Such books, records, papers and information shall be examined in the manner prescribed in chapter 48.03 RCW relating to the time, place and expense of examination.

(2) The purposes of the examination, under the provisions of subsection (1) of this section, shall be to verify the registration statement and any addition or amendment thereto made pursuant to the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 13. Every report made pursuant to the provisions of this 1971 amendatory act, including every report of examination or investigation, and any duly authenticated copy thereof in the possession of any person subject to the provisions of this act, shall be a confidential communication, shall not be subject to subpoena and shall not be made public by the commissioner without the prior written consent of the insurer or unless the commissioner determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may make a public record or publish all or any part thereof in such manner as he may deem appropriate.

NEW SECTION. Sec. 14. Any person obtaining or attempting to obtain control of a domestic insurer shall by such act subject such person to the jurisdiction of the courts of this state.

NEW SECTION. Sec. 15. The commissioner may, upon notice and opportunity for all interested parties to be heard, issue such reasonable rules, regulations and orders as shall be necessary to carry out and effectuate provisions of this 1971 amendatory act.

Sec. 16. Section .13.26, chapter 79, Laws of 1947 and RCW 48.13.260 are each amended to read as follows:

(1) An insurer shall invest and keep invested its funds aggregating in amount, if a stock insurer, not less than one hundred percent of its minimum required capital, or if a mutual or reciprocal insurer, not less than one hundred percent of its required minimum surplus, in cash or investments eligible in accordance with RCW 48.13.040 (public obligations), and in mortgage loans on real property located within this state, pursuant to RCW 48.13.110.

(2) In addition to the investments required by subsection (1) of this section, an insurer shall invest and keep invested its funds aggregating not less than one hundred percent of its reserves required by this code in cash or premiums in course of collection or in investments eligible in accordance with the following sections: RCW 48.13.040 (public obligations), 48.13.050 (corporate

obligations), 48.13.080 (preferred or guaranteed stocks), 48.13.090 (trustees' or receivers' obligations), 48.13.100 (equipment trust certificates), 48.13.110 (mortgages, loans and contracts), 48.13.150 (auxiliary chattel mortgages), 48.13.160 (real property, home office building, etc.), 48.13.180 (foreign securities), 48.13.190 (policy loans), 48.13.200 (savings and share accounts), 48.13.220 (common stocks), 48.13.230 (collateral loans), 48.13.250 (special consent investments).

(3) This section shall not apply to title insurers nor to mutual insurers on the assessment premium plan.

NEW SECTION. Sec. 17. If any provision of this 1971 amendatory act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this 1971 amendatory act which can be given effect without the invalid provisions or application and for this purpose the provisions of this 1971 amendatory act are separable.

NEW SECTION. Sec. 18. Sections 3 through 15 and section 17 shall be added to chapter 79, Laws of 1947 and shall constitute a new chapter in Title 48 RCW.

Passed the Senate March 19, 1971.

Passed the House March 16, 1971.

Approved by the Governor March 29, 1971, with the exception of an item in Section 11 which is vetoed.

Filed in Office of Secretary of State March 31, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill adopts a comprehensive scheme for the regulation of insurance holding company systems. Section 11 of this bill requires that insurers notify the Insurance Commissioner at least sixty days prior to making certain extraordinary dividends or distributions to stockholders. Insurers may, by the last sentence of this section, declare such dividends conditional upon the Commissioner's approval "within the thirty-day period referred to above."

Clearly this is a drafting error in that the period referred to earlier in this section is a sixty day period. A veto of the words, "thirty days", will cure this inconsistency with no change in substance.

With the exception of the item in section 11, the remainder of the bill is approved."

CHAPTER 14

[Senate Bill No. 879]

APPROPRIATIONS--

LEGISLATIVE EXPENSE AND MEMBERS' SUBSISTENCE

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

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

NEW SECTION. Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of two million one hundred five thousand eighty-five dollars (\$2,105,085), or so much thereof as may be necessary for the purpose of paying the expenses and costs of the legislature including payment to members of the legislature and the president of the Senate in lieu of subsistence and lodging while in attendance at the first extraordinary session of the forty-second legislature, and for members' mileage. From the amount hereby appropriated:

(1) The Senate shall not expend more than nine hundred thirty-eight thousand five hundred eighty-five dollars (\$938,585); and

(2) The House of Representatives shall not expend more than one million one hundred sixty-six thousand five hundred dollars (\$1,166,500): PROVIDED, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

NEW SECTION. Sec. 2. There is hereby appropriated out of the state general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953 and section 5, chapter 212, Laws of 1969 extraordinary session, salaries, wages and operations, the sum of sixty-four thousand fifty-two dollars (\$64,052) or so much thereof as is necessary, to pay additional costs related to preparing and drafting bills for the legislature and the legislative information system.

NEW SECTION. Sec. 3. This act is necessary for the 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 March 25, 1971.

Passed the House March 26, 1971.

Approved by the Governor March 31, 1971.

Filed in Office of Secretary of State March 31, 1971.

CHAPTER 15
[Engrossed Senate Bill No. 163]
INTOXICATING LIQUOR--
PURCHASES--
LEGAL AGE, IDENTIFICATION

AN ACT Relating to intoxicating liquor; amending section 7, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 111, Laws of 1959 and RCW 66.16.040; amending section 1, chapter 67, Laws of 1949 as amended by section 4, chapter 111, Laws of 1959 and RCW 66.20.160; amending section 2, chapter 67, Laws of 1949 as amended by section 5, chapter 111, Laws of 1959 and RCW 66.20.170; amending section 3, chapter 67, Laws of 1949 as amended by section 6, chapter 111, Laws of 1959 and RCW 66.20.180; amending section 4, chapter 67, Laws of 1949 as amended by section 7, chapter 111, Laws of 1959 and RCW 66.20.190; amending section 5, chapter 67, Laws of 1949 as last amended by section 2, chapter 178, Laws of 1969 ex. sess. and RCW 66.20.200; amending section 6, chapter 67, Laws of 1949 as amended by section 9, chapter 111, Laws of 1959 and RCW 66.20.210; prescribing penalties; and providing an effective date.

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

Section 1. Section 7, chapter 62, Laws of 1933 ex. sess. as amended by section 1, chapter 111, Laws of 1959 and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store may sell liquor to any person over the age of twenty-one years for beverage purposes and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person (~~may obtain from the board~~ a) shall be required to present any one of the following officially issued cards of identification (~~sealed in plastic~~) which (~~will~~) shows his correct age and bears his signature and photograph:

(1) Liquor control authority card of identification of any state.

(2) Driver's license of any state or "identicard" issued by the Washington state department of motor vehicles pursuant to RCW 46.20.117.

(3) United States active duty military identification.

(4) Passport.

The board may adopt such regulations as it deems proper covering the

((issuance)) acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

Sec. 2. Section 1, chapter 67, Laws of 1949 as amended by section 4, chapter 111, Laws of 1959 and RCW 66.20.160 are each amended to read as follows:

Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive, shall have the following meaning:

"Card of identification" means ((a)) any one of those cards ((as provided)) described in RCW 66.16.040 ((as amended by this act [1959 c 111 section 4])).

"Licensee" means the holder of a retail liquor license issued by the board, and includes any employee or agent of the licensee.

Sec. 3. Section 2, chapter 67, Laws of 1949 as amended by section 5, chapter 111, Laws of 1959 and RCW 66.20.170 are each amended to read as follows:

((The)) A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee and as evidence of legal age of the person ((to whom such permit was issued)) presenting such card, provided the licensee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

Sec. 4. Section 3, chapter 67, Laws of 1949 as amended by section 6, chapter 111, Laws of 1959 and RCW 66.20.180 are each amended to read as follows:

((The)) A card of identification shall be presented by the holder thereof upon request of any licensee for the purpose of aiding the licensee to determine whether or not such person is at least twenty-one years of age when such person desires to procure liquor from a licensed establishment.

Sec. 5. Section 4, chapter 67, Laws of 1949 as amended by section 7, chapter 111, Laws of 1959 and RCW 66.20.190 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee of such card of identification, the licensee shall require the person whose age may be in question to sign a certification card and ((place the date and)) record an accurate description and serial number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times.

Sec. 6. Section 5, chapter 67, Laws of 1949 as last amended

by section 2, chapter 178, Laws of 1969 ex. sess. and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him ((by the board)), and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both.

Sec. 7. Section 6, chapter 67, Laws of 1949 as amended by section 9, chapter 111, Laws of 1959 and RCW 66.20.210 are each amended to read as follows:

No licensee or the agent or employee of the licensee shall be prosecuted criminally or be sued in any civil action for serving liquor to a person under twenty-one years of age if such person has presented a card of identification ((issued to him by the board)) in accordance with RCW 66.20.180, ((as amended by this act [1959 c 111 section 6]r)) and has signed a certification card as provided in RCW 66.20.190 ((as amended by this act [1959 c 111 section 7])).

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

NEW SECTION. Sec. 8. The effective date of this 1971 amendatory act is July 1, 1971.

Passed the Senate March 12, 1971.

Passed the House March 20, 1971.

Approved by the Governor April 2, 1971.

Filed in Office of Secretary of State April 3, 1971.

CHAPTER 16
[Engrossed Senate Bill No. 219]
CITIES, FIRST CLASS--
PARK PROPERTY--
EXCHANGE

AN ACT Relating to first class cities; and amending section 35.22.280, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.280; and declaring an emergency.

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

Section 1. Section 35.22.280, chapter 7, Laws of 1965 as amended by section 2, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to

regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right

of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To erect and establish work houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein;

(19) To provide for establishing and maintaining reform schools for juvenile offenders;

(20) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(21) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(22) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(23) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(24) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(25) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(26) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(27) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(28) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(29) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(30) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of

five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(31) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(32) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(33) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(34) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(35) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(36) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five hundred dollars or imprisonment in the city jail for six months, or both such fine and imprisonment;

(37) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(38) To provide in their respective charters for a method to propose and adopt amendments thereto.

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 March 24, 1971.

Passed the House March 23, 1971.

Approved by the Governor April 2, 1971.

Filed in Office of Secretary of State April 3, 1971.

CHAPTER 17

[Senate Bill No. 249]

UNIFORM RENDITION OF ACCUSED PERSONS ACT

AN ACT Relating to uniform rendition of accused persons; and adding a new chapter to Title 10 RCW.

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

NEW SECTION. Section 1. This act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 2. (1) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of his release, and is present in this state, a designated agent of the court, judge, or magistrate which authorized the release may request the issuance of a warrant for the arrest of the person and an order authorizing his return to the demanding court, judge, or magistrate. Before the warrant is issued, the designated agent must file with a judicial officer of this state the following documents:

(a) an affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against him;

(b) a certified copy of the order or other document specifying the terms and conditions under which the person was released from custody; and

(c) a certified copy of an order of the demanding court, judge, or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person.

(2) Upon initially determining that the affiant is a designated agent of the demanding court, judge, or magistrate, and that there is a probable cause for believing that the person whose removal is sought has violated the terms or conditions of his

release, the judicial officer shall issue a warrant to a law enforcement officer of this state for the person's arrest.

(3) The judicial officer shall notify the prosecuting attorney of his action and shall direct him to investigate the case to ascertain the validity of the affidavits and documents required by subsection (1) and the identity and authority of the affiant.

NEW SECTION. Sec. 3. (1) The person whose removal is sought shall be brought before the judicial officer without unnecessary delay upon arrest pursuant to the warrant; whereupon the judicial officer shall set a time and place for hearing, and shall advise the person of his right to have the assistance of counsel, to confront the witnesses against him, and to produce evidence in his own behalf at the hearing.

(2) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge, or magistrate. If a waiver is executed, the judicial officer shall issue an order pursuant to section 4 of this act.

(3) The judicial officer may impose conditions of release authorized by the laws of this state which will reasonably assure the appearance at the hearing of the person whose removal is sought.

NEW SECTION. Sec. 4. The prosecuting attorney shall appear at the hearing and report to the judicial officer the results of his investigation. If the judicial officer finds that the affiant is a designated agent of the demanding court, judge, or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge, or magistrate, and that the person has violated the terms or conditions of his release, the judicial officer shall issue an order authorizing the return of the person to the custody of the demanding court, judge, or magistrate forthwith.

NEW SECTION. Sec. 5. For the purpose of this act "judicial officer of this state" and "judicial officer" mean a "judge of the superior court", or a "justice of the peace of this state".

NEW SECTION. Sec. 6. 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. 7. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

NEW SECTION. Sec. 8. This act may be cited as the "Uniform Rendition of Accused Persons Act".

NEW SECTION. Sec. 9. The costs of the procedures required by this act shall be borne by the demanding state, except when the

designated agent is not a public official. In any case when the designated agent is not a public official, he shall bear the cost of such procedures.

Passed the Senate March 24, 1971.
Passed the House March 20, 1971.
Approved by the Governor April 2, 1971.
Filed in Office of Secretary of State April 3, 1971.

CHAPTER 18
[Engrossed Senate Bill No. 515]
REVENUE AND TAXATION--
NURSERY STOCK

AN ACT Relating to revenue and taxation; and amending section 84.40.220, chapter 15, Laws of 1961 and RCW 84.40.220.

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

Section 1. Section 84.40.220, chapter 15, Laws of 1961 and RCW 84.40.220 are each amended to read as follows:

Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this state for the purpose of being sold at any place within the state, shall be held to be a merchant, and when he is by this title required to make out and to deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The growing stock of nurserymen, which is owned by the original producer thereof or which has been held or possessed by the nurserymen for 180 days or more, shall, whether personal or real property, be considered the same as ((~~other~~)) growing crops on cultivated lands: PROVIDED, That the nurserymen be licensed by the department of agriculture.

Passed the Senate March 22, 1971.
Passed the House March 24, 1971.
Approved by the Governor April 2, 1971.
Filed in Office of Secretary of State April 3, 1971.

CHAPTER 19

[Engrossed Senate Bill No. 857]

STATE AND HIGHER EDUCATION CLASSIFIED EMPLOYEES
--VETERANS' LAYOFF AND REEMPLOYMENT PREFERENCE

AN ACT Relating to layoffs and subsequent reemployment of veterans in classified service under the jurisdiction of the state civil service law and the higher education personnel law; amending section 10, chapter 36, Laws 1969 ex. sess. and RCW 28B.16.100; amending section 15, chapter 1, Laws of 1961 as amended by section 13, chapter 108, Laws of 1967 ex. sess. and RCW 41.06.150; and declaring an emergency.

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

Section 1. Section 10, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.100 are each amended to read as follows:

(1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with

the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this act regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules and regulations adopted and promulgated by the

higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and noncompetitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;
- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions within the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

Sec. 2. Section 15, chapter 1, Laws of 1961 as amended by section 13, chapter 108, Laws of 1967 ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the

cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this act regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

NEW SECTION. Sec. 3. This 1971 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 March 30, 1971.

Passed the House March 29, 1971.

Approved by the Governor April 2, 1971.

Filed in Office of Secretary of State April 3, 1971.

CHAPTER 20

[House Bill No. 832]

WATER POLLUTION CONTROL FACILITIES--
APPROPRIATION

AN ACT Relating to water pollution control facilities; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. There is appropriated to the department of ecology from the water pollution control facilities account the sum of sixteen million dollars for the construction and/or improvement of water pollution control facilities.

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 on April 1, 1971.

Passed the House March 30, 1971.

Passed the Senate April 1, 1971.

Approved by the Governor April 7, 1971.

Filed in Office of Secretary of State April 7, 1971.

CHAPTER 21

[Senate Bill No. 906]

FERRIES--
IN-STATE CONSTRUCTION

AN ACT Relating to bid procedures; providing for the award of contracts for the construction of ferries to Washington corporations in periods of excessive unemployment; amending section 47.28.090, chapter 13, Laws of 1961 and RCW 47.28.090; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds the award of contracts to construct new ferries to persons intending to construct such ferries within the state will serve not only the public transportation needs of the state but also generate an increase in employment, salaries, wages, purchases, and general business activity which will cause a general increase in the tax revenues of the state. It is the intent of this act to effectively recognize all the benefits to the people of the state when contracts for the construction of ferries are awarded to persons intending to construct such ferries within the state and to provide for the consideration of such benefits in awarding a contract for construction. It is the further intent of this act to respond to the severe and extraordinary problem of unemployment which presently faces the citizens of the state and which diminishes the strength of the public institutions which serve the welfare of all the people of the state.

Sec. 2. Section 47.28.090, chapter 13, Laws of 1961 and RCW 47.28.090 are each amended to read as follows:

At the time and place named in the call for bids the Washington state highway commission shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the commission has, for good cause, continued the date of opening bids to a day certain, or rejected said bid: PROVIDED, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract: AND PROVIDED FURTHER, That notwithstanding any other provision of law, the highway commission, in awarding contracts for which bids have been accepted prior to July 1, 1971, for construction of ferries for the Washington state ferry system, may consider the bid of the lowest responsible bidder operating shipbuilding facilities and proposing to build such ferries in the state of Washington by evaluating and including the projected direct and indirect tax revenues generated by construction of the ferries within the state. Moneys expended to meet the added cost incurred as a consequence of the award of a contract authorized by this proviso shall come from such funds as may be available. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith.

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

Passed the Senate April 5, 1971.

Passed the House April 3, 1971.

Approved by the Governor April 7, 1971.

Filed in Office of Secretary of State April 7, 1971.

CHAPTER 22

[Engrossed Senate Bill No. 47]

MOTOR VEHICLES--

RECORDS, DESTRUCTION--

SECURITY FOLLOWING ACCIDENT

AN ACT Relating to motor vehicles; amending section 46.08.120, chapter 12, Laws of 1961 as amended by section 45, chapter 170, Laws of 1965 ex. sess. and RCW 46.01.260; amending section 6, chapter 169, Laws of 1963 and RCW 46.29.060; and declaring an emergency.

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

Section 1. Section 46.08.120, chapter 12, Laws of 1961 as amended by section 45, chapter 170, Laws of 1965 ex. sess. and RCW 46.01.260 are each amended to read as follows:

The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his office which have been microfilmed or photographed or are more than five years old.

Sec. 2. Section 6, chapter 169, Laws of 1963 and RCW 46.29.060 are each amended to read as follows:

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person ((in excess) of ((one) two hundred dollars or more).

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

take effect immediately.

Passed the Senate March 31, 1971.

Passed the House March 25, 1971.

Approved by the Governor April 9, 1971.

Filed in Office of Secretary of State April 9, 1971.

CHAPTER 23
[Senate Bill No. 918]
STATE BUILDING AUTHORITY

AN ACT Relating to the state building authority; amending section 3, chapter 162, Laws of 1967 as last amended by section 1, chapter 31, Laws of 1971 and RCW 43.75.030; and declaring an emergency.

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

Section 1. Section 3, chapter 162, Laws of 1967 as last amended by section 1, chapter 31, Laws of 1971 and RCW 43.75.030 are each amended to read as follows:

The authority may contract with any of the institutions of higher learning to lease from any such institution land owned by such institution, the state or its agencies or may acquire land for the purpose of erecting thereon a building or buildings as requested by the governing body of any such institution of higher learning when such building or buildings shall be specifically approved by the legislature: PROVIDED, That no specific approval by the legislature shall be required for buildings at The Evergreen State College prior to July 1, 1971. Such building or buildings, together with the land upon which they shall be built, shall be leased or released by the authority to the appropriate institution of higher learning at any time subsequent to the commencement of construction thereof for a term of years not to exceed (~~twenty-five~~) seventy-five, at reasonable rental rates.

NEW SECTION. Sec. 2. This 1971 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 April 1, 1971.

Passed the House April 2, 1971.

Approved by the Governor April 9, 1971.

Filed in Office of Secretary of State April 9, 1971.

CHAPTER 24
[Engrossed House Bill No. 273]
HIGHWAYS--
CONSTRUCTION--
ENVIRONMENTAL IMPACT

AN ACT Relating to state highways; providing environmental impact reports on the construction thereof; and creating new sections.

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 that in the location, design and construction of state highways, every effort shall be made to minimize and eliminate effects which are adverse to the natural and human environment of the state. Such factors as the dislocation of people, the dislocation of residences, the dislocation of businesses and the creation of air and water pollution situations shall be considered when constructing state highways. Therefore, the purposes of this act are:

(1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment;

(2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of the citizens of this state; and

(3) To enrich the understanding of ecological systems and natural resources important to the state; and

(4) To provide an efficient highway network serving the commercial, recreational and personal needs of the people of this state.

NEW SECTION. Sec. 2. Whenever the department of highways determines that a state highway project will significantly affect the quality of human environment, and in every case when a state highway is to be constructed in a new location or a state highway reconstruction project will require additional right of way, the department of highways, prior to holding the first public hearing relating to the location or design of the highway, shall prepare a report on the environmental impact which may reasonably be expected to occur as a result of such constructions: PROVIDED, That if in respect to any project on which one or more hearings have occurred prior to the effective date of this act, the department of highways shall prepare the environmental report prior to conducting the next public hearing.

The environmental report shall consider:

(1) The environmental impact of the highway including its effect on the quality of the air and water and the effect on existing residential and business developments;

(2) Any adverse environmental effects which cannot be avoided as a result of the construction of the highway;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible and irretrievable commitments or resources which would be involved in the proposed project.

NEW SECTION. Sec. 3. The environmental impact report shall be transmitted to the director of the department of ecology not less than thirty days prior to the public hearing or next public hearing as provided in section 2 of this act. The director of the department of ecology shall prepare a written environmental review statement on the project which shall contain a statement of any environmental problems and adverse environmental impact, natural or human, which he believes may reasonably be expected to occur as a result of the project. The environmental review statement shall also contain a statement of any beneficial environmental impact or any amenities either natural or human which may reasonably be expected to occur as a result of the project: PROVIDED, That if the director of the department of ecology determines that the project will have no significant environmental impact, his written statement to that effect shall constitute a review statement.

The director of the department of ecology shall transmit copies of the review statement to the department of highways, to any interested citizens, and to representatives of the news media in the area in which the proposed or existing highway is located not less than five days prior to the public hearing or next public hearing referred to in section 2 of this act.

Passed the House March 12, 1971.

Passed the Senate April 1, 1971.

Approved by the Governor April 9, 1971.

Filed in Office of Secretary of State April 9, 1971.

CHAPTER 25

[Engrossed House Bill No. 248]

COUNTIES--

ROAD MILLAGE, DISPOSITION--

ROAD EQUIPMENT, GARBAGE DISPOSAL SITES

AN ACT Relating to counties; amending section 36.82.040, chapter 4, Laws of 1963 and RCW 36.82.040; and repealing sections 1 and 2, chapter 218, Laws of 1967 and RCW 36.82.240 and 36.82.245.

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

NEW SECTION. Section 1. The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road millage for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.050.

Sec. 2. Section 36.82.040, chapter 4, Laws of 1963 and RCW 36.82.040 are each amended to read as follows:

For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county (~~read~~) purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed ten mills on the dollar of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund except that revenue diverted under section 1 of this 1971 amendatory act shall be placed in a separate and identifiable account within the county current expense fund.

NEW SECTION. Sec. 3. Sections 1 and 2, chapter 218, Laws of 1967 and RCW 36.82.240 and 36.82.245 are each hereby repealed.

NEW SECTION. Sec. 4. If any provision of this 1971 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 March 16, 1971.

Passed the Senate April 3, 1971.

Approved by the Governor April 12, 1971.

Filed in Office of Secretary of State April 12, 1971.

CHAPTER 26

[Engrossed House Bill No. 645]

MOTOR VEHICLES--

TRAFFIC SAFETY EDUCATION

AN ACT Relating to motor vehicles; and amending section 2, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.030.

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

Section 1. Section 2, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.030 are each amended to read as follows:

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

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

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

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

~~((All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3-62 RCW as now exists or is later amended.))~~

Notwithstanding, the provisions contained in chapters 3.62 and 3.16 RCW, or any other section, all moneys derived from penalty assessments made under this section shall be forwarded to the traffic safety education account of the general fund of the state treasury and shall be used exclusively for traffic safety education.

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

Passed the House March 15, 1971.

Passed the Senate April 2, 1971.

Approved by the Governor April 12, 1971.

Filed in Office of Secretary of State April 12, 1971.

CHAPTER 27

[Engrossed House Bill No. 166]

REVENUE AND TAXATION--

PERSONS ASSESSING REAL PROPERTY, QUALIFICATIONS

AN ACT Relating to revenue and taxation; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.21 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 36.21 RCW a new section to read as follows:

Any person assessing real property for purposes of taxation and persons acting as assistants or deputies to a county assessor under RCW 36.21.011 as now or hereafter amended, shall have first:

(1) Graduated from an accredited high school or passed a high school equivalency examination;

(2) Had at least one year of experience in transactions involving real property, in appraisal of real property, or in assessment of real property, or at least one year of experience in a combination of the three;

(3) Become knowledgeable in repair and remodeling of buildings and improvement of land, and in the significance of locality and area to the value of real property; and

(4) Become knowledgeable in the standards for appraising property set forth by the department of revenue.

The department of personnel shall prepare with the advice of the department of revenue and administer an examination on the subjects of subsections (3) and (4), and no person shall assess real property for purposes of taxation without having passed said examination. A person passing said examination shall be certified accordingly by the director of the department of personnel: PROVIDED, HOWEVER, That this section shall not apply to any person who prior to the effective date of this act shall have ~~either~~:^V

(1) Been certified as a real property appraiser by the department of personnel.

(2) Attended and satisfactorily completed the assessor's school operated jointly by the department of personnel and the Washington state assessors association.^V

Passed the House March 12, 1971.

Passed the Senate April 3, 1971.

Approved by the Governor April 12, 1971 with the exception of an item in Section 1 which is vetoed.

Filed in Office of Secretary of State April 13, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill adopts qualifications for

persons engaged in the assessment of real property for purposes of taxation. The bill as originally drafted granted an exemption from the qualification provisions for persons who had attended and satisfactorily completed an assessor's school operated jointly by the Department of Personnel and the Washington State Assessor's Association. In fact, this school is operated jointly by the Assessor's Association and the Department of Revenue.

I have vetoed from the bill that language relating to the assessor's school in this erroneous fashion. I urge the Legislature to cure this defect in the language of the bill by adopting new legislation which would exempt from the qualification provisions imposed by this bill persons who have completed the assessor's school operated jointly by the Department of Revenue and the Washington State Assessor's Association.

With the exception of the item referred to above, the remainder of the bill is approved."

CHAPTER 28

[Engrossed Senate Bill No. 35]

COLLEGES AND UNIVERSITIES--

INTERCOLLEGIATE ATHLETICS--

E. W. S. C., DEGREES IN NURSING OR DENTAL HYGIENE

AN ACT Relating to higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW; 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.40 RCW a new section to read as follows:

In addition to all other powers and duties given to it by law, the board of trustees of Eastern Washington State College may grant a bachelor of science degree in nursing and/or a bachelor of science degree in dental hygiene to any student who has satisfactorily completed the requirements for such degrees as determined by the board of trustees.

NEW SECTION. Sec. 2. There is added to chapter 28B.10 RCW a

new section to read as follows:

The governing boards of each of the state universities, state colleges, and community colleges in addition to their other duties prescribed by law shall have the power and authority to establish programs for intercollegiate athletic competition. Such competition may include participation as a member of an athletic conference or conferences, in accordance with conference rules.

NEW SECTION. Sec. 3. There is added to chapter 28B.10 RCW a new section to read as follows:

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with section 1 *[2] of this 1971 act shall be limited to moneys received as contributed or donated funds, or revenues derived from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts.

NEW SECTION. Sec. 4. This 1971 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 April 7, 1971.

Passed the House April 6, 1971.

Approved by the Governor April 14, 1971.

Filed in Office of Secretary of State April 14, 1971.

CHAPTER 29

[Engrossed Senate Bill No. 156]

SNOWMOBILE ACT

AN ACT Relating to self-propelled vehicles; creating new sections; prescribing penalties; and making appropriations.

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

NEW SECTION. Section 1. As used in this 1971 act the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated:

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or

sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect 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, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state highway commission, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of motor vehicles.

(10) "Director" shall mean the director of the department of motor vehicles.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

NEW SECTION. Sec. 2. Except as provided, in this 1971 act, no person shall operate any snowmobile within this state after the effective date of this 1971 act unless such snowmobile has been registered in accordance with the provisions of this 1971 act.

NEW SECTION. Sec. 3. No registration shall be required under the provisions of this 1971 act for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any

municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than sixty consecutive days shall be subject to registration under the provisions of this 1971 act.

(4) Snowmobiles operated exclusively on lands owned and under the control of the owner thereof.

NEW SECTION. Sec. 4. 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 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 section 7 of this 1971 act.

The registration provided in this section shall be valid for a period of three years. 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 years, upon payment of a renewal fee of fifteen dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this 1971 act 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.

NEW SECTION. Sec. 5. (1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles owned by a dealer and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of sections 2, 4, 6, and 7 of this 1971 act.

(3) Upon registration each dealer shall purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer for the purposes enumerated in subsection (2) of this section shall display such number plates in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display a dealer number plate, and no dealer or a representative thereof shall use a dealer's number plate for any purpose other than the purposes described in subsection (2) of this section.

(5) Dealer registration numbers shall be nontransferable.

(6) Six months after the effective date of this 1971 act, it shall be unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

NEW SECTION. Sec. 6. The registration number assigned to a snowmobile in this state at the time of its original registration shall remain with that snowmobile until the vehicle is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department. The department shall, upon assignment of such registration number, issue and deliver to the owner a certificate of registration, in such form as the department shall prescribe. The certificate of registration shall not be valid unless signed by the person who signed the application for registration.

At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date,

tag, or tags shall be affixed to the snowmobile in such manner as the department may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued.

NEW SECTION. Sec. 7. The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon each 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; except dealer number plates as provided for in section 5 of this 1971 act may be temporarily affixed.

NEW SECTION. Sec. 8. 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 the effective date of this 1971 act, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this 1971 act.

(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 this 1971 act.

(3) For the first two years after the effective date of this 1971 act, 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.

NEW SECTION. Sec. 9. It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) While under the influence of intoxicating liquor or

narcotics or habit forming drugs.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device which may be operated either by hand or foot.

(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, and, on snowmobiles manufactured after January 4, 1973, which 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; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in sections 10 and 11 of this 1971 act.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

NEW SECTION. Sec. 10. It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection.

NEW SECTION. Sec. 11. Notwithstanding the provisions of section 10 of this 1971 act, 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 to motor vehicle traffic during the winter months; or

Where such roadway or highway is posted 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 travel by automobile impractical; or

When travelling along a designated snowmobile trail.

NEW SECTION. Sec. 12. 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 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.

NEW SECTION. Sec. 13. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry any loaded weapon upon , nor hunt from, any snowmobile. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 14. The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage in the estimated amount of two hundred dollars or more, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown, shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted.

NEW SECTION. Sec. 15. From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund, and such amounts shall be credited, in equal amounts, to the commission, the department of natural resources, and the department of game, and shall be expended for the development or operation, but not acquisition of snowmobile facilities.

NEW SECTION. Sec. 16. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel, but persons so purchasing and using motor vehicle 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.

NEW SECTION. Sec. 17. 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 tax on snowmobile 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 the effective date of this 1971 act, and ten thousand dollars in each succeeding biennium.

NEW SECTION. Sec. 18. Notwithstanding any of the provisions of this 1971 act, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of snowmobiles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not inconsistent with the provisions of this 1971 act; and provided further that no such city, county, or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance which imposes a special fee for the use of public lands or waters by snowmobiles, or for the use of any access thereto which is owned by or under the jurisdiction of either the United States, this state, or any such city, county, or other political subdivision.

NEW SECTION. Sec. 19. (1) Except as provided in section 13 of this 1971 act, any person violating the provisions of this 1971 act shall be guilty of a misdemeanor.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

NEW SECTION. Sec. 20. The provisions of this 1971 act shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state game protectors and deputy game protectors, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

NEW SECTION. Sec. 21. If any provision of this 1971 act, or its application to any person or circumstances is held invalid, the remainder of this 1971 act, or the application of the provision to

other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This 1971 act may be known and cited as the "Snowmobile Act".

NEW SECTION. Sec. 23. To carry out the provisions of section 8(3) of this 1971 act there is appropriated to the commission from the general fund, the sum of one hundred thousand dollars, or such lesser amount as represents fifteen percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 8(4) of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sums of one hundred thousand dollars for each, or such lesser amounts as represent twenty percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 15 of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sum of one hundred thousand dollars for each, or such lesser amounts as represent one third of the refund of tax on motor vehicle fuel which has been determined to be a tax on snowmobile fuel, or so much thereof as may be necessary.

To carry out the provisions of section 17 of this 1971 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.

Passed the Senate April 7, 1971.

Passed the House April 6, 1971.

Approved by the Governor April 14, 1971.

Filed in Office of Secretary of State April 14, 1971.

CHAPTER 30

[Engrossed Senate Bill No. 182]

PHYSICIAN'S ASSISTANTS--

OSTEOPATHIC PHYSICIAN'S ASSISTANTS

AN ACT Relating to physician's assistants and osteopathic physician's assistants; and creating new sections.

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

NEW SECTION. Section 1. (1) "Physician's assistant" means a person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to

practice medicine to a limited extent;

(2) "Board" means the board of medical examiners.

(3) "Practice medicine" shall have the meaning defined in RCW 18.71.010.

NEW SECTION. Sec. 2. The board shall adopt rules and regulations fixing the qualifications and the educational and training requirements for persons who may be employed as physician's assistants or who may be enrolled in any physician's assistant training program.

The board shall, in addition, adopt rules and regulations governing the extent to which physician's assistants may practice medicine during training and after successful completion of a training course. Such regulations shall provide:

(1) That the practice of a physician's assistant shall be limited to the performance of those services for which he is trained; and

(2) That each physician's assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

NEW SECTION. Sec. 3. A physician's assistant as defined in this 1971 act may practice medicine in this state only after authorization by the board and only to the extent permitted by the board. A physician's assistant shall be subject to discipline under chapter 18.72 RCW.

NEW SECTION. Sec. 4. No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee of fifty dollars, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee of ten dollars. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon

the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.71.140.

NEW SECTION. Sec. 5. No physician who uses the services of a physician's assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine within the meaning of RCW 18.71.020 or 18.72.030(13): PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a physician's assistant in his employ.

NEW SECTION. Sec. 6. No health care services may be performed under this chapter in any of the following areas:

(a) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(d) Nothing in this section shall preclude the performance of routine visual screening.

(e) The practice of dentistry or dental hygiene as defined in Chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(f) The practice of chiropractic as defined in Chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(g) The practice of chiropody as defined in chapter 18.22 RCW.

NEW SECTION. Sec. 7. (1) "Osteopathic physician's assistant" means a person who has satisfactorily completed a board-approved training program designed to prepare persons to practice osteopathic medicine to a limited extent;

(2) "Board" means the committee of osteopathic examiners;

(3) "Practice medicine" shall have the meaning defined in RCW 18.57.130.

NEW SECTION. Sec. 8. The board shall adopt rules and regulations fixing the qualifications and the educational and training requirements for persons who may be employed as osteopathic physician's assistants or who may be enrolled in any physician's training program.

The board shall, in addition, adopt rules and regulations

governing the extent to which physician's assistants may practice medicine during training and after successful completion of a training course. Such regulations shall provide:

(1) That the practice of an osteopathic physician's assistant shall be limited to the performance of those services for which he is trained; and

(2) That each osteopathic physician's assistant shall practice medicine only under the supervision and control of an osteopathic physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

NEW SECTION. Sec. 9. An osteopathic physician's assistant as defined in this 1971 act may practice osteopathic medicine in this state only after authorization by the board and only to the extent permitted by the board. An osteopathic physician's assistant shall be subject to discipline under RCW 18.57.170.

NEW SECTION. Sec. 1C. No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee of fifty dollars, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee of ten dollars. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with RCW 18.57.180.

NEW SECTION. Sec. 11. No osteopathic physician who uses the services of an osteopathic physician's assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice osteopathic medicine within the meaning of RCW 18.57.080 or 18.57.030: PROVIDED, HOWEVER, That any physician

shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.57.130 when performed by a physician's assistant in his employ.

NEW SECTION. Sec. 12. No health care services may be performed under this chapter in any of the following areas:

(a) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(d) Nothing in this section shall preclude the performance of routine visual screening.

(e) The practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(f) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(g) The practice of chiropody as defined in chapter 18.22 RCW.

NEW SECTION. Sec. 13. If any provision of this 1971 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 April 8, 1971.

Passed the House April 6, 1971.

Approved by the Governor April 15, 1971.

Filed in Office of Secretary of State April 15, 1971.

CHAPTER 31

[Engrossed Senate Bill No. 196]

PAROLED, DISCHARGED PRISONERS

AND PERSONS CONVICTED OF FELONY AND GRANTED PROBATION--

AID AND ASSISTANCE

AN ACT Relating to crimes and punishments; creating a program of aid and assistance for paroled, discharged prisoners and persons convicted of a felony and granted probation; amending section 2, chapter 217, Laws of 1961 and RCW 9.95.310; amending

section 3, chapter 217, Laws of 1961 and RCW 9.95.320; amending section 4, chapter 217, Laws of 1961 and RCW 9.95.330; amending section 5, chapter 217, Laws of 1961 and RCW 9.95.340; amending section 6, chapter 217, Laws of 1961 and RCW 9.95.350; amending section 7, chapter 217, Laws of 1961 and RCW 9.95.360; amending section 8, chapter 217, Laws of 1961 and RCW 9.95.370; and adding a new section to chapter 217, Laws of 1961 and to chapter 9.95 RCW.

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

Section 1. Section 2, chapter 217, Laws of 1961 and RCW 9.95.310 are each amended to read as follows:

The purpose of ((RCW 9-95-340 through 9-95-370)) this 1971 amendatory act is to provide necessary assistance, other than assistance which is authorized to be provided ((by the state division of vocational rehabilitation, the state department of public assistance, the employment security department)) under the vocational rehabilitation laws, Title 28A RCW, under the public assistance laws, Title 74 RCW or the department of employment security or other state agency, for parolees, ((and)) discharged prisoners and persons convicted of a felony and granted probation in need and whose capacity to earn a living under these circumstances is impaired; and to help such persons attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole.

Sec. 2. Section 3, chapter 217, Laws of 1961 and RCW 9.95.320 are each amended to read as follows:

The ((board)) secretary of the department of social and health services or his designee may provide to any parolee ((or)), discharged prisoner and persons convicted of a felony and granted probation in need and without necessary means, from any funds legally available therefor, such reasonable sums as ((it)) he deems necessary for the subsistence of such person and his family until ((he)) such person has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the ((board)) secretary of the department of social and health services or his designee may require and ((it would supplement)) shall be supplementary to any moneys which may be provided under public assistance or from any other source.

Sec. 3. Section 4, chapter 217, Laws of 1961 and RCW 9.95.330 are each amended to read as follows:

The ((board)) department of social and health services may accept any devise, bequest, gift, grant, or contribution made for the purposes of ((RCW 9-95-340 through 9-95-370)) this 1971 amendatory

act and the secretary of the department of social and health services or his designee may make expenditures, or approve expenditures by local parole or probation officers, therefrom for the purposes of ((REW 9-95-340 through 9-95-370)) this 1971 amendatory act in accordance with the rules of the ((board)) department of social and health services.

Sec. 4. Section 5, chapter 217, Laws of 1961 and RCW 9.95.340 are each amended to read as follows:

Any funds in the hands of the ((board)) department of social and health services, or which may come into its hands, which belong to discharged prisoners ((or)), parolees or persons convicted of a felony and granted probation who absconded, or whose whereabouts are unknown, shall be deposited in the parolee and probationer revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners ((and)), parolees and persons convicted of a felony and granted probation who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners ((and)), parolees and persons convicted of a felony and granted probation for whose benefit they are made. Whenever any money belonging to discharged prisoners ((and)), parolees and persons convicted of a felony and granted probation is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the ((board)) department of social and health services within five years of deposit into said fund and upon a clear showing of a legal right of such claimant to such money.

Sec. 5. Section 6, chapter 217, Laws of 1961 and RCW 9.95.350 are each amended to read as follows:

All money or other property paid or delivered to a probation or parole officer or employee of the ((board)) department of social and health services by or for the benefit of any discharged prisoner ((or)), parolee or persons convicted of a felony and granted probation shall be immediately transmitted to the ((board)) department of social and health services and it shall enter the same upon its books to his credit. Such money or other property shall be used only under the direction of the ((board)) department of social and health services.

If such person absconds, the money shall be deposited in the revolving fund created by ((REW 9-95-360)) section 6 of this 1971 amendatory act, and any other property, if not called for within one year, shall be sold by the ((board)) department of social and health services and the proceeds credited to the revolving fund.

If any person, files a claim within five years after the deposit or crediting of such funds, and satisfies the ((board))

department of social and health services that he is entitled thereto, the ~~((board shall))~~ department of social and health services may make a finding to that effect and may make payment to the claimant in the amount to which he is entitled.

Sec. 6. Section 7, chapter 217, Laws of 1961 and RCW 9.95.360 are each amended to read as follows:

The ~~((board))~~ department of social and health services shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "parolee and probationer revolving fund" into which shall be deposited all moneys received by it under ~~((REW 9-95-340 through 9-95-370))~~ this 1971 amendatory act and any appropriation made for the purposes of ~~((REW 9-95-340 through 9-95-370))~~ this 1971 amendatory act. All expenditures from this revolving fund shall be made by check or voucher signed by the ~~((chairman of the board or its duly designated representative or representatives))~~ secretary of the department of social and health services or his designee. The parolee and probationer revolving fund shall be deposited by the ~~((board))~~ department of social and health services in such banks or financial institutions as it may select which shall give to the ~~((board))~~ department of social and health services a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

Sec. 7. Section 8, chapter 217, Laws of 1961 and RCW 9.95.370 are each amended to read as follows:

The ~~((board))~~ secretary of the department of social and health services or his designee shall enter into a written agreement with every person receiving funds under ~~((REW 9-95-340 through 9-95-370))~~ this 1971 amendatory act that such person will repay such funds under the terms and conditions in said agreement. No person shall receive funds until such an agreement is validly made.

NEW SECTION. Sec. 8. There is added to chapter 217, Laws of 1961 and to chapter 9.95 RCW a new section to read as follows:

On the effective date of this 1971 amendatory act the board of prison terms and paroles shall transfer to the secretary of the department of social and health services all funds, accounts, records, files, documents and all other tangible property and things pertaining to the parolee revolving fund created by chapter 217, Laws of 1961.

Passed the Senate March 12, 1971.

Passed the House April 6, 1971.

Approved by the Governor April 15, 1971.

Filed in Office of Secretary of State April 15, 1971.

CHAPTER 32
[Engrossed Senate Bill No. 95]
SCHOOL BUSES--
FIRE DEPARTMENT VEHICLES--
STUDED TIRES

AN ACT Relating to motor vehicles; amending section 46.37.420, chapter 12, Laws of 1961 as amended by section 1, chapter 7, Laws of 1969 ex. sess. and RCW 46.37.420; and declaring an emergency.

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

Section 1. Section 46.37.420, chapter 12, Laws of 1961 as amended by section 1, chapter 7, Laws of 1969 ex. sess. and RCW 46.37.420 are each amended to read as follows:

(1) After January 1, 1938, it shall be unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway shall have on its periphery any block, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid: PROVIDED, That it shall be unlawful to use metal studs imbedded within the tire between April 1 and November 1: PROVIDED FURTHER, That the state highway commission may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein shall be lawful.

(3) The state highway commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1 and April 1 upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

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 April 7, 1971.

Passed the House April 6, 1971.

Approved by the Governor April 14, 1971 with the exception of Section 2 which is vetoed.

Filed in Office of Secretary of State April 16, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill permits school buses and fire department vehicles to use studded tires between November 1 and April 1 of each year. Since this law will have no substantive effect until next November, I cannot conceive that an emergency exists and have therefore vetoed the emergency clause."

CHAPTER 33

[Engrossed Senate Bill No. 410]

HORTICULTURAL PLANTS, REGULATION

AN ACT Relating to agriculture; providing for the regulation of horticultural plants; creating new sections; repealing section 1, chapter 221, Laws of 1961, section 16, chapter 240, Laws of 1967 and RCW 15.13.010; repealing section 2, chapter 221, Laws of 1961, section 17, chapter 240, Laws of 1967 and RCW 15.13.020; repealing section 3, chapter 221, Laws of 1961, section 18, chapter 240, Laws of 1967 and RCW 15.13.030; repealing section 4, chapter 221, Laws of 1961 and RCW 15.13.040; repealing section 20, chapter 240, Laws of 1967 and RCW 15.13.045; repealing section 5, chapter 221, Laws of 1961 and RCW 15.13.050; repealing section 6, chapter 221, Laws of 1961 and RCW 15.13.060; repealing section 7, chapter 221, Laws of 1961 and RCW 15.13.070; repealing section 8, chapter 221, Laws of 1961 and RCW 15.13.080; repealing section 9, chapter 221, Laws of 1961 and RCW 15.13.090; repealing section 21, chapter 240, Laws of 1967 and RCW 15.13.095; repealing section 10, chapter 221, Laws of 1961 and RCW 15.13.100; repealing section 11, chapter 221, Laws of 1961 and RCW 15.13.110; repealing section 12, chapter 221, Laws of 1961 and RCW 15.13.120; repealing section 13, chapter 221, Laws of 1961 and RCW 15.13.130; repealing section 14, chapter 221, Laws of 1961 and RCW 15.13.140; repealing section 15, chapter 221, Laws of 1961 and RCW 15.13.150; repealing section 16, chapter 221, Laws of 1961 and RCW 15.13.160; repealing section 17, chapter

221, Laws of 1961 and RCW 15.13.170; repealing section 18, chapter 221, Laws of 1961 and RCW 15.13.180; repealing section 19, chapter 221, Laws of 1961 and RCW 15.13.190; repealing section 20, chapter 221, Laws of 1961, section 19, chapter 240, Laws of 1967 and RCW 15.13.200; repealing section 21, chapter 221, Laws of 1961 and RCW 15.13.210; repealing section 22, chapter 221, Laws of 1961 and RCW 15.13.900; repealing section 23, chapter 221, Laws of 1961 and RCW 15.13.910; prescribing penalties; and declaring an effective date.

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

NEW SECTION. Section 1. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, for planting, propagation or ornamentation growing or otherwise, including cut plant material.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants and/or cut plant material are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants and/or cut plant material.

(6) "Plant pests" means, but is not limited to any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants, weeds, or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants and/or cut plant material at any time prior to, during, or subsequent to harvest, or sale, by the director, and the issuance by him of a written certificate stating the grades, classifications, and if such horticultural plants and/or cut plant material are free of plant pests and in compliance with all the provisions of this act and rules adopted hereunder.

(8) "Nursery dealer" means any person who sells, holds for sale, or offers for sale, or plants, grows, receives, or handles

horticultural plants and/or cut plant material, including turf for sale or for planting, including lawns, for another person including any person who uses horticultural plants of another article or product.

(9) "Sell" means to sell, hold for sale, offer for sale, handle, or to use as an inducement for the sale of another article or product.

NEW SECTION. Sec. 2. The director shall enforce the provisions of this act and he may adopt any rule necessary to carry out its purpose and provisions including but not limited to the following:

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant and/or cut plant material and standards for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant and/or cut plant material as to variety, quality, size and freedom from plant pests.

(3) The director shall adopt rules establishing fees for inspection of horticultural plants and/or cut plant material and methods of collection thereof.

(4) The director shall when adopting rules or regulations under the provisions of this act, hold a public hearing and satisfy all the requirements of chapter 34.04 RCW (administrative procedure act) as enacted or hereafter amended, concerning the adoption of rules and regulations.

NEW SECTION. Sec. 3. The provisions of this act relating to licensing shall not apply to persons making casual or isolated sales nor to any garden club or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in section 1 of this act and which are grown by or donated to its members: PROVIDED, That such club or association shall apply to the director for a permit to conduct such sale. A two dollar fee shall be assessed for such permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this act except licensing as set forth herein.

NEW SECTION. Sec. 4. No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold. Any person applying for such a license shall file an application with the director on or before July 1st of each year. Such application shall be accompanied by a license fee of twenty-five dollars. Such license shall expire on June 30th following issuance unless it has been revoked or suspended prior thereto by the director for cause. Each such license shall be posted in a conspicuous place

open to the public in the location for which it was issued.

NEW SECTION. Sec. 5. If any application for renewal of nursery dealer license is not filed prior to July 1st in any year, an additional charge of fifty percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional assessment shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a nursery dealer subsequent to the expiration of his prior license.

NEW SECTION. Sec. 6. Application for a license shall be on a form prescribed by the director and shall include:

(1) The full name of the person applying for such license and if the applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership, or the names of the officers of the association or corporation shall be given in the application.

(2) The principal business address of the applicant in the state and elsewhere.

(3) The address for the location or locations for which the licenses are being applied.

(4) The names of the persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant.

(5) Any other necessary information prescribed by the director.

NEW SECTION. Sec. 7. (1) There is hereby levied an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this act: PROVIDED, That the director may subsequent to a hearing, on or after this act has been in effect for a period of two years, reduce such assessment to conform with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in section 10 of this act.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree seedlings, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree seedlings, or fruit tree rootstock out of the state. If the seller or shipper do not have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this act or any other reasonable method.

(2) Such assessment shall be due and payable at the time the

nursery dealer applies for a license or should have applied for a license as required in the provisions of this act.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

NEW SECTION. Sec. 8. An advisory committee is hereby established to advise the director in the administration of the fruit tree certification and nursery improvement program.

(1) The committee shall consist of three fruit tree nurserymen, one pome fruit producer, and one stone fruit producer, and the director or his designated appointee.

(2) The director shall appoint this committee from the following recommendations: Three names are to be submitted for each position. The Washington state nurserymen's association is to submit names for the fruit tree nurserymen positions. The Washington state horticultural association is to furnish the names for the pome fruit producer and the stone fruit producer.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed and qualified: PROVIDED, That the first appointments to this committee beginning July 30, 1971, shall be for the following terms:

- (a) Position no. 1 -- fruit tree nurseryman, three year term.
- (b) Position no. 3 -- pome fruit producer, three year term.
- (c) Position no. 2 -- fruit tree nurseryman, two year term.
- (d) Position no. 4 -- stone fruit producer, one year term.
- (e) Position no. 5 -- fruit tree nurseryman, one year term.

In the event a committee member resigns, is disqualified, or vacates his position on the committee for any other reason the vacancy shall be filled by the director under the provisions of this section governing appointments.

NEW SECTION. Sec. 9. Members of the advisory committee shall be residents of this state, each of whom either individually or as an executive officer of a corporation, firm, or partnership is or has been actually engaged in fruit tree production as a licensed nursery dealer or producing pome or stone fruits within the state of Washington for a period of five years and has during that period derived a substantial portion of his income from either fruit tree production as a licensed nursery dealer or pome fruit production or stone fruit production as is required by the positions noted above.

NEW SECTION. Sec. 10. All fruit tree, fruit tree seedling and fruit tree rootstock assessments shall be paid to the state treasurer to be deposited in the northwest nursery fund account in the general fund for the Washington fruit tree certification and nursery improvement programs. All such assessments shall be used by the director for the purposes set forth in the fruit tree

certification, chapter 15.14 RCW.

(1) There is hereby levied on all delinquent and unpaid assessments a collection charge of twenty percent of the amount due and to be added thereto for each license period such assessment is delinquent.

(2) The director shall not issue a nursery dealer license to any applicant who has failed to pay any assessment due under the provisions of this act.

NEW SECTION. Sec. 11. The director may, whenever he determines that an applicant or licensee has violated any provisions of this act, and complying with the notice and hearing requirement and all other provisions of chapter 34.04 RCW, as enacted or hereafter amended, concerning contested cases, deny, suspend or revoke any license issued or which may be issued under the provisions of this act.

NEW SECTION. Sec. 12. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents, and records in any hearing in the county where the person licensed under this act resides affecting the authority or privilege granted by a license issued under the provisions of this act. Witnesses except complaining witnesses, shall be entitled to fees for attendance and travel as provided for in chapter 2.40 RCW, as enacted or hereafter amended.

NEW SECTION. Sec. 13. Any person licensed under the provisions of this act may request, upon the payment of actual costs to the department as prescribed by the director, the services of a horticultural inspector at such licensee's place of business or point of shipment during the shipping season. Subsequent to inspection such horticultural inspector shall issue to such licensee a certificate of inspection in triplicate signed by him covering any horticultural plants which he finds not to be infected with plant pests and in compliance with the provisions of this act and rules adopted hereunder.

NEW SECTION. Sec. 14. The director shall prescribe, in addition to those costs provided for in section 13 of this act, any other necessary fees to be charged the owner or his agent for the inspection and certification of any horticultural plant subject to the provisions of this act or rules adopted hereunder, and for the inspection and certification when such inspection and certification is performed at the request of any person financially interested in any horticultural plants which are, or are not subject to the provisions of this act or rules adopted hereunder, produced in or imported into this state. The inspection fees provided for in this act shall become due and payable by the end of the next business day and if such are not paid within the prescribed time, the director may

withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: PROVIDED, That in such instances the director may demand and collect inspection and certification fees prior to inspecting and certifying any horticultural plants for such person.

NEW SECTION. Sec. 15. It shall be unlawful for any person to sell, ship or transport any horticultural plant in this state unless it is apparently free from plant pests. No person shall sell, ship or transport any horticultural plant in this state unless it meets the requirements of this act or rules adopted hereunder.

NEW SECTION. Sec. 16. (1) It shall be unlawful for any person to ship or deliver any horticultural plant into this state unless such horticultural plant is accompanied by an inspection certificate from the state or country of origin stating that such horticultural plant is apparently free of plant pests and in conformance with not less than the minimal requirements of this act or rules adopted hereunder. The director may require the shipper or receiver to file a copy of the manifest of nursery cargo or shipment of horticultural plants into this state with the director in Olympia, Washington, on or before the date such horticultural plants enter into the state of Washington.

(2) The director may by rule require that any or all such horticultural plants delivered or shipped into this state be inspected for conformance with the requirements of this act and rules adopted hereunder, prior to release by the person delivering or transporting such horticultural plants into this state even though accompanied by acceptable inspection certificates issued by the state or country of origin.

NEW SECTION. Sec. 17. Each shipment of horticultural plants transported or shipped into the state and/or offered for retail sale within the state shall be legibly marked or tagged in a conspicuous manner, and shall include the following:

(1) The kind of horticultural plant(s).

(2) When plants, other than floricultural products are on display for retail sale, one plant per block shall be tagged as prescribed above. On mixed lots or blocks, each plant shall be tagged as prescribed above.

(3) Any other necessary information prescribed, by rule, by the director. The director may, whenever he finds that any horticultural plant is not properly marked, order it off sale until it is properly marked, or order that it be returned to the consignor for proper marking.

NEW SECTION. Sec. 18. It shall be unlawful for any person:

(1) To falsely represent that he is the agent or representative of any nursery dealer in horticultural plants;

(2) To deceive or defraud another in the sale of horticultural plants by substituting inferior or different grades from those ordered;

(3) To bring into this state any horticultural plants infested with plant pests, or to sell, offer for sale, hold for sale, distribute, ship or deliver any horticultural plants infested with plant pests;

(4) To sell, offer for sale, hold for sale, solicit orders for or distribute horticultural plants by any method which has the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect;

(5) To advertise the price of horticultural plants without denoting the size of the plant material;

(6) To make the following representations directly or indirectly, without limiting the effects of this section:

(a) That any horticultural plant has been propagated by grafting or budding methods, when such is not the fact;

(b) That any horticultural plant is healthy and will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not a fact;

(c) That any horticultural plant blooms the year around, or will bear an extraordinary number of blooms of unusual size or quality, when such is not a fact;

(d) That any horticultural plant is a new variety, when in fact it is a standard variety to which the person who is selling or holding such horticultural plant for sale has given a new name;

(e) That any horticultural plant cannot be purchased through usual outlets, or that limited stocks are available, when such is not the fact;

(f) That any horticultural plant offered for sale will be delivered in time for the next, or any specified, seasonal planting when the seller is aware of factors which make such delivery improbable;

(g) That the appearance of any horticultural plant is normal or usual when the appearance so represented is in fact abnormal or unusual;

(h) That the root system of any horticultural plant is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling or otherwise;

(i) That bulblets are bulbs;

(j) That any horticultural plant is rare or an unusual item,

when such is not the fact;

(7) To sell, offer for sale or hold for sale, or plant for another person any horticultural plants on the basis of grade, unless such horticultural plants have been graded and/or classified and meet the standards prescribed by the director for such grades and/or classifications;

(8) To substitute any other horticultural plant for a horticultural plant covered by an inspection certificate;

(9) To sell, offer for sale, or hold for sale, or plant for another person, any horticultural plant which is dead, in a dying condition, seriously broken, frozen, or damaged, or abnormally potbound;

(10) To sell, offer for sale, or hold for sale, or plant for another person as other than collected horticultural plant any such collected horticultural plant within one year after its collection in its natural habitat unless it is conspicuously marked or labeled as a collected horticultural plant.

No publisher, radio and television broadcast licensee, advertising agency, or agency or medium for the dissemination of an advertisement, except the grower, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties of section 27 of this act by reason of his dissemination of any false advertisement, unless he has refused on the request of the director to furnish the name and address of the grower, packer, distributor, seller, or advertising agency in the state of Washington, who caused him to disseminate such false advertisement.

NEW SECTION. Sec. 19. When the department has cause to believe that any horticultural plants are infested or infected by any plant pest, chemical or other damage, the director may issue a hold order on such horticulture plants. It shall be unlawful to sell, offer for sale, or move such plants until released in writing by the director.

NEW SECTION. Sec. 20. The director shall condemn any or all horticultural plants in a shipment or when any such horticultural plants are held for sale, or offered for sale and they are found to be dead, in a dying condition, seriously broken, damaged or frozen or abnormally potbound and shall order such horticultural plants to be destroyed or returned at shipper's option. The director's order shall be final fifteen days after the date of issuance, unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director to show cause why his order should not be stayed.

NEW SECTION. Sec. 21. The director may bring an action to enjoin the violation of any provision of this act or any rule adopted

pursuant to this act in the superior court in the county in which such violation occurs, notwithstanding the existence of other remedies at law.

NEW SECTION. Sec. 22. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 23. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on July 1, 1971.

NEW SECTION. Sec. 24. The repeal of RCW 15.13.010 through 15.13.210 and RCW 15.13.900 and 15.13.910 by section 30 of this act and the enactment of the remaining sections of this act shall not be deemed to have repealed any rules adopted under the provisions of RCW 15.13.010 through 15.13.210 and RCW 15.13.900 and 15.13.910 and in effect immediately prior to such repeal and not inconsistent with the provisions of this act. For the purpose of this act it shall be deemed that such rules have been adopted under the provisions of this act pursuant to the provisions of chapter 34.04 RCW, concerning the adoption of rules, and any amendment or repeal of such rules after July 1, 1971, shall be subject to the provisions of chapter 34.04 RCW concerning the adoption of rules as enacted or hereafter amended.

NEW SECTION. Sec. 25. All fees except assessment collected under the provisions of this act shall be paid to the state treasurer to be deposited in the nursery inspection account in the state general fund as provided in RCW 43.79.330 to be used only for the enforcement of this act. All moneys collected under the provisions of chapter 15.13 RCW and remaining in such nursery inspection account on July 1, 1971, shall be used for the enforcement of this act. All the moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.330, provided all fees collected for fruit tree, fruit tree seedling and fruit tree rootstock assessments as set forth in this act shall be deposited in the northwest nursery, fund to be used only for the Washington fruit tree certification and nursery improvement programs as set forth in this act and chapter 15.14 RCW.

NEW SECTION. Sec. 26. The director may cooperate with and enter into agreements with governmental agencies of this state, other states and agencies of the federal government in order to carry out the purpose and provisions of this act.

NEW SECTION. Sec. 27. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 28. 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. 29. This act shall take effect on July 1, 1971.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 221, Laws of 1961, section 16, chapter 240, Laws of 1967 and RCW 15.13.010;

(2) Section 2, chapter 221, Laws of 1961, section 17, chapter 240, Laws of 1967 and RCW 15.13.020;

(3) Section 3, chapter 221, Laws of 1961, section 18, chapter 240, Laws of 1967 and RCW 15.13.030;

(4) Section 4, chapter 221, Laws of 1961 and RCW 15.13.040;

(5) Section 20, chapter 240, Laws of 1967 and RCW 15.13.045;

(6) Section 5, chapter 221, Laws of 1961 and RCW 15.13.050;

(7) Section 6, chapter 221, Laws of 1961 and RCW 15.13.060;

(8) Section 7, chapter 221, Laws of 1961 and RCW 15.13.070;

(9) Section 8, chapter 221, Laws of 1961 and RCW 15.13.080;

(10) Section 9, chapter 221, Laws of 1961 and RCW 15.13.090;

(11) Section 21, chapter 240, Laws of 1967 and RCW 15.13.095;

(12) Section 10, chapter 221, Laws of 1961 and RCW 15.13.100;

(13) Section 11, chapter 221, Laws of 1961 and RCW 15.13.110;

(14) Section 12, chapter 221, Laws of 1961 and RCW 15.13.120;

(15) Section 13, chapter 221, Laws of 1961 and RCW 15.13.130;

(16) Section 14, chapter 221, Laws of 1961 and RCW 15.13.140;

(17) Section 15, chapter 221, Laws of 1961 and RCW 15.13.150;

(18) Section 16, chapter 221, Laws of 1961 and RCW 15.13.160;

(19) Section 17, chapter 221, Laws of 1961 and RCW 15.13.170;

(20) Section 18, chapter 221, Laws of 1961 and RCW 15.13.180;

(21) Section 19, chapter 221, Laws of 1961 and RCW 15.13.190;

(22) Section 20, chapter 221, Laws of 1961, section 19, chapter 240, Laws of 1967 and RCW 15.13.200;

(23) Section 21, chapter 221, Laws of 1961 and RCW 15.13.210;

(24) Section 22, chapter 221, Laws of 1961 and RCW 15.13.900;

and

(25) Section 23, chapter 221, Laws of 1961 and RCW 15.13.910.

Passed the Senate April 7, 1971.

Passed the House April 6, 1971.

Approved by the Governor April 14, 1971 with the exception of an item in Section 1 and an item in Section 10 which is vetoed.

Filed in Office of Secretary of State April 16, 1971.

Note: Governor's explanation of partial veto is as

follows:

"...This bill enacts a comprehensive scheme for the regulation of horticultural plants and the licensing of nursery dealers. A clerical error resulted in the omission of certain words from the definition of "nursery dealer" in subsection 8 of section 1. It was apparently the intent of the draftsman to include within this definition persons who used horticultural plants as an inducement for the sale of another article or product. Because of the omitted language, however, this definition makes no grammatical sense. I have therefore vetoed the phrase from which the intended language was omitted. Because of the inclusion of proper language in the definition of "sell" in subsection 9 of section 1, those persons intended to be covered as nursery dealers in the definition of subsection 8 will be so included and this veto makes no substantive change in the bill as passed by the Legislature.

Section 7, subsection 1, of this bill levies an annual assessment on fruit trees, fruit tree seedlings and fruit tree root stocks sold within this state. The bill as passed by the legislature contains two references to the manner in which the assessments so collected shall be distributed. These funds should be deposited in the Northwest Nursery Fund as provided for in section 25 of the bill. Section 10 of the bill directs that these same funds shall be deposited in a Northwest Nursery Fund account in the General Fund. No such fund exists, and I have therefore vetoed this inapt reference to such a fund. The monies collected from these fruit tree assessments shall therefore be properly distributed in accordance with the provisions of section 25 of the bill."

CHAPTER 34

[Engrossed Senate Bill No. 394]

WASHINGTON STATE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

AN ACT Relating to state government; and establishing the Washington commission on Mexican-American affairs.

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

NEW SECTION. Section 1. The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Mexican-Americans and other Spanish speaking Americans have unique and special problems. It is the purpose of this act to improve the well-being of Mexican-Americans and other Spanish speaking Americans by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Mexican-Americans and other Spanish speaking Americans in obtaining governmental services in order to promote the health, safety and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this act.

NEW SECTION. Sec. 2. There is created a Washington state commission on Mexican-American affairs.

NEW SECTION. Sec. 3. (1) The commission shall consist of eleven members appointed by the governor with the advice and consent of the senate. The membership shall include:

- (a) Two members from workers in the agricultural field;
- (b) Two members from the general populace of the Spanish speaking population;
- (c) One member from the field of education;
- (d) One member from professional services; and
- (e) One member from among elected trade union officials.
- (f) Four members from the Mexican-American community in the state.

(2) The members shall hold office commencing July 1, 1971 for four years and until their successors are chosen and qualified. Four of the initial appointees shall be appointed for two-year terms and three shall be appointed for four-year terms. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(4) Six members of the commission shall constitute a quorum for the purpose of conducting business.

NEW SECTION. Sec. 4. The commission shall:

- (1) Elect one of its members to serve as chairman;
- (2) Appoint a full time executive secretary;
- (3) Appoint a staff who shall be state employees pursuant to Title 41 RCW; and
- (4) Adopt rules and regulations pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 5. (1) The commission shall advise state departments and agencies regarding appropriate action to be taken to help assure that state programs are providing the assistance needed by Mexican-Americans and other Spanish speaking Americans.

(2) The commission shall further advise such departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Mexican-Americans and other Spanish speaking Americans.

(3) Each state department and agency shall appoint one staff member to an interagency advisory council on Mexican-American affairs. The advisory council shall give technical assistance to the commission in order that the commission may carry out the purposes of this act.

NEW SECTION. Sec. 6. In carrying out its duties the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for Mexican-Americans in government, education and employment.

NEW SECTION. Sec. 7. 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 April 13, 1971.

Passed the House April 12, 1971.

Approved by the Governor April 21, 1971

Filed in Office of Secretary of State April 21, 1971

CHAPTER 35

[Engrossed House Bill No. 251]

REVENUE AND TAXATION--

PROPERTY TAX RECEIPTS

AN ACT Relating to tax receipts; and amending section 84.56.060, chapter 15, Laws of 1961 and RCW 84.56.060.

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

Section 1. Section 84.56.060, chapter 15, Laws of 1961 and RCW 84.56.060 are each amended to read as follows:

The county treasurer upon receiving any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, city or town lot, or other real and personal property on which the tax so paid was levied according to its description on the treasurer's tax roll and the year for which the tax was levied. The owner or owners of property against which there are delinquent taxes, shall have the right to pay the current tax without paying any delinquent taxes there may be against said property: PROVIDED, HOWEVER, That in issuing a receipt for such current tax the county treasurer shall endorse upon the face of such receipt a memorandum of all delinquent taxes against the property therein described, showing the year for which said tax is delinquent and the amount of delinquent tax for each and every year. Such receipts shall be numbered consecutively for such year and such numbers and amount of taxes paid shall be immediately entered upon the treasurer's tax roll opposite or under each and every piece of property therein for which such receipt was given; it shall contain the name of the party paying, with the amount and date of payment and the description of the property upon which the tax is paid. Such receipt shall be made out with a stub, which shall be a summary of the receipt. He shall post such collections into his cash or collection register, provided for that purpose, to thus keep an accurate account not only of the gross amount of collections, but also the amount collected upon the consolidated fund and upon each and every separate fund. The treasurer shall also keep a separate register for the purpose of entering therein all collections made on account of delinquent taxes: PROVIDED FURTHER, That the treasurer shall be deemed to have complied with the receipt requirement of this section if he shall establish a procedure whereby notice to any person charged with tax is given by mail and which provides each taxpayer with a copy or stub of the tax statement containing all of the information as required on a receipt for payment of the taxes due.

Passed the House March 12, 1971.

Passed the Senate April 15, 1971.

Approved by the Governor April 26, 1971.

Filed in Office of Secretary of State April 27, 1971.

CHAPTER 36
[Engrossed House Bill No. 353]
MOTOR VEHICLE FUEL TAX--
POWER TAKE OFFS--
REFUNDS

AN ACT Relating to motor vehicle fuel tax refunds; and amending section 82.36.280, chapter 15, Laws of 1961 as amended by section 23, chapter 281, Laws of 1969 ex. sess. and RCW 82.36.280.

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

Section 1. Section 82.36.280, chapter 15, Laws of 1961 as amended by section 23, chapter 281, Laws of 1969 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 or ((established by such other methods as may be approved by the director)) 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 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 to substantiate his claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or 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.

Passed the House March 12, 1971.

Passed the Senate April 15, 1971.

Approved by the Governor April 26, 1971.

Filed in Office of Secretary of State April 27, 1971.

CHAPTER 37

[Engrossed House Bill No. 660]

SMALL LOAN COMPANIES--

EXCEPTED ACTIVITIES--

CREDIT CARDS

AN ACT Relating to loans; exempting credit cards from the regulations applying to small loan companies; and amending section 19, chapter 208, Laws of 1941 and RCW 31.08.220.

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

Section 1. Section 19, chapter 208, Laws of 1941 and RCW 31.08.220 are each amended to read as follows:

This chapter shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan or building and loan associations, industrial loan companies or credit unions, nor to any pawnbroking business lawfully transacted under and as permitted by any law of this state regulating pawnbrokers, nor to any loan of credit made pursuant to a credit card plan including but not restricted to plans having all of the following characteristics:

(a) Where credit cards are issued pursuant to a plan whereby the organization issuing such cards shall be enabled to acquire those certain obligations which its members in good standing incur with those persons with whom the organization has entered into agreements setting forth said plan, and where the obligations are incurred pursuant to such agreements; or whereby the organization issuing such cards shall be enabled to extend credit to its members;

(b) Any fee for such credit cards is designed to cover only the administrative costs of the plan and does not exceed twenty-five dollars per year;

(c) Any charges, discounts, or fees resulting from the acquisition of such charges shall be paid to the organization issuing said credit cards (or to such other organizations as may be

authorized by the issuing organization) by the persons, corporations or associations with whom the organization has entered into such written agreements.

Passed the House April 16, 1971.

Passed the Senate April 15, 1971.

Approved by the Governor April 26, 1971.

Filed in Office of Secretary of State April 27, 1971.

CHAPTER 38

[Engrossed Senate Bill No. 564]

BUSINESS CORPORATIONS

AN ACT Relating to business corporations; amending section 6, chapter 53, Laws of 1965 as amended by section 8, chapter 190, Laws of 1967 and RCW 23A.08.030; amending section 73, chapter 53, Laws of 1965 and RCW 23A.20.010; amending section 74, chapter 53, Laws of 1965 and RCW 23A.20.020; amending section 77, chapter 53, Laws of 1965 and RCW 23A.20.050; amending section 2, chapter 83, Laws of 1969, 1st ex. session and RCW 23A.08.480; and adding a new section to chapter 53, Laws of 1965 and to chapter 23A.08 RCW.

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

Section 1. Section 6, chapter 53, Laws of 1965 as amended by section 8, chapter 190, Laws of 1967 and RCW 23A.08.030 are each amended to read as follows:

A corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares, but purchases of its own shares, whether direct or indirect, shall be made only to the extent of unreserved and unrestricted earned surplus available therefor, and, if the articles of incorporation so permit or with the affirmative vote of the holders of at least a majority of all shares entitled to vote thereon, to the extent of unreserved and unrestricted capital surplus available therefor: PROVIDED, That a Regulated Investment Company registered under the Investment Company Act of 1940, or any similar federal statute, shall have the right to purchase its own shares out of unreserved and unrestricted capital surplus whether or not the articles of incorporation so provide and without prior shareholder approval.

To the extent that earned surplus or capital surplus is used as the measure of the corporation's right to purchase its own shares, such surplus shall be restricted so long as such shares are held as treasury shares, and upon the disposition or cancellation of any such

shares the restriction shall be removed pro tanto.

Notwithstanding the foregoing limitation, a corporation may purchase or otherwise acquire its own shares for the purpose of:

(1) Eliminating fractional shares.

(2) Collecting or compromising indebtedness to the corporation.

(3) Paying dissenting shareholders entitled to payment for their shares under the provisions of this title.

(4) Effecting, subject to the other provisions of this title, the retirement of its redeemable shares by redemption or by purchase at not to exceed the redemption price.

No purchase of or payment for its own shares shall be made at a time when the corporation is insolvent or when such purchase or payment would make it insolvent.

Sec. 2. Section 73, chapter 53, Laws of 1965 and RCW 23A.20.010 are each amended to read as follows:

Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this title.

The board of directors of each corporation shall, by resolution adopted by each such board, approve a plan of merger setting forth:

(1) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation.

(2) The terms and conditions of the proposed merger.

(3) The manner and basis of converting the shares of each merging corporation into shares or other securities or obligations of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property.

(4) A statement of any changes in the articles of incorporation of the surviving corporation to be effected by such merger.

(5) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

Sec. 3. Section 74, chapter 53, Laws of 1965 and RCW 23A.20.020 are each amended to read as follows:

Any two or more domestic corporations may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this title.

The board of directors of each corporation shall, by a resolution adopted by each such board, approve a plan of consolidation setting forth:

(1) The names of the corporations proposing to consolidate, and the name of the new corporation into which they propose to

consolidate, which is hereinafter designated as the new corporation.

(2) The terms and conditions of the proposed consolidation.

(3) The manner and basis of converting the shares of each corporation into shares or other securities or obligations of the new corporation or of any other corporation or, in whole or in part, into cash or other property.

(4) With respect to the new corporation, all of the statements required to be set forth in articles of incorporation for corporations organized under this title.

(5) Such other provisions with respect to the proposed consolidation as are deemed necessary or desirable.

Sec. 4. Section 77, chapter 53, Laws of 1965 and RCW 23A.20.050 are each amended to read as follows:

(1) Any corporation owning at least ninety-five percent of the outstanding shares of each class of another corporation may merge such other corporation into itself without approval by a vote of the shareholders of either corporation. Its board of directors shall, by resolution, approve a plan of merger setting forth:

(a) The name of the subsidiary corporation and the name of the corporation owning at least ninety-five percent of its shares, which is hereinafter designated as the surviving corporation.

(b) The manner and basis of converting the shares of the subsidiary corporation into shares or other securities or obligations of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property, or the cash or other consideration to be paid or delivered upon surrender of each share of the subsidiary corporation.

(2) A copy of such plan of merger shall be mailed to each shareholder of record of the subsidiary corporation.

(3) Articles of merger shall be executed in triplicate by the surviving corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of its officers signing such articles, and shall set forth:

(a) The plan of merger;

(b) The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation; and

(c) The date of the mailing to shareholders of the subsidiary corporation of a copy of the plan of merger.

(4) On and after the thirtieth day after the mailing of a copy of the plan of merger to shareholders of the subsidiary corporation or upon the waiver thereof by the holders of all outstanding shares triplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in

this title prescribed:

(a) Endorse on each of such originals the word "Filed," and the month, day and year of the filing thereof;

(b) File one of such originals in his office; and

(c) Issue a certificate of merger to which he shall affix one of such originals.

(5) The certificate of merger, together with the original of the articles of merger affixed thereto by the secretary of state, and the other original, shall be returned to the surviving corporation or its representative. Such remaining original shall then be filed in the office of the auditor of the county in which the registered office of the corporation is situated. The original affixed to the certificate of merger shall be retained by the corporation.

NEW SECTION. Sec. 5. There is added to chapter 53, Laws of 1965 and to chapter 23A.08 RCW a new section to read as follows:

Subject to any provisions in respect thereof set forth in its articles of incorporation, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or other securities, rights or options entitling the holders thereof to purchase from the corporation shares of any class or classes. Such rights or options shall be evidenced in such manner as the board of directors shall approve and, subject to the provisions of the articles of incorporation, shall set forth the terms upon which, the time or times within which and the price or prices at which such shares may be purchased from the corporation upon the exercise of any such right or option. If such rights or options are to be issued to directors, officers or employees as such of the corporation or of any subsidiary thereof, and not to the shareholders generally, their issuance shall be approved by the affirmative vote of the holders of a majority of the shares entitled to vote thereon or shall be authorized by and consistent with a plan approved or ratified by such a vote of shareholders. In the absence of fraud in the transaction, the judgment of the board of directors as to the adequacy of the consideration received for such rights or options shall be conclusive. The price or prices to be received for any shares having a par value, other than treasury shares to be issued upon the exercise of such rights or options, shall not be less than the par value thereof.

Sec. 6. Section 51, chapter 53, Laws of 1965 as last amended by section 2, chapter 83, Laws of 1969, 1st ex. session and RCW 23A.08.480 are each amended to read as follows:

Every corporation hereafter organized under this title, shall within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, and every corporation

heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall, ((within thirty days after its annual meeting)) at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

(1) The name of the corporation and the state or county under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The secretary of state shall file such annual report in his office for the fee of one dollar. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

For every violation of this section there shall become due and owing to the state of Washington the sum of twenty-five dollars which sum shall be collected by the secretary of state who shall call upon the attorney general to institute a civil action for the recovery thereof if necessary.

Passed the Senate March 31, 1971.

Passed the House April 21, 1971.

Approved by the Governor April 28, 1971.

Filed in Office of Secretary of State April 28, 1971.

CHAPTER 39

[Engrossed Senate Bill No. 363]

ACQUISITION OF PROPERTY BY PUBLIC AGENCIES--
AIRSPACE CORRIDORS--
EMINENT DOMAIN, FEES

AN ACT Relating to the acquisition of property by public agencies; amending section 47.52.050, chapter 13, Laws of 1961 and RCW 47.52.050; and amending section 3, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.070; and adding a new section to chapter 8.25 RCW.

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

Section 1. Section 47.52.050, chapter 13, Laws of 1961 and RCW 47.52.050 are each amended to read as follows:

(1) For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire property or property rights in connection with highways and streets within their respective jurisdictions. Except as otherwise provided in subsection (2) of this section all property rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of property or property rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

(2) The highway authorities of the state, counties, and incorporated cities and towns may acquire by gift, devise, purchase, or condemnation a three dimensional air space corridor in fee simple over or below the surface of the ground, together with such other property in fee simple and other property rights as are needed for the construction and operation of a limited access highway facility, but only if the acquiring authority finds that the proposal will not:

(a) impair traffic safety on the highway or interfere with the free flow of traffic; or

(b) permit occupancy or use of the air space above or below the highway which is hazardous to the operation of the highway.

NEW SECTION. Sec. 2. There is added to chapter 8.25 RCW a new section to read as follows:

A superior court having jurisdiction of a proceeding instituted by a condemnor to acquire an air space corridor together with other property rights shall award the condemnee costs including reasonable attorney fees and reasonable expert witness fees, subject to the provisions of subsection (4) of section 3 of this 1971 amendatory act, if--

(1) there is a final adjudication that the condemnor cannot acquire the air space corridor or other property rights by condemnation; or

(2) the proceeding is abandoned by the condemnor.

Sec. 3. Section 3, chapter 137, Laws of 1967 ex. sess. and RCW 8.25.070 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, if a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the property being condemned ((and if the condemnee has offered to stipulate to an order of immediate possession of the property being condemned)), the court ((may)) shall award the condemnee reasonable attorney's fees and reasonable expert witness fees ((actually incurred)) in the event of any of the following:

((1)) [a] If condemnor fails to make any written offer in settlement to condemnee at least thirty ((court)) days prior to commencement of said trial; or

((2)) [b] If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those condemnees appearing in the action by condemnor at least thirty days prior to commencement of said trial ((; or

3) If, in the opinion of the trial court, condemnor has shown bad faith in its dealings with condemnee relative to the property condemned)).

(2) The attorney general or other attorney representing a condemnor in effecting a settlement of an eminent domain proceeding may allow to the condemnee reasonable attorney fees.

(3) Reasonable attorney fees and reasonable expert witness fees authorized by this section shall be awarded only if the condemnee stipulates, if requested to do so in writing by the condemnor, to an order of immediate possession and use of the property being condemned within thirty days after receipt of the written request, or within fifteen days after the entry of an order adjudicating public use whichever is later and thereafter delivers possession of the property to the condemnor upon the deposit in court of a warrant sufficient to pay the amount offered as provided by law. In the event, however, the condemnor does not request the condemnee to stipulate to an order of immediate possession and use prior to

trial, the condemnee shall be entitled to an award of reasonable attorney fees and reasonable expert witness fees as authorized by subsections (1) and (2) of this section.

(4) Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day for actual trial time and the general hourly rate for preparation as provided in the minimum bar fee schedule of the county or judicial district in which the proceeding was instituted, or if no minimum bar fee schedule has been adopted in the county, then the trial and hourly rates as provided in the minimum bar fee schedule customarily used in such county. Not later than July 1, 1971 the administrator for the courts shall adopt a rule establishing standards for verifying fees authorized by this section. Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance.

(5) In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the property.

Passed the Senate March 12, 1971.

Passed the House April 19, 1971.

Approved by the Governor April 29, 1971.

Filed in Office of Secretary of State April 29, 1971.

CHAPTER 40

[Senate Bill No. 208]

STATE COLLEGES AND UNIVERSITIES--
FINANCIAL PLANS

AN ACT Relating to certain institutions of higher education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 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 28B.10 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 43.88.110, the four state colleges and state universities shall submit to the governor a complete financial plan for the ensuing fiscal period in such form and at such time as he may require. The financial plan shall reflect all anticipated expenditures and all resources available to each college or university, whether appropriated or not, and whether restricted or not: PROVIDED, That restricted funds shall be shown

and applied only for the purposes for which received. The governor shall allot the amounts in the spending plan as proposed by the state college or university by source of funds within any program by fiscal year: PROVIDED, That the governor may alter the amounts proposed in the following cases:

(1) When necessary to reflect legislative intent as set forth in the executive budget as accepted or modified by the legislature in the senate or house journals or in any formal communication from the legislative budget committee;

(2) When necessary to limit total state expenditures to available revenues as required by RCW 43.98.110(2); and

(3) When a state college or university proposes the expenditure of a resource not disclosed in the budget request submitted to the governor and legislature.

Passed the Senate March 12, 1971.

Passed the House April 21, 1971.

Approved by the Governor April 29, 1971.

Filed in Office of Secretary of State April 29, 1971.

CHAPTER 41

[Engrossed House Bill No. 415]

PESTICIDES--

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,
POWERS AND DUTIES

AN ACT Relating to pesticides; setting forth the responsibility and authority of the department of social and health services in relation thereto; and creating new sections.

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

NEW SECTION. Section 1. The department of social and health services has responsibility to protect and enhance the public health and welfare. As a consequence, it must be concerned with both natural and artificial environmental factors which may adversely affect the public health and welfare. Dangers to the public health and welfare related to the use of pesticides require specific legislative recognition of departmental authority and responsibility in this area.

NEW SECTION. Sec. 2. For the purposes of this act pesticide means, but is not limited to:

(1) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other

animal, which is normally considered to be a pest or which the director of agriculture may declare to be a pest; or

(2) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; or

(3) Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used; or

(4) Any fungicide, rodenticide, herbicide, insecticide, and nematocide.

NEW SECTION. Sec. 3. (1) The department of social and health services shall investigate all suspected human cases of pesticide poisoning and such cases of suspected pesticide poisoning of animals that may relate to human illness. In order to adequately investigate such cases, the department of social and health services shall have the power to:

(a) Take all necessary samples and human or animal tissue specimens for diagnostic purposes: PROVIDED, That tissue, if taken from a living human, shall be taken from a living human only with the consent of a person legally qualified to give such consent;

(b) Secure any and all such information as may be necessary to adequately determine the nature and causes of any case of pesticide poisoning.

(2) The state department of social and health services shall, by rule and regulation adopted pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as it now exists or is hereafter amended, and, in any event, with due notice and a hearing for the adoption of permanent rules, establish procedures for the prevention of any recurrence of poisoning and the department shall immediately notify the department of agriculture and other appropriate agencies of the results of its investigation for such action as the department of agriculture or such other agencies deem appropriate. The notification of such investigations and their results may include recommendations for further action by the appropriate department or agency.

NEW SECTION. Sec. 4. (1) In any case where an emergency relating to pesticides occurs that represents a hazard to the public due to toxicity of the material, the quantities involved or the environment in which the incident takes place, such emergencies including but not limited to fires, spillage, and accidental contamination, the person or agent of such person having actual or constructive control of the pesticides involved shall immediately

notify the department of social and health services by telephone or the fastest available method.

(2) Upon notification or discovery of any pesticide emergency the department of social and health services shall:

(a) Make such orders and take such actions as are appropriate to assume control of the property and to dispose of hazardous substances, prevent further contamination, and restore any property involved to a nonhazardous condition. In the event of failure of any individual to obey and carry out orders pursuant to this section, the department of social and health services shall have all power and authority to accomplish those things necessary to carry out such order. Any expenses incurred by the department of social and health services as a result of intentional failure of any individual to obey its lawful orders shall be charged as a debt against such individual.

(3) In any case where the department of social and health services has assumed control of property pursuant to this act, such property shall not be reoccupied or used until such time as written notification of its release for use is received from the secretary of the department of social and health services or his designee. Such action shall take into consideration the economic hardship, if any, caused by having the department assume control of property, and release shall be accomplished as expeditiously as possible. Nothing in this act shall prevent a farmer from continuing to process his crops and/or animals provided that it does not endanger the public health.

(4) The department shall recognize the pesticide industry's responsibility and active role in minimizing the effect of pesticide emergencies and shall provide for maximum utilization of these services.

(5) Nothing in this act shall be construed in any way to infringe upon or negate the authority and responsibility of the department of agriculture in its application and enforcement of the Washington Pesticide Act, chapter 15.57 RCW and the Washington Pesticide Application Act, chapter 17.21 RCW. The department of social and health services shall work closely with the department of agriculture in the enforcement of this act and shall keep it appropriately advised.

NEW SECTION. Sec. 5. The department of social and health services shall investigate human exposure to pesticides, and in order to carry out such investigations shall have authority to secure and analyze appropriate specimens of human tissue and samples representing sources of possible exposure.

NEW SECTION. Sec. 6. In order effectively to prevent human illness due to pesticides and to carry out the requirements of this act, the department of social and health services is authorized to

provide technical assistance and consultation regarding health effects of pesticides to physicians and other agencies, and is authorized to operate an analytical chemical laboratory and may provide analytical and laboratory services to physicians and other agencies to determine pesticide levels in human and other tissues, and appropriate environmental samples.

Passed the House April 19, 1971.

Passed the Senate April 16, 1971.

Approved by the Governor April 29, 1971.

Filed in Office of Secretary of State April 29, 1971.

CHAPTER 42
[Engrossed Senate Bill No. 925]
REVENUE AND TAXATION--
PROPERTY TAXES--
PROTEST--DELINQUENCY--
IRREGULARITY, NOTICE

AN ACT Relating to revenue and taxation; adding a new section to chapter 15, Laws of 1961 and to chapter 84.68 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961 and to chapter 84.68 RCW a new section to read as follows:

With respect to any action brought pursuant to this chapter 84.68 RCW to recover taxes paid in 1971 which are attributable to increases in the assessed valuation of property made on the January 1, 1970 assessment rolls, it shall not be a prerequisite that such taxes or any portion thereof be paid under protest as provided in RCW 84.68.020.

NEW SECTION. Sec. 2. Any portion of the first half real property taxes otherwise due and payable on or before April 30, 1971, which, as allowed by and in accordance with the terms of a supreme court temporary injunction or restraining order, is paid after April 30, 1971, but before October 31, 1971, shall be deemed to have been paid prior to April 30, 1971, for purposes of the delinquency interest or penalty provisions of RCW 84.56.020.

NEW SECTION. Sec. 3. In the event any court decision holds any evaluation procedure or action to have been improperly performed, the county assessor shall notify all property owners whose valuation is affected of such decision and the effect on their evaluation for tax purposes.

NEW SECTION. Sec. 4. The provisions of this act shall have

no force or effect after June 30, 1972.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 28, 1971.

Passed the House April 28, 1971.

Approved by the Governor April 30, 1971.

Filed in Office of Secretary of State April 30, 1971.

CHAPTER 43

[Engrossed House Bill No. 493]

REVENUE AND TAXATION--

LEASEHOLD ESTATES

AN ACT Relating to revenue and taxation; amending section 84.40.030, chapter 15, Laws of 1961 and RCW 84.40.030; providing for both prospective and retroactive application; and declaring an emergency.

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

Section 1. Section 84.40.030, chapter 15, Laws of 1961 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. In determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the land shall be valued at such price as such land would sell at a fair, voluntary sale for cash; any improvements thereon shall be separately valued and assessed as hereinabove provided; and any personal

property connected therewith shall be listed, valued and assessed separately as other personal property is assessed under general law. 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.

NEW SECTION. Sec. 2. This 1971 amendatory act shall apply both prospectively and retroactively.

NEW SECTION. Sec. 3. The county assessor and the county board of equalization in each county shall make any corrections in any assessments heretofore or hereafter made of such estates in their respective counties which may be necessary in order to make the assessments conform with the provisions of this 1971 amendatory act. All such corrections shall be made by the county assessors and the county board of equalization in accordance with the procedures set forth in RCW 84.56.400.

NEW SECTION. Sec. 4. The legislative council in conjunction with the department of revenue shall review methods and procedures for the assessment and valuation of taxable leasehold estates and shall present recommendations with respect thereto to the legislature, not later than the next regular session.

NEW SECTION. Sec. 5. A state agency, municipal corporation, or political subdivision (hereinafter referred to as "public lessor") which has entered into, prior to the effective date of this act, as lessor, a lease of real or personal property (including any permit, concession agreement or other type of agreement essentially comparable to a lease) may agree to a modification of the provisions of such lease in order to allow, in whole or in part, the absorption by the public lessor of any property tax imposed upon the leasehold interest, if the lessee agrees to a suitable modification of the provisions of such lease with respect to the duration or other terms of such lease for the benefit of the public lessor; and for the purpose of allowing such modifications with respect to the duration of the lease a public lessor is authorized, if it finds it to be beneficial to itself, to extend the term of such lease for a period not to exceed five years beyond any otherwise applicable statutory

limitation.

NEW SECTION. Sec. 6. 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. 7. This 1971 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 April 29, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor April 30, 1971.

Filed in Office of Secretary of State April 30, 1971.

CHAPTER 44

[House Bill No. 728]

REVENUE AND TAXATION--

EXEMPT PROPERTY TRANSFERRED TO
PRIVATE OWNERSHIP

AN ACT Relating to taxation and revenue; adding new sections to chapter 15, Laws of 1961 and to chapter 84.40 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. Sections 2 through 6 of this act are added to chapter 15, Laws of 1961 and to chapter 84.40 RCW.

NEW SECTION. Sec. 2. Real property, previously exempt from taxation, shall be assessed and taxed as herein provided when transferred to private ownership by any exempt organization including the United States of America, the state or any political subdivision thereof by sale or exchange or by a contract under conditions provided for in RCW 84.40.230.

NEW SECTION. Sec. 3. Property transferred to private ownership as herein provided, which no longer retains its exempt status shall be subject to a pro rata portion of the taxes allocable to the remaining portion of the year after the date of execution of the instrument of sale, contract or exchange.

NEW SECTION. Sec. 4. The assessor shall list the property and assess it with reference to its value on the date of the execution of the instrument of sale, contract, or exchange unless such property has been previously listed and assessed. He shall extend the taxes on the tax roll using the rate of percent applicable as if the property had been assessed in the previous year.

NEW SECTION. Sec. 5. All taxes made payable pursuant to the provisions of this act shall be due and payable to the county treasurer on or before the thirtieth day of April in the event the date of execution of the instrument of transfer occurs prior to that date unless the time of payment is extended under the provisions of RCW 84.56.020. Such taxes shall be due and payable on or before the thirty-first day of October in the event the date of execution of the instrument of transfer is subsequent to the thirtieth day of April but prior to the thirty-first day of October. In all other cases such taxes shall be due and payable within thirty days after the date of execution of the instrument of transfer. In no case, however, shall the taxes be due and payable less than thirty days from the date of execution of the instrument of transfer. All taxes due and payable after the dates herein shall become delinquent, and interest at the rate of ten percent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid.

NEW SECTION. Sec. 6. Such taxes made due and payable herein shall be a lien on such transferred property from the date of execution of the instrument of sale, exchange or contract.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 28, 1971.

Passed the Senate April 26, 1971.

Approved by the Governor April 30, 1971.

Filed in Office of Secretary of State April 30, 1971.

CHAPTER 45

[Reengrossed Senate Bill No. 130]

PARKING AND BUSINESS IMPROVEMENT AREAS

AN ACT Relating to parking and business improvement areas; authorizing formation thereof by counties, cities, and towns; authorizing special assessments therefor; and creating new sections.

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

NEW SECTION. Section 1. The legislature hereby authorizes all counties and all incorporated cities and towns, including unclassified cities and towns operating under special charters:

(1) To establish parking and business improvement areas, hereafter referred to as area or areas, for the following purposes:

(a) The acquisition, construction or maintenance of parking

facilities for the benefit of the area;

(b) Decoration of any public place in the area;

(c) Promotion of public events which are to take place on or in public places in the area;

(d) Furnishing of music in any public place in the area;

(e) The general promotion of retail trade activities in the area;

(2) To levy special assessments on all businesses within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this act.

(3) To provide in accordance with any applicable provisions of the Constitution or statutory authority for the issuance and sale of revenue bonds to finance the cost of any parking and business improvement area.

NEW SECTION. Sec. 2. (1) "Business" as used in this act means all types of business, including professions.

(2) "Legislative authority" as used in this act means the legislative authority of any city or town including unclassified cities or towns operating under special charters or the legislative authority of any county.

NEW SECTION. Sec. 3. For the purpose of establishing a parking and business improvement area, an initiation petition may be presented to the legislative authority having jurisdiction of the area in which the proposed parking and business improvement area is to be located or the legislative authority may by resolution initiate a parking and business improvement area. The initiation petition or resolution shall contain the following:

(1) A description of the boundaries of the proposed area;

(2) The proposed uses and projects to which the proposed special assessment revenues shall be put and the total estimated cost thereof;

(3) The estimated rate of levy of special assessment with a proposed breakdown by class of business if such classification is to be used.

The initiating petition shall also contain the signatures of the persons who operate businesses in the proposed area which would pay fifty percent of the proposed special assessments.

NEW SECTION. Sec. 4. The legislative authority, after receiving a valid initiation petition or after passage of an initiation resolution, shall adopt a resolution of intention to establish an area. The resolution shall state the time and place of a hearing to be held by the legislative authority to consider establishment of an area and shall restate all the information contained in the initiation petition or initiation resolution

regarding boundaries, projects and uses, and estimated rates of assessment.

NEW SECTION. Sec. 5. Notice of a hearing held under the provisions of this act shall be given by:

(1) One publication of the resolution of intention in a newspaper of general circulation in the city; and

(2) Mailing a complete copy of the resolution of intention to each business in the proposed, or established, area. Publication and mailing shall be completed at least ten days prior to the time of the hearing.

NEW SECTION. Sec. 6. Whenever a hearing is held under this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed special assessments.

NEW SECTION. Sec. 7. If the legislative authority decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after such decision and notice shall be given as prescribed in section 5 of this act, showing the boundary amendments, but no resolution of intention is required.

NEW SECTION. Sec. 8. For purposes of the special assessments to be imposed pursuant to this act, the legislative authority may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.

NEW SECTION. Sec. 9. The special assessments need not be imposed on different classes of business, as determined pursuant to section 8 of this act, on the same basis or the same rate: PROVIDED, HOWEVER, That the special assessments imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the area shall be imposed on the basis of benefit determined by the legislative authority after giving consideration to the total cost to be recovered from the businesses upon which the special assessment is to be imposed, the total area within the boundaries of the parking and business improvement area, the assessed value of the land and improvements within the area, the total business volume generated within the area and within each business, and such other factors as the legislative authority may find and determine to be a reasonable measure of such benefit.

NEW SECTION. Sec. 10. If the legislative authority, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(1) The number, date and title of the resolution of intention

pursuant to which it was adopted;

(2) The time and place the hearing was held concerning the formation of such area;

(3) The description of the boundaries of such area;

(4) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the special assessments authorized by section 1 of this act;

(5) The initial or additional rate or levy of special assessment to be imposed with a breakdown by classification of business, if such classification is used; and

(6) A statement that a parking and business improvement area has been established.

(7) The uses to which the special assessment revenue shall be put: PROVIDED, HOWEVER, That such use shall conform to the use as declared in the initiation petition presented pursuant to section 3 of this act.

NEW SECTION. Sec. 11. The legislative authority of each city or town or county shall have sole discretion as to how the revenue derived from the special assessments is to be used within the scope of the purposes; however, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

The legislative authority may contract with a chamber of commerce or other similar business association operating primarily within the boundaries of the legislative authority to administer the operation of a parking and business improvement area, including any funds derived pursuant thereto: PROVIDED, That such administration must comply with all applicable provisions of law including this act, with all county, city, or town resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

NEW SECTION. Sec. 12. The special assessments levied hereunder must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

NEW SECTION. Sec. 13. Collections of assessments imposed pursuant to this act shall be made at the same time and in the same manner as otherwise prescribed by Title 35 RCW or in such other manner as the legislative authority shall determine.

NEW SECTION. Sec. 14. Changes may be made in the rate or additional rate of special assessment as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the legislative authority.

The legislative authority shall adopt a resolution of intention to change the rate or additional rate of special assessment

at least fifteen days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing: PROVIDED, That proceedings to change the rate or impose an additional rate of special assessments shall terminate if protest is made by businesses in the proposed area which would pay a majority of the proposed increase or additional special assessments.

NEW SECTION. Sec. 15. The legislative authority may, for each of the purposes set out in section 1 of this act, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different rate of special assessment within each such benefit zone.

NEW SECTION. Sec. 16. All provisions of this act applicable to establishment or disestablishment of an area also apply to the establishment, modification, or disestablishment of benefit zones pursuant to section 13 of this act. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a parking and business improvement area and the disestablishment shall follow the same procedure as provided for disestablishment of an area.

NEW SECTION. Sec. 17. Businesses established after the creation of an area within the area may be exempted from the special assessments imposed pursuant to this act for a period not exceeding one year from the date they commenced business in the area.

NEW SECTION. Sec. 18. The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

NEW SECTION. Sec. 19. Upon disestablishment of an area, any proceeds of the special assessments, or assets acquired with such proceeds, or liabilities incurred as a result of the formation of such area, shall be subject to disposition as the legislative authority shall determine: PROVIDED, HOWEVER, Any liabilities, either current or future, incurred as a result of action taken to accomplish the purposes of section 1 of this act shall not be an obligation of the general fund or any special fund of the city or town, but such liabilities shall be provided for entirely from available revenue generated from the projects or facilities authorized by section 1 of this act or from special assessments on the property specially benefited within the area.

NEW SECTION. Sec. 20. Any city or town or county authorized by this act to establish a parking improvement area shall call for competitive bids by appropriate public notice and award contracts,

whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

NEW SECTION. Sec. 21. The cost of the improvement for the purposes of this act shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 20 of this act is contrary to public policy and is prohibited.

NEW SECTION. Sec. 22. This act providing for parking and business improvement areas shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of counties, cities and towns, but shall be supplemental thereto and concurrent therewith.

The purposes and functions of parking and business improvement areas as set forth by the provisions of this act may be accomplished in part by the establishment of an area pursuant to this act and in part by any other method otherwise provided by law, including provisions for local improvements.

NEW SECTION. Sec. 23. 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 provisions to other persons or circumstances is not affected.

Passed the Senate April 23, 1971.

Passed the House April 23, 1971.

Approved by the Governor May 3, 1971.

Filed in Office of Secretary of State May 3, 1971.

CHAPTER 46

[Engrossed Senate Bill No. 514]

UNIFORM CRIMINAL EXTRADITION ACT

AN ACT Relating to the extradition of persons charged with a crime, and to make uniform the law with reference thereto; adding new sections to chapter 10.88 RCW; repealing section 6, page 102, Laws of 1854, section 158, page 217, Laws of 1873, section 972, Code of 1881, and RCW 10.88.010; repealing section 6, part, page 102, Laws of 1854, section 972, part, Code of 1881, and RCW 10.88.020; repealing section 7, page 102, Laws of 1854, section 159, page 218, Laws of 1873, section 973, Code of 1881, and RCW 10.88.030; repealing section 8, page 103, Laws of 1854, section 160, page 218, Laws of 1873, section

974, Code of 1881, and RCW 10.88.040; repealing section 9, page 103, Laws of 1854, section 161, page 219, Laws of 1873, section 975, Code of 1881, and RCW 10.88.050; repealing section 10, page 103, Laws of 1854, section 162, page 219, Laws of 1873, section 976, Code of 1881, and RCW 10.88.060; amending section 6, chapter 196, Laws of 1951, as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050; prescribing penalties; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 10.88 RCW a new section to read as follows:

Where appearing in this act, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state, and the term "state" referring to a state other than this state refers to any other state, or the District of Columbia, or territory organized or unorganized of the United States of America.

NEW SECTION. Sec. 2. There is added to chapter 10.88 RCW a new section to read as follows:

Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, the governor of this state may in his discretion have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

NEW SECTION. Sec. 3. There is added to chapter 10.88 RCW a new section to read as follows:

No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing alleging, except in cases arising under section 6 of this act, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state;

and the copy of indictment, information, affidavit, judgment of conviction or sentence must be certified or authenticated by the executive authority making the demand.

NEW SECTION. Sec. 4. There is added to chapter 10.88 RCW a new section to read as follows:

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

NEW SECTION. Sec. 5. There is added to chapter 10.88 RCW a new section to read as follows:

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in section 22 of this act with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

NEW SECTION. Sec. 6. There is added to chapter 10.88 RCW a new section to read as follows:

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 3 of this act with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

NEW SECTION. Sec. 7. There is added to chapter 10.88 RCW a new section to read as follows:

If the governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person

whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

NEW SECTION. Sec. 8. There is added to chapter 10.88 RCW a new section to read as follows:

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act to the duly authorized agent of the demanding state.

NEW SECTION. Sec. 9. There is added to chapter 10.88 RCW a new section to read as follows:

Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

NEW SECTION. Sec. 10. There is added to chapter 10.88 RCW a new section to read as follows:

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state: PROVIDED, That the hearing provided for in this section shall not be available except as may be constitutionally required if a hearing on the legality of arrest has been held pursuant to sections 13 or 14 of this 1971 act.

NEW SECTION. Sec. 11. There is added to chapter 10.88 RCW a new section to read as follows:

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in wilful disobedience to section 10 of this act, shall be guilty of a gross misdemeanor and, on conviction, shall be imprisoned in the county jail for not more than one year, or be fined not more than one thousand dollars, or both.

NEW SECTION. Sec. 12. There is added to chapter 10.88 RCW a new section to read as follows:

The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping: PROVIDED, HOWEVER, That such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

NEW SECTION. Sec. 13. There is added to chapter 10.88 RCW a new section to read as follows:

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under section 6 of this act, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 6 of this act, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may

be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

NEW SECTION. Sec. 14. There is added to chapter 10.88 RCW a new section to read as follows:

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 13 of this act; and thereafter his answer shall be heard as if he had been arrested on a warrant.

NEW SECTION. Sec. 15. There is added to chapter 10.88 RCW a new section to read as follows:

If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 6 of this act, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 16 of this act, or until he shall be legally discharged.

NEW SECTION. Sec. 16. There is added to chapter 10.88 RCW a new section to read as follows:

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the governor of this state.

NEW SECTION. Sec. 17. There is added to chapter 10.88 RCW a new section to read as follows:

If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a

further period not to exceed sixty days, or a judge or magistrate judge may again take bail for his appearance and surrender, as provided in section 16 of this act, but within a period not to exceed sixty days after the date of such new bond: PROVIDED, That the governor may, except in cases in which the offense is punishable under laws of the demanding state by death or life imprisonment, deny a demand for extradition when such demand is not received by the governor before the expiration of one hundred twenty days from the date of arrest in this state of the alleged fugitive, in the absence of a showing of good cause for such delay.

NEW SECTION. Sec. 18. There is added to chapter 10.88 RCW a new section to read as follows:

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

NEW SECTION. Sec. 19. There is added to chapter 10.88 RCW a new section to read as follows:

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending the governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

NEW SECTION. Sec. 20. There is added to chapter 10.88 RCW a new section to read as follows:

The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

NEW SECTION. Sec. 21. There is added to chapter 10.88 RCW a new section to read as follows:

Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the appropriate authority of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

NEW SECTION. Sec. 22. There is added to chapter 10.88 RCW a new section to read as follows:

(1) When the return to this state of a person charged with

crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

(3) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

NEW SECTION. Sec. 23. There is added to chapter 10.88 RCW a new section to read as follows:

A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has

been returned, until he has been finally convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

NEW SECTION. Sec. 24. There is added to chapter 10.88 RCW a new section to read as follows:

Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 7 and 8 of this act and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state: PROVIDED, HOWEVER, That before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in section 10 of this act.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent: PROVIDED, HOWEVER, That nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

NEW SECTION. Sec. 25. There is added to chapter 10.88 RCW a new section to read as follows:

Nothing in this act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

NEW SECTION. Sec. 26. There is added to chapter 10.88 RCW a new section to read as follows:

After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this

state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

NEW SECTION. Sec. 27. There is added to chapter 10.88 RCW a new section to read as follows:

The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it, to the extent which it has been enacted by this state.

NEW SECTION. Sec. 28. There is added to chapter 10.88 RCW a new section to read as follows:

Sections 1 through 26 of this act shall be known and may be cited as the Uniform Criminal Extradition Act.

NEW SECTION. Sec. 29. This act shall become effective on July 1, 1971.

Sec. 30. Section 6, chapter 196, Laws of 1951 as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050 are each amended to read as follows:

(1) Before making the demand of the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for ((the)) support under this chapter, or that the bringing of an action would be of no avail.

(2) When under this or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this chapter or would be effective; PROVIDED, That before honoring such demand the governor shall require proof of a duty of support arising from a support order based upon competent jurisdiction over the obligor.

(3) Except as is provided for in the proviso to subsection (2) of this section if an action for ((the)) support would be effective and no action has been brought, the governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(4) If an action for support has been brought and the person demanded has prevailed in that action, the governor ((may)) shall decline to honor the demand.

(5) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the

governor (~~may~~) shall decline to honor the demand so long as the person demanded is complying with the support order.

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) Section 6, page 102, Laws of 1854, section 158, page 217, Laws of 1873, section 972, Code of 1881 and RCW 10.88.010;

(2) Section 6, part, page 102, Laws of 1854, section 972, part, Code of 1881 and RCW 10.88.020;

(3) Section 7, page 102, Laws of 1854, section 159, page 218, Laws of 1873, section 973, Code of 1881 and RCW 10.88.030;

(4) Section 8, page 103, Laws of 1854, section 160, page 218, Laws of 1873, section 974, Code of 1881 and RCW 10.88.040;

(5) Section 9, page 103, Laws of 1854, section 161, page 219, Laws of 1873, section 975, Code of 1881 and RCW 10.88.050; and

(6) Section 10, page 103, Laws of 1854, section 162, page 219, Laws of 1873, section 976, Code of 1881 and RCW 10.88.060.

NEW SECTION. Sec. 32. There is added to chapter 10.88 RCW a new section to read as follows:

If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Passed the Senate April 24, 1971.

Passed the House April 21, 1971.

Approved by the Governor May 4, 1971.

Filed in Office of Secretary of State May 5, 1971.

CHAPTER 47

[Engrossed Substitute Senate Bill No. 372]

STATE RECREATION TRAILS--

REGULATION OF ALL-TERRAIN VEHICLES (ATV)

AN ACT Relating to outdoor recreation; amending section 5, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.050; amending section 8, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.080; amending section 10, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.100; adding new sections to chapter 67.32 RCW; creating new sections; prescribing penalties; and making appropriations.

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

Section 1. Section 5, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.050 are each amended to read as follows:

The IAC shall prepare a state trails plan as part of the state-wide outdoor recreation and open space plan. Included in this plan shall be an inventory of existing trails and potential trail routes on all lands within the state presently being used or with potential for use by all types of trail users. Such trails plan may include general routes or corridors within which specific trails or segments thereof may be considered for designation as state recreation trails.

Sec. 2. Section 8, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.080 are each amended to read as follows:

The following five categories of trails 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.

The planning and designation of trails shall take into account and give due regard to the interests of federal agencies, state agencies and bodies, counties, municipalities, private landowners and individuals, and interested recreation organizations. It is not required that the above categories be used to designate specific trails, but 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 lands under the jurisdiction of the department of natural resources, the department of game, and the state parks and recreation commission.

Sec. 3. Section 10, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.100 are each amended to read as follows:

With the concurrence of any federal or state agency administering lands through which a state recreation trail may pass, and after consultation with local governments, private organizations

and landowners which the IAC knows or believes to be concerned, the IAC may issue guidelines including, but not limited to: Encouraging the permissive use of volunteer organizations for planning, maintenance or trail construction assistance; trail construction and maintenance standards, a trail use reporting procedure, and a uniform trail mapping system.

NEW SECTION. Sec. 4. There is added to chapter 67.32 RCW a new section to read as follows:

Volunteer organizations may assist public agencies, with the agency's approval, in the construction and maintenance of recreational trails in accordance with the guidelines issued by the interagency committee. In carrying out such volunteer activities the members of the organizations shall not be considered employees or agents of the public agency administering the trails, and such public agencies shall not be subject to any liability whatsoever arising out of volunteer activities. The liability of public agencies to members of such volunteer organizations shall be limited in the same manner as provided for in RCW 4.24.210.

NEW SECTION. Sec. 5. There is added to chapter 67.32 RCW a new section to read as follows:

The state highways department shall consider plans for trails along and across all new construction projects, improvement projects, and along or across any existing highways in the state system as deemed desirable by the IAC.

NEW SECTION. Sec. 6. The provisions of sections 7 through 28 of this 1971 amendatory act shall apply to all lands in this state. Nothing in this 1971 amendatory act shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

NEW SECTION. Sec. 7. As used in this 1971 amendatory act 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 cross-country travel on 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 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 vehicles, or any military or law enforcement vehicles.

"ATV registration" means the registration of an all-terrain vehicle, in this state, pursuant to this 1971 amendatory act.

"Trail" for the purpose of this 1971 amendatory act, 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 1971 amendatory act, 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.

"Organized competitive event" shall mean any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place.

NEW SECTION. Sec. 8. 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 46.12 RCW and such rules and regulations as the department may adopt.

NEW SECTION. Sec. 9. Except as provided in this 1971 amendatory act, no person shall operate any all-terrain vehicle within this state after the effective date of this 1971 amendatory act unless such all-terrain vehicle has been registered in accordance with the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 10. ATV registration shall be required under the provisions of this 1971 amendatory act 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: PROVIDED, That such exemption shall be strictly construed.

(4) All-terrain vehicles operated on lands owned by the operator or lands on which the operator has permission to operate without ATV registration.

(5) All-terrain vehicles which are operated exclusively on roadways.

(6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement, on a wheelbase of forty-two inches or less, which are equipped with wheels of fourteen inches or less rim diameter.

NEW SECTION. Sec. 11. ATV registration period shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW.

NEW SECTION. Sec. 12. Application for ATV 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 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 five dollars. Upon receipt of the application and the application fee, such all-terrain vehicle shall be registered and an ATV registration number assigned, which shall be affixed to the all-terrain vehicle in a manner prescribed by the department.

The ATV registration 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 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 under the provisions of this 1971 amendatory act must, within ten days of the acquisition or purchase of such all-terrain vehicle make application to the department for transfer of such ATV registration, 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 1971 amendatory act and if ATV registration is required under this 1971 amendatory act, he shall obtain a nonresident ATV registration, valid for not more than sixty days. 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.

NEW SECTION. Sec. 13. Six months after the effective date of this 1971 amendatory act, 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 1971 amendatory act.

NEW SECTION. Sec. 14. 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 46.01.130 and 46.01.140 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.

NEW SECTION. Sec. 15. The ATV registration number assigned to each all-terrain vehicle and the validating tag shall be permanently affixed to and prominently displayed upon each all-terrain vehicle as the department may prescribe.

NEW SECTION. Sec. 16. The moneys collected by the department as ATV registration 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 the effective date of this 1971 amendatory act, and twenty percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this 1971 amendatory act.

(2) Twenty percent each year for the first two years after the effective date of this 1971 amendatory act, 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 1971 amendatory act.

(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.

NEW SECTION. Sec. 17. 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;

(2) In such a manner as to endanger the property of another;

(3) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others;

(4) Without an adequate braking device;

(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) Upon the shoulder or inside bank or slope of any roadway or highway, or upon the median of any divided highway;

(8) In any area or in such a manner so as to expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation.

NEW SECTION. Sec. 18. No person shall operate an all-terrain vehicle in such a way as to endanger human life or to run down or

harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry, transport or convey any loaded weapon in or upon, nor hunt from, any all-terrain vehicle. Violation of this section shall constitute a gross misdemeanor.

NEW SECTION. Sec. 19. The operator of any all-terrain vehicle involved in any accident resulting in injury to or death of any person, or property damage to another in the estimated amount of two hundred dollars or more, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted.

NEW SECTION. Sec. 20. 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 1971 amendatory act 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.

NEW SECTION. Sec. 21. 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 the effective date of this 1971 amendatory act, and ten thousand dollars in each succeeding biennium in which such a determination is to be made.

NEW SECTION. Sec. 22. From time to time, but at least once each biennium, the director 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, 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 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.

NEW SECTION. Sec. 23. Notwithstanding any of the provisions of this 1971 amendatory act, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of all-terrain vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 24. (1) Except as provided in section 18 of this 1971 amendatory act, any person violating the provisions of this 1971 amendatory act 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, whichever is greater.

NEW SECTION. Sec. 25. The provisions of this 1971 amendatory act shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state wildlife agents and deputy wildlife agents, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.060, and 76.04.080.

NEW SECTION. Sec. 26. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. To carry out the provisions of section 16(3) of this 1971 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, in the sum of one million dollars, or such lesser amounts as represent fifty-five percent of the all-terrain vehicle registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 22 of this 1971 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 21 of this 1971 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. 28. ATV as used in this 1971 amendatory act shall include snowmobiles unless the 1971 legislature specifically provides for the registration and regulation of snowmobiles.

Passed the Senate April 26, 1971.

Passed the House April 24, 1971.

Approved by the Governor May 5, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 48

[Engrossed Senate Bill No. 37]

REVENUE AND TAXATION--

SEGREGATION OF PROPERTY FOR TAX PURPOSES

AN ACT Relating to tax collection; and amending section 84.56.340, chapter 15, Laws of 1961 and RCW 84.56.340.

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

Section 1. Section 84.56.340, chapter 15, Laws of 1961 and RCW 84.56.340 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full: AND PROVIDED FURTHER, That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from

date of notice, the county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

Passed the Senate March 12, 1971.

Passed the House April 28, 1971.

Approved by the Governor May 5, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 49

[Engrossed House Bill No. 300]

DEPARTMENT OF NATURAL RESOURCES PERSONNEL--
RIGHTS OF ENTRY

AN ACT Relating to the department of natural resources; and amending section 1, chapter 100, Laws of 1963 and RCW 76.01.060.

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

Section 1. Section 1, chapter 100, Laws of 1963 and RCW 76.01.060 are each amended to read as follows:

Any authorized assistants, employees, agents, appointees or representatives of the department of natural resources may, in the course of their inspection and enforcement duties as provided for in chapters 76.04, 76.06, 76.08, 76.16, 76.36 and 76.40 RCW, enter upon any lands, real estate, waters or premises except the dwelling house or appurtenant buildings (~~or waters~~) in this state whether public or private and remain thereon while performing such duties (~~and such action by such persons shall not constitute trespass; PROVIDED HOWEVER, That~~). Similar entry by the department of natural resources may be made for the purpose of making examinations, locations, surveys and/or appraisals of all lands under the management and jurisdiction of the department of natural resources; or for making examinations, appraisals and, after five days' written notice to the landowner, making surveys for the purpose of possible acquisition of property to provide public access to public lands. In no event other than an emergency such as fire fighting shall motor

vehicles be used to cross a field customarily cultivated, without prior consent of the owner. None of the entries herein provided for shall constitute trespass, but nothing contained herein shall limit or diminish any liability which would otherwise exist as a result of the acts or omissions of said department or its representatives.

Passed the House April 28, 1971.

Passed the Senate April 23, 1971.

Approved by the Governor May 5, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 50
[Engrossed House Bill No. 688]
DEPARTMENT OF NATURAL RESOURCES--
FIRE SUPPRESSION--
SUPPLEMENTAL APPROPRIATION

AN ACT Relating to the department of natural resources; making appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that emergency fire suppression costs for the 1970 fire season were in excess of the contingency forest fire suppression account appropriation for the 1969-1971 biennium and that the department met these emergency costs by utilizing general fund operating moneys previously appropriated to the department for other purposes.

NEW SECTION. Sec. 2. There is hereby made a supplemental appropriation to the department from the general fund in the amount of four hundred fifty thousand dollars for salaries, wages, and other expenses of the department for the biennium ending June 30, 1971.

NEW SECTION. Sec. 3. There is hereby made a supplemental appropriation to the department from the general fund, contingency forest fire suppression account in the amount of two hundred thousand dollars for salaries, wages, and other expenses of the department for the biennium ending June 30, 1971.

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

Passed the House April 6, 1971.

Passed the Senate April 27, 1971.

Approved by the Governor May 5, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 51

[Engrossed House Bill No. 1037]

COMPULSORY SCHOOL ATTENDANCE--

EXEMPTION BY REASON OF ATTENDING RESIDENTIAL SCHOOL

AN ACT Relating to compulsory school attendance; excepting children attending state residential schools therefrom; amending section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 109, Laws of 1969 ex. sess. and RCW 28A.27.010.

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

Section 1. Section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 109, Laws of 1969 ex. sess. and RCW 28A.27.010 are each amended 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 private school shall be prima facie evidence of a violation of this section. Private school for the purposes of this section shall be one approved or accredited under regulations established by the state board of education.

Passed the House March 26, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor May 5, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 52

[Engrossed Senate Bill No. 203]

BOARD AGAINST DISCRIMINATION REDESIGNATED
WASHINGTON STATE HUMAN RIGHTS COMMISSION--
APPLICABILITY OF LAW TO PUBLIC BODIES AND EMPLOYEES

AN ACT Relating to the law against discrimination; and repealing section 25, chapter 37, Laws of 1957 and RCW 49.60.300.

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

NEW SECTION. Section 1. The following act is repealed: Section 25, chapter 37, Laws of 1957 and RCW 49.60.300.

NEW SECTION. Sec. 2. There is added to chapter 270, Laws of 1955 as amended by chapter 37, Laws of 1957, and RCW 49.60 a new section to read as follows:

From and after the effective date of this act the "Washington State Board Against Discrimination" shall be known and designated as the "Washington State Human Rights Commission".

Passed the Senate March 19, 1971.

Passed the House April 20, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 53

[Senate Bill No. 126]

NONPROFIT CORPORATIONS--
ELECTION OF CHAPTER 24.03 RCW

AN ACT Relating to nonprofit corporations; amending section 3, chapter 235, Laws of 1967 and RCW 24.03.010; and adding a new section to chapter 235, Laws of 1967 and to chapter 24.03 RCW.

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

Section 1. Section 3, chapter 235, Laws of 1967 and RCW 24.03.010 are each amended to read as follows:

The provisions of this chapter relating to domestic corporations shall apply to:

- (1) All corporations organized hereunder; and
- (2) All not for profit corporations heretofore organized under any act hereby repealed, for a purpose or purposes for which a corporation might be organized under this chapter; and
- (3) Any corporation to which this chapter does not otherwise apply, which is authorized to elect, and does elect, in accordance with the provisions of this chapter, as now or hereafter amended, to have the provisions of this chapter apply to it.

The provisions of this chapter relating to foreign corporations shall apply to all foreign not for profit corporations conducting affairs in this state for a purpose or purposes for which a corporation might be organized under this chapter.

NEW SECTION. Sec. 2. There is added to chapter 235, Laws of 1967, and to chapter 24.03 RCW a new section to read as follows:

Any corporation organized under any act of the state of Washington for any one or more of the purposes for which a corporation may be organized under this chapter and for no purpose other than those permitted by this chapter, and to which this chapter does not otherwise apply, may elect to have this chapter and the provisions thereof apply to such corporation. Such corporation may so elect by having a resolution to do so adopted by the governing body of such corporation and by delivering to the secretary of state a statement of election in accordance with this section. Such statement of election shall be executed in duplicate by the corporation by its president or a vice president and by its secretary or an assistant secretary and verified by one of the officers signing the same, and shall set forth:

- (1) The name of the corporation;
- (2) The act which created the corporation or pursuant to which it was organized;
- (3) That the governing body of the corporation has elected to have this chapter and the provisions thereof apply to said corporation.

Duplicate originals of such statement of election shall be delivered to the secretary of state. If the secretary of state finds that the statement of election conforms to law, he shall, when fees in the same amount as required by this chapter for filing articles of incorporation have been paid, endorse on each of such duplicates the word "filed" and the month, day and year of the filing thereof, shall file one of such duplicate originals in his office, and shall issue a certificate of elective coverage to which he shall affix the other duplicate original.

The certificate of elective coverage together with the duplicate original affixed thereto by the secretary of state shall be returned to the corporation or its representative. Upon the issuance of the certificate of elective coverage, the provisions of this chapter shall apply to said corporation which thereafter shall be subject to and shall have the benefits of this chapter and the provisions thereof as they exist on the date of filing such statement of election and as they may be amended from time to time thereafter, including, without limiting the generality of the foregoing, the power to amend its charter or articles of incorporation, whether or not created by special act of the legislature, delete provisions

therefrom and add provisions thereto in any manner and to any extent it may choose to do from time to time so long as its amended articles shall not be inconsistent with the provisions of this chapter.

Passed the Senate March 12, 1971.

Passed the House April 20, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 54

[Engrossed Senate Bill No. 137]

PAYMENT OF LOST PUBLIC ASSISTANCE INSTRUMENTS--

BOND--LIABILITY

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 amended by section 2, chapter 61, Law of 1965 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 amended by section 2, chapter 61, Laws of 1965 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; ((and))

(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 this subsection shall not apply to instruments received by virtue of or under the public assistance 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 shall be the state agency responsible for endeavoring to recover any losses suffered by the state.

Passed the Senate March 12, 1971.
Passed the House April 20, 1971.
Approved by the Governor May 6, 1971.
Filed in Office of Secretary of State May 6, 1971.

CHAPTER 55

[Engrossed Senate Bill No. 261]

WAGES--PAYMENT--
COLLECTION

AN ACT Relating to wages; amending section 1, chapter 128, Laws of 1888, as last amended by section 1, chapter 181, Laws of 1947 and RCW 49.48.010; amending section 2, chapter 128, Laws of 1888 as amended by section 1, chapter 20, Laws of 1933 ex. sess. and RCW 49.48.020; amending section 3, chapter 128, Laws of 1888 and RCW 49.48.030; amending section 3, chapter 96, Laws of 1935, and RCW 49.48.060; repealing section 2, chapter 181, Laws of 1947 and RCW 49.48.110; and prescribing penalties.

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

Section 1. Section 1, chapter 128, Laws of 1888 as last amended by section 1, chapter 181, Laws of 1947 and RCW 49.48.010 are each amended to read as follows:

{1} It shall not be lawful for any corporation, person or firm engaged in manufacturing of any kind in this state, mining, railroading, constructing railroads, or any business or enterprise of whatsoever kind in this state, to issue, pay out or circulate for payment of wages of any labor, any order, check, memorandum, token or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or on demand, at the store or other place of business of such firm, person, or corporation when the same is issued, and the person who, or company which may issue any such order, check, memorandum, token or other evidence of indebtedness, shall upon presentation and demand redeem the same in lawful money of the United States. And when any laborer performing work or labor as above shall cease to work, whether by discharge or by voluntary withdrawal, the wages due shall be forthwith paid either in cash or by order redeemable in cash at its face value on presentation at bank, store, commissary, or other place in the county where the labor was performed: PROVIDED, Such order may be given payable in another county when the place of employment is more convenient of access to the employee.

{2} The second sentence of the preceding subsection shall not

apply when workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably; and the several employers or some of them cooperate to establish a plan for the weekly payment of wages at a central place or places and in accordance with a unified schedule of paydays providing for at least one payday each week; but this subsection shall not apply to any such plan until ten days after notice of their intention to set up such a plan shall have been given to the director of labor and industries by the employers who cooperate to establish the plan; and having once been established, no such plan can be abandoned except after notice of their intention to abandon such plan has been given to the director of labor and industries by the employers intending to abandon the plan:))

When any employee shall cease to work for an employer, whether by discharge or by voluntary withdrawal, the wages due him on account of his employment shall be paid to him at the end of the established pay period: PROVIDED, HOWEVER, That this paragraph shall not apply when workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and the several employers or some of them cooperate to establish a plan for the weekly payment of wages at a central place or places and in accordance with a unified schedule of paydays providing for at least one payday each week; but this subsection shall not apply to any such plan until ten days after notice of their intention to set up such a plan shall have been given to the director of labor and industries by the employers who cooperate to establish the plan; and having once been established, no such plan can be abandoned except after notice of their intention to abandon such plan has been given to the director of labor and industries by the employers intending to abandon the plan: PROVIDED FURTHER, That the duty to pay an employee forthwith shall not apply if the labor-management agreement under which the employee has been employed provides otherwise.

It shall be unlawful for any employer to withhold or divert any portion of an employee's wages unless the deduction is:

- (1) Required by state or federal law; or
- (2) Specifically agreed upon orally or in writing by the employee and employer; or
- (3) For medical, surgical or hospital care or service, pursuant to any rule or regulation: PROVIDED, HOWEVER, That the deduction is openly, clearly and in due course recorded in the employer's books and records.

Paragraph three of this section shall not be construed to affect the right of any employer or former employer to sue upon or collect any debt owed to said employer or former employer by his employees or former employees.

Sec. 2. Section 2, chapter 128, Laws of 1888 as amended by section 1, chapter 20, Laws of 1933 ex. sess. and RCW 49.48.020 are each amended to read as follows:

(Any officer or agent of any corporation, or any person, firm, or company engaged in the business of manufacturing of any kind in this state, mining, railroading, constructing railroads, or any other business or enterprise of whatsoever kind in this state, who by themselves or agents shall issue or circulate, in payment for wages of labor, any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, without being payable as required by RCW 49.48.040, or who shall fail to redeem the same when presented for payment or demand on said company or its agent, at his or their office or place of business, in lawful money of the United States, where the said order, check, memorandum, token or evidence of indebtedness was issued, or who shall compel or attempt to coerce any employee of any such corporation, person, firm, or company to purchase meals, lodging, goods, wares, merchandise or supplies from any particular person, firm or corporation, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or upon failure to pay such fine, to be imprisoned in the jail of the county where the misdemeanor is committed, until the said fine is exhausted by imprisonment as provided by the laws of this state, for each and every offense.)

Any person, firm, or corporation which violates any of the provisions of this 1971 amendatory act shall be guilty of a misdemeanor.

Sec. 3. Section 3, chapter 128, Laws of 1888 and RCW 49.48.030 are each amended to read as follows:

(And whenever any person or persons, company or corporation is compelled to sue for the recovery of the face value of the check, memorandum, token or evidence of indebtedness, issued or circulated for the payment of wages for labor, by reason of the failure of any person, firm, company or person [corporation] issuing the same failing or refusing to pay the same on demand, as provided by RCW 49.48.040, then in such case, if judgment should be granted the plaintiff, the court shall tax an attorney's fee of not less than ten nor more than twenty-five dollars to said judgment, and the further sum of twenty-five dollars as damages to the plaintiff, suffered by the plaintiff by reason of being compelled to sue the said claim: PROVIDED, That no plaintiff shall recover more than the face value of his said claim where the payment is refused by reason of a dispute as to the ownership of the said claim, or where it appears satisfactorily to the court or jury that the defendant had a sufficient excuse for the refusal of the payment of the said claim;

the burden to prove the said sufficient excuse being on the defendant; and should the court or jury find such sufficient excuse, the same is to be specified in the judgment or verdict of said court or jury.)

In any action in which any person is successful in recovering judgment for wages or salary owed to him, reasonable attorney's fees, in an amount to be determined by the court, shall be assessed against said employer or former employer: PROVIDED, HOWEVER, That this section shall not apply if the amount of recovery is less than or equal to the amount admitted by the employer to be owing for said wages or salary.

Sec. 4. Section 3, chapter 96, Laws of 1935, and RCW 49.48.060 are each amended to read as follows:

(Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof, who having the ability to pay, shall wilfully refuse to pay the wages due and payable when demanded, as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure for himself, his employer, or other person, any discount upon such indebtedness, or with intent to annoy, harass, or oppress, or hinder, or delay, or defraud, the person to whom such indebtedness is due, shall, in addition to any other penalty imposed upon him by RCW 49.48.040 through 49.48.080, be guilty of a misdemeanor.)

(1) If upon investigation by the director, after taking assignments of any wage claim under RCW 49.48.040, it appears to the director that the employer is representing to his employees that he is able to pay wages for their services and that the employees are not being paid for their services, the director may require the employer to give a bond in such sum as the director deems reasonable and adequate in the circumstances, with sufficient surety, conditioned that the employer will for a definite future period not exceeding six months conduct his business and pay his employees in accordance with the laws of the state of Washington,

(2) If within ten days after demand for such bond the employer fails to provide the same, the director may commence a suit against the employer in the superior court of appropriate jurisdiction to compel him to furnish such bond or cease doing business until he has done so. The employer shall have the burden of proving the amount thereof to be excessive.

(3) If the court finds that there is just cause for requiring such bond and that the same is reasonable, necessary or appropriate to secure the prompt payment of the wages of the employees of such employer and his compliance with RCW 49.48.010 through 49.48.080 and the provisions of this 1971 amendatory act, the court shall enjoin such employer from doing business in this state until the requirement

is met, or shall make other, and may make further, orders appropriate to compel compliance with the requirement.

Upon being informed of a wage claim against an employer or former employer, the director shall, if such claim appears to be just, immediately notify the employer or former employer, of such claim by mail. If the employer or former employer fails to pay the claim or make satisfactory explanation to the director of his failure to do so, within thirty days thereafter, the employer or former employer shall be liable to a penalty of ten percent of that portion of the claim found to be justly due. The director shall have a cause of action against the employer or former employer for the recovery of such penalty, and the same may be included in any subsequent action by the director on said wage claim, or may be exercised separately after adjustment of such wage claim without court action.

NEW SECTION. Sec. 5. Section 2, chapter 181, Laws of 1947 and RCW 49.48.110 are each repealed.

Passed the Senate April 21, 1971.

Passed the House April 19, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 7, 1971.

CHAPTER 56

[Engrossed Senate Bill No. 419]

HIGHER EDUCATION--

TUITION SUPPLEMENT PROGRAM

AN ACT Relating to education; and authorizing a tuition supplement program for resident students attending certain institutions of higher education.

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

NEW SECTION. Section 1. It is the declared legislative intent and among the purposes of this 1971 act to recognize the contributions made to the educational level of the citizens of this state by the independent and private institutions of higher education in Washington state and to acknowledge that these general educational programs and services offered collectively by these institutions are in the public's interest. Based upon the paramount duty of the state to make ample provision for the education of all children residing within its borders, provisions of this 1971 act are enacted for that purpose by the legislature in the exercise of the police power of the state for the purpose of promoting the health, safety, and general welfare of all the people of this state.

NEW SECTION. Sec. 2. The council on higher education, in

addition to its other duties as prescribed in chapter 28B.80 RCW is hereby directed to develop and administer a state plan to provide a tuition supplement program to undergraduate resident students attending an accredited independent or private institution of higher education within the state of Washington.

NEW SECTION. Sec. 3. The state plan as authorized in section 2 of this 1971 act shall include but not be limited to the following provisions:

(1) Allocations will be made to all undergraduate students on an equal and uniform basis.

(2) Student eligibility shall be determined upon admission to an independent or private institution of higher education accredited by the Northwest Association of Secondary and Higher Schools and/or such other professional accrediting agencies as may be required by the state plan.

(3) A student to be eligible shall be certified to be a full time undergraduate student pursuing twelve or more credit hours or the equivalent thereof as determined by the college or university.

(4) If the successful applicant after admission withdraws or is dismissed from the institution, the applicant will repay to the state that portion of the grant which is equal to the percentage of refund of general tuition and fees which is granted by the institution.

(5) Applicants must be Washington resident students as the same are defined in chapter 28B.15 RCW, as now or hereafter amended.

(6) The amount of any grant shall not exceed one hundred dollars for any twelve month period.

NEW SECTION. Sec. 4. No aid shall be awarded to any student who is pursuing a degree in theology.

NEW SECTION. Sec. 5. If any provision, part, section, or sentence of this 1971 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 April 7, 1971.

Passed the House April 20, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 7, 1971.

CHAPTER 57

[Engrossed Senate Bill No. 469]

STATE HIGHER EDUCATION ADMINISTRATIVE PROCEDURE ACT

AN ACT Relating to state institutions of higher education; establishing an administrative procedures act for state institutions of higher education; authorizing the delegation of powers; amending section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 21, Laws of 1971 and RCW 34.04.150; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. The interest of state institutions of higher education, those students and other citizens whom the institutions serve, employees, and the public generally, will be furthered by providing a uniform framework for the adoption, identification, and enforcement of rules and regulations governing aspects of institutional operation which affect substantial rights of individuals. The general purpose of this chapter is to provide a uniform framework for promulgation of certain administrative rules and regulations and the conduct of hearings where contested cases arise in connection with those rules and regulations, consistent with the particular needs of institutions of higher education and the people they serve.

NEW SECTION. Sec. 2. The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise:

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions." The various state community colleges are sometimes referred to in this chapter as "community colleges."

(2) "Rule" means any order, directive, or regulation of any institution of higher education which affects the relationship of the general public with the institution, or the relationship of particular segments of the particular educational community such as students, faculty, or other employees, with the institution or with

each other, (a) the violation of which subjects a person to a penalty or administrative sanction; or (b) which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or (c) which establishes, alters or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law. The term includes the amendment or repeal of a prior rule but does not include rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

(3) "Contested case" means a formal or informal proceeding before an institution of higher education, division, department, office, or designated official or representative thereof in which an opportunity for hearing is required by law, constitutional rights, or institutional policy, prior or subsequent to the determination by the institution of the legal rights, duties, or privileges of specific parties.

NEW SECTION. Sec. 3. (1) Prior to the adoption, amendment, or repeal of any rule adopted under this chapter, each institution, college, division, department, or official thereof exercising rule-making authority delegated by the governing board or the president, shall:

(a) Give at least twenty days' notice of its intended action by filing the notice with the code reviser and by mailing the notice to all persons who have made timely request of the institution or related board for advance notice of its rule-making proceedings. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Provide notice to the campus or standard newspaper of the institution involved and to a newspaper of general circulation in the area at least seven days prior to the date of the rule-making proceeding. The notice shall state the time when, place where and manner in which interested persons may present their views thereon and the general subject matter to be covered.

(c) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. An

opportunity for oral hearing must be granted if requested by twenty-five persons. The institution shall consider fully all written and oral statements respecting the proposed rule.

(2) No rule adopted under this chapter is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with section 4 of this 1971 amendatory act, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of section 4 of this 1971 amendatory act, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

(3) When twenty days notice of intended action to adopt, amend or repeal a rule has not been filed with the code reviser, as required by subsection (1) (a) of this section, the code reviser shall not publish such rule and such rule shall not be effective for any purpose.

NEW SECTION. Sec. 4. If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a brief statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser. An emergency rule or amendment shall not remain in effect for longer than ninety days.

Emergency rules shall become effective when promulgated unless an effective date is specified in the rule.

NEW SECTION. Sec. 5. (1) Any rules adopted after the effective date of this chapter shall be filed forthwith with the office of the code reviser. The code reviser shall keep a permanent register of such rules open to public inspection.

(2) Emergency rules adopted under section 4 of this 1971 amendatory act shall become effective upon filing. All other rules hereafter adopted shall become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the rule.

(3) The code reviser shall report to each regular session of the legislature on the state of compliance of the institutions of higher education with this section. For this purpose, all institutions of higher education shall supply the code reviser with such information as he may request.

NEW SECTION. Sec. 6. Any rules which have been adopted prior to the effective date of this 1971 amendatory act shall be filed

within six months of that date with the code reviser, who is not authorized to prescribe the form of nor required to publish such rules. Such rules shall not be valid after December 31, 1972, except that they shall continue to be valid for the purpose of proceedings pending as of that date, unless readopted pursuant to this chapter in the form and style of the code reviser: PROVIDED, HOWEVER, That any rules previously adopted and filed in accordance with chapter 34.04 RCW need not be refiled and they shall remain valid as though they had been adopted under this chapter.

NEW SECTION. Sec. 7. The code reviser shall as soon as practicable compile, index and publish in the Washington administrative code all rules adopted pursuant to this chapter by each institution of higher education and remaining in effect. The code reviser, in his discretion, may omit from publication in the Washington administrative code those rules the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting institution of higher education and if the Washington administrative code states the general subject matter of the rules so omitted and states how copies thereof may be obtained. Judicial notice shall be taken of rules published pursuant to this section.

NEW SECTION. Sec. 8. The code reviser may prescribe regulations for carrying out the provisions of this chapter relating to the filing and publication of rules and notices of intention to adopt rules, including the form and style to be employed by the various institutions of higher education in the drafting of such rules and notices.

NEW SECTION. Sec. 9. After the rules of institutions of higher education have been published by the code reviser all institution of higher education orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington administrative code.

NEW SECTION. Sec. 10. (1) The validity of any rule promulgated by an institution of higher education may be determined upon petition for a declaratory judgment thereon addressed to the superior court of the county in which the primary office of the institution of higher education is located, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair, the legal rights or privileges of the petitioner. The institution shall be made a party to the proceeding. The declaratory judgment may not be rendered unless the petitioner has first requested the institution to pass upon the validity of the rule in question.

(2) In a proceeding under subsection (1) of this section, the court shall declare the rule invalid only if it finds that it violates constitutional or statutory provision or exceeds the statutory authority of the institution or was adopted without compliance with statutory rule-making procedures established by this chapter.

NEW SECTION. Sec. 11. (1) The informal procedures heretofore established or hereafter promulgated by rule by institutions of higher education for the disposition of contested cases, may be utilized by institutions, where authorized by the governing boards of the institutions.

(2) Any person who is charged with an offense potentially punishable by suspension, or termination of his relationship with the institution and (a) who elects to waive the opportunity for an informal hearing, or (b) who by his conduct in the judgment of the hearing officer or board makes it impossible to conduct an informal hearing, or (c) who deems himself aggrieved by the disposition of any contested case following an informal proceeding undertaken pursuant to subsection (1) above, may have charges against him adjudicated in a formal hearing pursuant to section 12 of this 1971 amendatory act: PROVIDED, That any request for a formal hearing is directed to the president of the institution or his designee (i) within ten days after notification of the time and place of an informal hearing, or (ii) within five days after communication of the hearing officer or board chairman ruling that it is impossible to conduct an informal hearing for whatever reason, or (iii) within ten days after conclusion of the informal proceeding and notice of the final decision to the party charged with an offense.

(3) Where a formal hearing is conducted following conclusion or termination of an informal hearing authorized by subsection (1) above, the formal hearing shall be conducted as if the informal hearing had not commenced or taken place.

NEW SECTION. Sec. 12. (1) In any contested case where informal procedures authorized by section 11 subsection (1) of this 1971 amendatory act are not used and where the formal procedures are invoked because of necessity or request in accordance with section 11 subsection (2) of this 1971 amendatory act, all parties shall be afforded an opportunity for hearing after not less than ten days' notice. The notice shall include:

(a) A statement of the time, place, and nature of the proceeding;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular rules of the institution involved;

(d) A short and plain statement of the matters asserted. If the institution or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Hearings may be held or conducted by any officer or committee authorized by the president of any institution of higher education. The hearing officer or committee shall determine whether the hearing shall be open to the educational community in which it takes place, or whether particular persons should be permitted in attendance or excluded from attendance.

(3) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved, and to examine and cross-examine witnesses.

(4) Statements, testimony, and all other evidence given at an informal proceeding authorized pursuant to section 11 subsection (1) of this 1971 amendatory act shall be confidential and shall not be subject to discovery or released to anyone, including the officer or committee conducting a formal hearing or the parties involved, or used for impeachment purposes, without permission of the person who divulged the information.

(5) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default, or other established informal procedure.

(6) The record in a contested case shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions; and

(f) Any decision, opinion, or report by the officer or committee chairman presiding at the hearing.

(7) Oral proceedings shall be transcribed if necessary for the purposes of rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the costs thereof.

(8) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(9) Each institution shall adopt appropriate rules of procedure for notice and hearing informal contested cases.

(10) Institutions, or their authorized hearing officer or committee, may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge

information which he could not be compelled to divulge in a court of law;

(b) Issue subpoenas;

(c) Take or cause depositions to be taken pursuant to rules promulgated by the institution, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding;

(d) Regulate the course of the hearing;

(e) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(f) Dispose of procedural requests or similar matters;

(g) Make decisions or proposals for decisions; and

(h) Take any other action authorized by rule consistent with this chapter.

NEW SECTION. Sec. 13. (1) In any contested case institutions of higher education and their officers or agents conducting hearings:

(a) Shall issue a subpoena upon the request of any party and, to the extent required by institution rule, upon a statement showing general relevance and reasonable scope of the evidence sought; and

(b) May issue a subpoena upon their own motion.

(2) The subpoena powers created by this section shall be statewide in effect.

(3) Fees and allowances, and the cost of producing records required to be produced by institution subpoena, shall be paid by the party requesting the issuance of the subpoena.

(4) If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the institution issuing the subpoena may petition the superior court of the county where the hearing is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the hearing body. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court. The court may, in its discretion, require an

institution or party to pay fees and allowances for witnesses in the same manner and under the same conditions as provided for witnesses in the courts of this state by chapter 2.40 RCW and RCW 5.56.010, as now or hereafter amended.

NEW SECTION. Sec. 14. Except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law, no institution officer or committee conducting a hearing in a contested case or preparing a decision, or proposal for decision, shall consult with any person or party on any issue of fact or law in the proceeding, except that in analyzing and appraising the record for decision any hearing officer or committee may (1) consult with officials of the institution making the decision appealed from, (2) have the aid and advice of one or more personal assistants, (3) have the assistance of other employees of the institution who have not participated in the proceeding in any manner and who are not engaged for the institution in any investigative functions in the same or any current factually related case and who are not engaged for the institution in any prosecutory functions.

NEW SECTION. Sec. 15. (1) Any party, including the institution involved, aggrieved by a final decision in a contested case where formal proceeding has been utilized, whether such decision is affirmative or negative in form, is entitled to judicial review thereof only under the provisions of this chapter, and such party may not use any other procedure to obtain judicial review of a final decision, even though another procedure is provided elsewhere by a special statute or a statute of general application. Where the institution's rules provide a procedure for rehearing or reconsideration, and that procedure has been invoked, the decision shall not be final until action has been taken thereon.

(2) Proceedings for review under this chapter shall be instituted by filing a petition in the superior court in the county wherein the primary office of the institution involved is located. All petitions shall be filed, together with an appropriate cost bond securing payment of costs necessary to prepare the record, within thirty days after the service of the final decision by the institution. Copies of the petition shall be served upon the institution or related board and all other parties of record.

(3) The filing of the petition shall not stay enforcement of the decision being appealed. Where other statutes provide for stay or supersedeas of a decision, it may be stayed by the institution or the reviewing court only as provided therein; otherwise the institution may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within thirty days after service of the petition, or

within such further time as the court may allow, the institution shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceedings, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require a permit subsequent corrections or additions to the record when deemed desirable.

(5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the institution now shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(6) The court may affirm the decision appealed from, or remand the case for further proceedings; or it may reverse the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) In violation of any state or federal constitutional provision; or

(b) In excess of the statutory authority or jurisdiction of the institution; or

(c) Made upon unlawful procedure; or

(d) Affected by other error of law; or

(e) Clearly erroneous in view of the entire record as submitted and the public policy contained in the act of the legislature authorizing the decision or order; or

(f) Arbitrary or capricious.

NEW SECTION. Sec. 16. If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state or to an institution of higher education, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the institutions directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to other institutions.

Sec. 17. Section 15, chapter 234, Laws of 1959 as last amended by section 1, chapter 21, Laws of 1971 and RCW 34.04.150 are each amended to read as follows:

This chapter shall not apply to the state militia, or the board of prison terms and paroles, or any institution of higher education as defined in section 2 of this 1971 amendatory act. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals or the board of tax appeals

unless an election is made pursuant to RCW 82.03.140 or 82.03.190. The provisions of RCW 34.04.090 through 34.04.130 and the provisions of RCW 34.04.170 shall not apply to the denial, suspension or revocation of a driver's license by the department of motor vehicles. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

NEW SECTION. Sec. 18. Sections 1 through 16 and 20 of this 1971 amendatory act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 19. If any provision of this 1971 amendatory act or the application thereof 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 any section, sentence, or word is declared to be severable.

NEW SECTION. Sec. 20. Sections 1 through 16 of this 1971 amendatory act shall be referred to as the State Higher Education Administrative Procedure Act.

NEW SECTION. Sec. 21. 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 governing boards of institutions of higher education shall have power, when exercised by resolution, to delegate to the president or his designee, of their respective university or college, any of the powers and duties vested in or imposed upon such governing board by law. Delegated powers and duties may be exercised in the name of the respective governing boards.

NEW SECTION. Sec. 22. Sections 1 through 20 of this 1971 amendatory act shall become effective September 1, 1971: PROVIDED, That institutions of higher education are authorized and empowered to undertake to perform duties and conduct activities necessary to comply with sections 1 through 16 of this 1971 amendatory act immediately: PROVIDED FURTHER, That section 21 of this 1971 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 shall take effect immediately.

Passed the Senate March 17, 1971.

Passed the House April 16, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 7, 1971.

CHAPTER 58
[Senate Bill No. 125]
PRISONERS--
WORK RELEASE PROGRAMS--
FURLOUGHS

AN ACT Relating to work release programs and furloughs; and amending section 13, chapter 17, Laws of 1967 and RCW 72.65.130; creating new sections; and declaring an effective date.

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

Section 1. Section 13, chapter 17, Laws of 1967 and RCW 72.65.130 are each amended to read as follows:

This chapter shall not be construed as affecting the authority of the board of prison terms and paroles pursuant to the provisions of chapter 9.95 RCW over any person who has been approved for participation in the work release program. (~~Before any person is approved by the director or his designee for participation in the program, such participation must first be approved by at least two members of the board of prison terms and paroles.~~)

NEW SECTION. Sec. 2. As used in this act the following terms shall have the following meanings:

"Department" means the department of social and health services.

"Secretary" means the secretary of the department of social and health services, or his designee.

NEW SECTION. Sec. 3. The secretary is authorized to grant furloughs to persons convicted of a felony and serving a sentence for a term of confinement in a state correctional institution, except those persons who are serving mandatory minimum terms of confinement as now or hereafter provided by law. Any furlough granted by the secretary shall authorize the release of the convicted person from confinement by the superintendent of a state correctional institution and may require the supervision of the prisoner by a state probation and parole officer at a place designated in the order of furlough within this state for a period not to exceed thirty days under such terms and conditions as the secretary may deem appropriate: PROVIDED, That no more than sixty days of furlough shall be granted in any one year.

NEW SECTION. Sec. 4. Any prisoner eligible to be granted a furlough by the secretary may make application to the superintendent of the state correctional institution of confinement upon forms supplied by the department. The application shall set forth the place of proposed residence of the applicant and the names of the persons with whom the applicant will be residing and the relationship to the applicant; a proposed plan or program to be followed during

the period of furlough and the reasons why the applicant believes such plan or program will be of aid in his rehabilitation and enhance his prospects for a successful parole if granted by the board of prison terms and paroles. The application shall also include a statement to be executed by such prisoner that if his application be approved and he is granted a furlough, he agrees to abide by all terms and conditions of the furlough plan adopted for him. The application shall also contain such other information as the secretary may require. The superintendent of the state correctional institution to whom application has been made by a prisoner for a furlough shall review the prisoner's conduct, attitude and behavior within all of the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material and shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust if granted a furlough by the secretary. After having made such determination, the superintendent, in his discretion, may, subject to the concurrence of the secretary, deny the prisoner's application for a furlough or recommend to the secretary that the prisoner be granted a furlough.

NEW SECTION. Sec. 5. The secretary, after such investigation as he may deem necessary, may approve, reject, modify, or defer action on a recommendation for furlough. In the event of approval, the secretary shall adopt a furlough plan for the prisoner, and the terms and conditions of such furlough plan shall be set forth in the order of furlough with such other terms and conditions as may be deemed necessary and proper under the circumstances. The order of furlough may grant more than one furlough at such intervals and with such conditions as may be deemed appropriate and such furloughs may be granted on the basis of a single application. The order of furlough shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions of the order of furlough.

NEW SECTION. Sec. 6. At any time after approval has been granted for a furlough to any prisoner, such approval or order of furlough may be revoked, and if the prisoner has been released on an order of furlough, he may be returned to a state correctional institution, or the plan may be modified, in the discretion of the secretary. Any prisoner whose furlough application is rejected may reapply for a furlough after such period of time has elapsed as shall be determined at the time of rejection by the superintendent or secretary, whichever person initially rejected the application for furlough, such time period being subject to modification.

NEW SECTION. Sec. 7. Any furloughed prisoner who wilfully fails to return to the designated place of confinement at the time specified in the order of furlough shall be deemed an escapee and

fugitive from justice, and upon conviction shall be guilty of a felony and sentenced to a term of confinement of not more than ten years. The provisions of this section shall be incorporated in every order of furlough granted by the department.

NEW SECTION. Sec. 8. The department may provide or arrange for transportation for furloughed prisoners to the designated place of residence within the state and may, in addition, supply funds not to exceed forty dollars and suitable clothing, such clothing to be returned to the institution on the expiration of furlough.

NEW SECTION. Sec. 9. The secretary may enter into agreements with any agency of the state, a county, a municipal corporation or any person, corporation or association for the purpose of implementing furlough plans, and, in addition, may make such rules and regulations in furtherance of this act as he may deem necessary.

NEW SECTION. Sec. 10. The secretary may issue warrants for the arrest of any prisoner granted a furlough, at the time of the revocation of such furlough, or upon the failure of the prisoner to report as designated in the order of furlough. Such arrest warrants shall authorize any law enforcement, probation and parole or peace officer of this state, or any other state where such prisoner may be located, to arrest such prisoner and to place him in physical custody pending his return to confinement in a state correctional institution. Any state probation and parole officer, if he has reasonable cause to believe that a person granted a furlough has violated a condition of his furlough, may suspend such person's furlough and arrest or cause the arrest and detention in physical custody of the furloughed prisoner, pending the determination of the secretary whether the furlough should be revoked. The probation and parole officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending such furlough. Upon the basis of the report and such other information as the secretary may obtain, he may revoke, reinstate or modify the conditions of furlough, which shall be by written order of the secretary. If the furlough is revoked, the secretary shall issue a warrant for the arrest of the furloughed prisoner and his return to a state correctional institution.

NEW SECTION. Sec. 11. This act shall become effective on July 1, 1971.

Passed the Senate April 29, 1971.

Passed the House April 16, 1971.

Approved by the Governor May 6, 1971.

Filed in Office of Secretary of State May 7, 1971.

CHAPTER 59
[House Bill No. 270]
STATE CIVIL SERVICE--
EXEMPTIONS, LIQUOR VENDORS

AN ACT Relating to state civil service; and amending section 7, chapter 1, Laws of 1961, as last amended by section 23, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.070.

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 23, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.070 are each amended 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 judges of the supreme court, 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, (~~health~~) fisheries, (~~institutions and public assistance~~) 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.

Passed the House April 29, 1971.
Passed the Senate April 26, 1971.
Approved by the Governor May 7, 1971.
Filed in Office of Secretary of State May 7, 1971.

CHAPTER 60
[Engrossed Senate Bill No. 277]
SUPERIOR COURTS--
PLACES FOR HOLDING SESSIONS

AN ACT Relating to the superior courts; and amending section 7, page 343, Laws of 1890 and RCW 2.08.030.

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

Section 1. Section 7, page 343, Laws of 1890 and RCW 2.08.030 are each amended to read as follows:

The superior courts are courts of record, and shall be always open, except on nonjudicial days. They shall hold their sessions at the county seats of the several counties, respectively, and at such other places within the county as are designated by the judge or judges thereof with the approval of the chief justice of the supreme court of this state and of the governing body of the county. They shall hold regular and special sessions in the several counties of this state at such times as may be prescribed by the judge or judges thereof.

Passed the Senate April 6, 1971.
Passed the House May 3, 1971.
Approved by the Governor May 10, 1971.
Filed in Office of Secretary of State May 11, 1971.

CHAPTER 61
[Senate Bill No. 579]
CITIES, TOWNS AND COUNTIES--
TOURISM--
AUTHORIZED EXPENDITURES

AN ACT Relating to cities, towns and counties; authorizing expenditures for attracting visitors and encouraging tourist expansion; adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW; and adding a new section to chapter 7, Laws of 1965 and to chapter 35.21 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 36.32 RCW a new section to read as follows:

Any county in this state acting through its council or other legislative body shall have power to expend moneys and conduct promotion of resources and facilities in the county or general area by advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.21 RCW a new section to read as follows:

Any city or town in this state acting through its council or other legislative body shall have power to expend moneys and conduct promotion of resources and facilities in the city or town, or general area, by advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion.

Passed the Senate April 9, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 62

[Engrossed Senate Bill No. 635]

HIGHWAYS--

OUTDOOR ADVERTISING--

SCENIC VISTAS ACT OF 1971

AN ACT Relating to outdoor advertising in areas adjacent to state highways; amending section 2, chapter 96, Laws of 1961 and RCW 47.42.020; amending section 3, chapter 96, Laws of 1961 and RCW 47.42.030; amending section 4, chapter 96, Laws of 1961 and RCW 47.42.040; amending section 6, chapter 96, Laws of 1961 and RCW 47.42.060; amending section 8, chapter 96, Laws of 1961 and RCW 47.42.080; amending section 10, chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. and RCW 47.42.100; amending section 11, chapter 96, Laws of 1961 and RCW 47.42.110; amending section 12, chapter 96, Laws of 1961 and RCW 47.42.120; amending section 14, chapter 96, Laws of 1961 and RCW 47.42.140; adding new sections to chapter 96, Laws of 1961 and chapter 47.42 RCW; and declaring an emergency.

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

Section 1. Section 2, chapter 96, Laws of 1961 and RCW 47.42.020 are each amended to read as follows:

When used in this chapter the term:

(1) "Commission" means the Washington state highway commission;

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;

(4) "Maintain" means to allow to exist;

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals;

(6) ("Protected area" means all land adjoining or adjacent to the interstate system and within six hundred sixty feet of the edge of the right of way.)

"Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code;

(7) "Scenic ((area)) system" means ((all land adjoining or adjacent to)) (a) any state highway ((and within 660 feet of the edge of the right of way)) within any public park, federal forest area, public beach, ((or)) public recreation area, or national monument ((and)) (b) any state highway or portion thereof outside the boundaries ((presently existing on March 11, 1964)) of any incorporated city or town designated by the legislature as a part of the scenic ((area)) system, or (c) any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in section 2 of this 1971 amendatory act((-)):

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway;

((19) "State highway" means any primary or secondary state highway.)

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of

such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after three years from the effective date of this 1971 amendment.

NEW SECTION. Sec. 2. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of section 1 of this 1971 amendatory act:

(1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.

(2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.

(3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.

(4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.

(5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.

(6) Beginning on state route number 14 one-half mile west of

the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen.

Sec. 3. Section 3, chapter 96, Laws of 1961 and RCW 47.42.030 are each amended to read as follows:

Except as permitted under this chapter, no person shall erect or maintain a sign (~~within a protected area or scenic area. In case of an area which is both a protected area and a scenic area, only those signs permitted in a scenic area shall be erected or maintained~~) which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

Sec. 4. Section 4, chapter 96, Laws of 1961 and RCW 47.42.040 are each amended to read as follows:

It is declared to be the policy of the state that ~~(only the following four types of signs shall be erected or maintained in a protected area)~~ no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

~~(3) Signs advertising activities conducted on the property on which they are located;~~

~~((3))~~ (4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United State Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located ((+)) ; PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from the effective date of this 1971 amendatory act;

~~((4))~~ (5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public; PROVIDED, That no sign lawfully

erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from the effective date of this 1971 amendatory act.

Only signs of type 1, ((and)) 2 and ((those type)) 3 ((signs which advertise activities conducted on the property where the signs are located)) shall be erected or maintained ((in a scenic area)) within view of the scenic system.

NEW SECTION. Sec. 5. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised;

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways.

Sec. 6. Section 6, chapter 96, Laws of 1961 and RCW 47.42.060 are each amended to read as follows:

The commission shall prescribe regulations for the erection and maintenance of signs which are visible from the main traveled way of the interstate system and the scenic system and which are permitted by this chapter ((within protected areas and scenic areas)), and other regulations for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation.

Proceedings for review of any action taken by the commission pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

NEW SECTION. Sec. 7. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

Signs visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained.

(1) General: Signs shall not be erected or maintained which
(a) imitate or resemble any official traffic sign, signal or device;
(b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of Signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of Signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet

between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

NEW SECTION. Sec. 8. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Signs lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in section 7 of this 1971 amendatory act may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs.

NEW SECTION. Sec. 9. There is added to chapter 96, Laws of

1961 and to chapter 47.42 RCW a new section to read as follows:

Notwithstanding any other provision of chapter 47.42 RCW, the commission shall adopt regulations permitting the erection and maintenance of signs which are more than six hundred and sixty feet from the nearest edge of the right of way and visible from the main traveled way of the interstate system, primary system, or scenic system which are designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of such signs may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system.

Sec. 10. Section 8, chapter 96, Laws of 1961 and RCW 47.42.080 are each amended to read as follows:

(1) Any sign erected or maintained contrary to the provisions of this chapter or regulations promulgated hereunder and which is designed to be viewed from the interstate system or from any part of the scenic system which is not a part of the primary system shall be a public nuisance and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the chapter or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign. Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing.

Sec. 11. Section 10, chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. and RCW 47.42.100 are each amended to read as follows:

(1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system, or the scenic system which was there lawfully maintained immediately prior to the effective date of this 1971 amendatory act, but which does not comply with the provisions of chapter 47.42 RCW as amended by this 1971 amendatory act, shall be maintained by any person (a) after three years from effective date of this 1971 amendatory act, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation.

NEW SECTION. Sec. 12. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Just compensation shall be paid upon the removal of the following outdoor advertising signs:

(a) Those signs within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system which were lawfully in existence on October 22, 1965;

(b) Those signs lawfully within six hundred and sixty feet of the nearest edge of the right of way of any highway made a part of the interstate or primary system between October 21, 1965 and January 1, 1968; and

(c) Those signs lawfully erected within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system on or after January 1, 1968.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to the effective date of this 1971 amendatory act.

NEW SECTION. Sec. 13. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

(1) Compensation as required by section 12 of this 1971 amendatory act shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the commission may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the commission may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of such sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) In the event compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon the commission may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final

judgment declaring that motor vehicle funds may not be used, then from the general fund.

NEW SECTION. Sec. 14. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

The commission may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The commission shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to said section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of said section 131 and sections 12, 13 and 14 of this 1971 amendatory act.

NEW SECTION. Sec. 15. There is added to chapter 96, Laws of 1961 and to chapter 47.42 RCW a new section to read as follows:

No sign, display, or device shall be required to be removed if the federal share of the just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment.

Sec. 16. Section 11, chapter 96, Laws of 1961 and RCW 47.42.110 are each amended to read as follows:

The commission is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342.

Sec. 17. Section 12, chapter 96, Laws of 1961 and RCW 47.42.120 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs which advertise activities conducted upon the properties where such signs are located, shall be erected or maintained without a permit issued by the commission. Application for permit shall be made to the commission on forms furnished by it, which forms shall contain a statement that the owner or ((occupant)) lessee of the land in question has consented thereto and shall be accompanied by a fee of ten dollars to be deposited with the state treasurer to the credit of the motor vehicle fund ((in accordance with the following schedule: {1} Fifty cents per sign if advertising area does not exceed fifty square feet; {2} Two dollars per sign if advertising area exceeds

fifty square feet)). Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of additional fee. Assignment of permits in good standing shall be effective only upon receipt of written notice of assignment by the highway commission. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or misleading, or that the sign covered thereby is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, provided that such false or misleading information has not been corrected and that the sign has not been brought into compliance with this chapter within thirty days after written notification thereof.

Sec. 18. Section 14, chapter 96, Laws of 1961 and RCW 47.42.140 are each amended to read as follows:

The following portions of state highways are designated as a part of the scenic ((areas)) system: ((1)) Primary state highway No. 17, or the Pacific highway, beginning at the limits of Harabee state park (north line of section 36, township 37 north range 2 east), thence in a southerly direction to the Blanchard overcrossing (Bridge No. 46B/464).

((2)) Primary state highway No. 27, or the Sunset highway, beginning at the westerly intersection of secondary state highway No. 2B (interchange 2/626), thence in an easterly direction by way of North Bend, Snoqualmie Pass, CleElum, Blewett Pass to a junction with primary state highway No. 45 in the vicinity of Peshastin.

((3)) Primary state highway No. 45, the Stevens Pass highway, beginning at Woods creek bridge (bridge 45/246) at the east city limits of Monroe, thence in an easterly direction by way of Stevens Pass to a junction with primary state highway No. 2 in the vicinity of Peshastin.

((4)) Primary state highway No. 5, the National park highway, beginning at the Scatter creek bridge (bridge 5/363) approximately six miles east of Enumclaw, and proceeding by way of Chinook Pass to the west city limits of the town of Naches. Also beginning at the junction of secondary state highway No. 5E east of the town of South Prairie, thence in a southerly direction to the northwest entrance to Mount Rainier national park; also beginning at a junction with secondary state highway No. 5H south of Spanaway, thence in a southerly direction by way of Elbe, thence in an easterly direction to the southwest entrance to Mount Rainier national park; also beginning at a junction with primary state highway No. 5 at Cayuse junction in the vicinity west of Chinook Pass, thence in a southerly direction to a junction with primary state highway No. 5 at the

Ohanapecosh junction in the vicinity west of White Pass; and also beginning at a junction with primary state highway No. 5 at Kosmos, thence in an easterly direction across White Pass to the Oak Flat junction with primary state highway No. 5 northwest of Yakima.)

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with state route number 901, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 97 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 90 at Cle Elum, thence via Blewett (Swauk) pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 122 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(8) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(9) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

(10) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

NEW SECTION. Sec. 19. This act may be cited as the "Scenic Vistas Act of 1971".

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. This 1971 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 April 22, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 63

[Substitute House Bill No. 768]

ADOPTION SUPPORT DEMONSTRATION ACT OF 1971

AN ACT Relating to adoptions; authorizing the department of social and health services to charge for certain adoption services; authorizing deposits and transfers of funds for a demonstration project with respect to the making of payments for certain hard to place children who are adopted and for related purposes; adding new sections to chapter 30, Laws of 1965 and to chapter 74.13 RCW; adding a new section to chapter 291, Laws of 1955 and to chapter 26.32 RCW; and creating new sections.

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

NEW SECTION. Section 1. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

It is the policy of this state to enable the secretary to charge fees for certain services to adoptive parents who are able to pay for such services.

It is, however, also the policy of this state that the secretary of the department of social and health services shall be liberal in waiving, reducing, or deferring payment of any such fee to the end that adoptions shall be encouraged in cases where prospective adoptive parents lack means.

It is the policy of this state to encourage, within the limits of available funds, the adoption of certain hard to place children in order to make it possible for children living in, or likely to be placed in, foster homes or institutions to benefit from the stability and security of permanent homes in which such children can receive continuous parental care, guidance, protection, and love and to reduce the number of such children who must be placed or remain in foster homes or institutions until they become adults.

It is also the policy of this state to try, by means of the

program of adoption support authorized in this act, to reduce the total cost to the state of foster home and institutional care.

NEW SECTION. Sec. 2. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

When a child proposed for adoption is placed with a prospective adoptive parent the department may charge such parent a fee in payment or part payment of such adoptive parent's part of the cost of the adoption services rendered and to be rendered by the department.

In charging such fees the department shall treat a husband and wife as a single prospective adoptive parent.

Each such fee shall be fixed according to a sliding scale based on the ability to pay of the prospective adoptive parent or parents.

Such fee scale shall be annually fixed by the secretary after considering the recommendations of the committee designated by the secretary to advise him on child welfare and pursuant to the regulations to be issued by the secretary in accordance with the provisions of Title 34 RCW.

The secretary may waive, defer, or provide for payment in installments without interest of, any such fee whenever in his judgment payment or immediate payment would cause economic hardship to such adoptive parent or parents.

Nothing in this section shall require the payment of a fee to the state of Washington in a case in which an adoption results from independent placement or placement by a licensed child-placing agency.

NEW SECTION. Sec. 3. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

All fees paid for adoption services pursuant to this act during the 1971-1973 fiscal biennium shall be credited to an adoption support account, hereby created, in the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such account. The secretary may also from time to time transfer to such account from appropriations available to him for care of children in foster homes and child-caring institutions such sums not to exceed two hundred fifty thousand dollars during the 1971-1973 fiscal biennium as in his judgment will enable him to carry out a pilot project to demonstrate the value of a program of adoption support. In carrying out such pilot project the secretary is authorized to use the funds made available to him pursuant to this act, or, in his discretion, any portion thereof, to formulate, approve, implement or otherwise act pursuant to RCW 74.08.390, to develop and set up a pilot adoption support project at such level as he deems appropriate, consistent

with the purposes set forth in section 1 of this act. The secretary may develop and approve such a project whether formulated within or outside the department, and may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private and other public funding sources to carry out such project.

The secretary shall make a full report to the legislature during the 1973 legislative session concerning such pilot project including an analysis by the secretary of any savings in foster care and institutional care for hard to place children realized and estimated to be realized in the future as a result of a program of adoption support of the kind provided for in this act.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the adoption support account of the general fund and may use such funds, subject to such limitations as may be imposed by federal law, to carry out the program of adoption support authorized by this act.

The secretary may also deposit in such account and disburse therefrom all gifts and grants from any nonfederal source, including public and private foundations, which may be used for the program of adoption support authorized by this act.

NEW SECTION. Sec. 4. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by this act.

Disbursements from the adoption support account shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches twenty-one years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches twenty-one years of age warrants the continuation of support pursuant to this act the secretary may do so, subject to all the provisions of the act, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who, while having the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child, lacks the financial means fully to care for such hard to place child.

NEW SECTION. Sec. 5. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to this act and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted.

The amounts paid for the support of a child pursuant to this act may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under this act may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to this act and before issuing rules and regulations to carry out the provisions of this act, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him with respect to child welfare.

NEW SECTION. Sec. 6. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

To carry out the program authorized by this act, the secretary

may make continuing payments or lump sum payments of adoption support. In lieu of continuing payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by him subject to the provisions of this act, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in this act.

NEW SECTION. Sec. 7. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

At least annually the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to this act, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. Such review shall be made not later than the anniversary date of the adoption support agreement.

At the time of such annual review and at other times during the year when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in section 10 of this act.

NEW SECTION. Sec. 8. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

So long as any adoptive parent is receiving support pursuant to this act he shall, not later than two weeks after it is filed with the United States Government, file with the secretary a copy of his

federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of this act, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States Government, other than a Superior Court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to this act is then pending.

In carrying on the review process authorized by this act the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in section one of this act may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section of this act, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States Government.

Such information shall be marked "confidential" by the secretary, shall be used by him solely for the purposes of this act, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to this act is then pending.

NEW SECTION. Sec. 9. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

An agreement for adoption support made pursuant to this act, although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitutes a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the State Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of this act and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of this act or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to

be served by this act, shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by this act or rateable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his rights, including all rights of appeal under the fair hearing provisions, available to him under section 10 of this act.

NEW SECTION. Sec. 10. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

Voluntary amendments of any support agreement entered into pursuant to this act may be made at any time. In proposing any such amending action which relates to the amount or level of a payment or payments, the secretary shall, as provided in section 9 of this act, use either the standard which existed as of the date of the initial determination with respect to such agreement or any subsequent standard or parts of such standard which both parties to such agreement agree is more generous than those in effect as of the date of such initial agreement.

The secretary shall seek voluntary amendment of any such agreement before invoking the additional procedures provided for in this section.

Whenever the secretary, having found an adoptive parent declines to agree to a voluntary amendment, wishes to enter an order increasing or decreasing the level of a payment or payments for the support of an adoptive child under this act, he shall notify the adoptive parent of the action the secretary proposed to take in writing by certified mail or personal service stating the grounds upon which the secretary proposes such action.

Within thirty days from the receipt of such notice the adoptive parent or parents may serve upon the official of the department sending such notice a written request for hearing. Service of a request for hearing shall be made by certified mail.

Upon receiving a request for hearing, such officer shall fix a hearing date, which date shall be not later than thirty-five days from the receipt by him of such request for hearing. The matter shall be heard on such date or on such date to which the matter is continued by agreement of the parties. Such official shall also notify the committee designated by the secretary to advise him on child welfare of the filing of such request not less than twenty-five days before the hearing date. If the adoptive parent agrees, a member of such committee may attend the hearing.

If no request for hearing is made within the time specified, the proposed action shall be taken and the agreement between the adoptive parent and the state shall be deemed amended accordingly.

It shall be the duty of the secretary within thirty days after the date of the hearing to notify the appellant of the decision.

The secretary shall promulgate and publish rules governing the conduct of such hearings, including provision for confidentiality.

In all other respects such proceedings shall be conducted by the department pursuant to RCW 74.08.070 and regulations issued pursuant thereto. The adoptive parent shall have a right of appeal as provided in RCW 74.08.080. If the decision of the secretary or the superior court is made in favor of the appellant, adoption support shall be paid from the effective date of the action or decision appealed from.

Except as otherwise specifically provided for in this section the rules adopted by the secretary and the manner of carrying on the proceedings shall be in accord with the provisions of Title 34 RCW.

NEW SECTION. Sec. 11. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under this act, the secretary may authorize the payment from the adoption support account of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to section 2 of this act plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to this act.

NEW SECTION. Sec. 12. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

In deciding whether to grant a petition for adoption of a hard to place child and in reviewing any request for the vacation or modification of a decree of adoption the superior court shall consider any agreement made or proposed to be made between the secretary of social and health services and any prospective adoptive parent for any payment or payments which have been provided and/or which are to be provided by the secretary in support of the adoption of such child. Prior to the date of the hearing on the petition to adopt, to vacate, or to modify an adoption decree the secretary shall file as part of the adoption file with respect to such child a copy of any such initial agreement, together with any changes made in such agreement, or in the standards relating thereto.

If the court, in its judgment, finds the provision made in an agreement to be inadequate it may make such recommendation as it deems warranted with respect thereto to the secretary of social and health services. The court shall not, however, solely by virtue of this section of this act, be empowered to direct the secretary to make any such payment, provided that this section of this act shall not be deemed to limit any other power of the superior court with respect to such adoption and any matter relating thereto.

NEW SECTION. Sec. 13. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

The secretary shall keep such general records as are needed to evaluate the effectiveness of the program of adoption support authorized by this act in encouraging and effectuating the adoption of hard to place children. In so doing the secretary shall, however, maintain the confidentiality required by law with respect to particular adoptions.

NEW SECTION. Sec. 14. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

Any child-caring agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in this act may do so, and may include in its or his recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by this act. Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

NEW SECTION. Sec. 15. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

As used in this act the following definitions shall apply:

(1) "Secretary" means the secretary of the department of social and health services or his designee.

(2) "Department" means the department of social and health

services.

NEW SECTION. Sec. 16. The authority granted to the secretary in sections 3 through 15 of this act to provide adoption support to prospective parents who adopt hard to place children shall terminate on June 30, 1973 unless such authority is hereafter extended by law: PROVIDED, That payments shall be continued by the secretary subject to annual review as provided in sections 3 through 15 of this act for all hard to place children for whom adoption support agreements have been entered into by the secretary on or before June 30, 1973.

NEW SECTION. Sec. 17. This act may be known and cited as the "Adoption Support Demonstration Act of 1971".

Passed the House May 1, 1971.

Passed the Senate April 29, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 64

[Engrossed House Bill No. 38]

REVENUE AND TAXATION--

PROPERTY TAX EXEMPTIONS--

CHURCH CAMPS, CHARACTER BUILDING ASS'N PROPERTY, CONVENTS--

LEGISLATIVE COUNCIL STUDY

AN ACT Relating to revenue and taxation; amending section 84.36.030, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1969 and RCW 84.36.030; amending section 84.36.020, chapter 15, Laws of 1961, as amended by section 3, chapter 103, Laws of 1961 and RCW 84.36.020; and creating a new section.

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

Section 1. Section 84.36.030, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1969 and RCW 84.36.030 are each amended to read as follows:

The following property shall be exempt from taxation:

Property owned by nonsectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be used, or to the extent solely used, for the religious purposes of such associations, or for the educational, benevolent, protective, or social departments growing out of, or related to, the religious work of such associations;

Property owned by any church which is utilized as a camp facility if solely used for organized and supervised educational and recreational activities. The rental of property otherwise exempt

under this paragraph to another church or to an organization described in RCW 84.36.050 or to a public school or to a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age for the use by the lessee for the purposes set forth in this paragraph shall not nullify the exemption provided for in this paragraph if the rental income is devoted solely to the operation and maintenance of the property. The exemption provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon and shall expire July 1, 1977.

Property owned by nonprofit organizations or associations engaged in character building ((~~in~~) of) boys and girls under twenty-one years of age, to the extent such property is necessarily employed and devoted solely to the said purposes, provided such purposes are for the general public good and such properties are devoted to the general public benefit. The rental of property otherwise exempt under this paragraph to another nonprofit organization or association engaged in character building of boys and girls under eighteen years of age or to a church or to an organization described in RCW 84.36.050 or to a public school for the use by the lessee for the purposes set forth in this paragraph shall not nullify the exemption provided for in this paragraph if the rental income is devoted solely to the operation and maintenance of the property;

Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

NEW SECTION. Sec. 2. The legislative council shall review the exemptions provided pursuant to RCW 84.36.030 and shall present recommendations to the next regular session of the legislature.

Sec. 3. Section 84.36.020, chapter 15, Laws of 1961, as

amended by section 3, chapter 103, Laws of 1961 and RCW 84.36.020 are each amended to read as follows:

The following property shall be exempt from taxation:

All lands used exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

All churches, built and supported by donations, whose seats are free to all; and the ground, not exceeding five acres in area, upon which any cathedral or church of any recognized religious denomination is or shall be built, together with a parsonage and convent. The area exempted shall in any case include all ground covered by the church, parsonage and convent ((and parsonage)) and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with ((both)) church, ((and)) parsonage, and convent, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet. The parsonage and convent need not be on land contiguous to the church property if the total area exempted does not exceed the areas above specified. To be exempt the grounds must be used wholly for church purposes.

Passed the House May 5, 1971.

Passed the Senate April 30, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 65

[Engrossed House Bill No. 798]

IDENTICARDS--

PUBLIC ASSISTANCE RECIPIENTS

AN ACT Relating to the department of motor vehicles; and amending section 4, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.117.

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

Section 1. Section 4, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.117 are each amended to read as follows:

The department shall issue "identicards", containing a picture, to nondrivers for a fee of three dollars, such fee shall be deposited in the highway safety fund; PROVIDED, That the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title 74 RCW who are referred in writing to the department by the secretary of social and health services. To be eligible, each applicant shall produce evidence commensurate to the

regulations adopted by the director that positively proves identity. The "identocard" shall be distinctly designed so that it will not be confused with the official driver license. The identocard shall be valid for five years.

NEW SECTION. Sec. 2. The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government.

Passed the House March 26, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 66

[Engrossed House Bill No. 90]

EDUCATIONAL OPPORTUNITIES FOR HANDICAPPED CHILDREN

AN ACT Relating to educational opportunities for all handicapped children; amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 2, Laws of 1969 ex. sess. and RCW 28A.13.010; amending section 28A.13.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.020; amending section 28A.13.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.030; amending section 28A.13.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.040; amending section 28A.13.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.050; amending section 28A.24.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.100; adding new sections to chapter 28A.13 RCW; adding a new section to chapter 28A.41 RCW; providing penalties; and making an effective date.

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

NEW SECTION. Section 1. It is the purpose of this 1971 amendatory act to ensure that all handicapped children as defined in section 2 of this 1971 amendatory act shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state.

Sec. 2. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 2, Laws of 1969 ex. sess. and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of

public instruction a division of special ~~((educational aid))~~ education for handicapped children, to be known as the division for handicapped children.

Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of ~~((social or))~~ emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration. ~~((: PROVIDED, That))~~

The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children of common school age. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this 1971 amendatory act, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children.

This section shall not be construed as in any way limiting the powers of local school districts set forth in section 7 of this 1971 amendatory act.

No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

Sec. 3. Section 28A.13.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.020 are each amended to read as follows:

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

Sec. 4. Section 28A.13.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.030 are each amended to read as follows:

((School district officials and teachers)) The board of directors of each school district, for the purpose of compliance with the provisions of this 1971 amendatory act, shall cooperate with the superintendent of public instruction and with the administrative officer((7)) and shall provide an appropriate educational opportunity and give ((such)) other appropriate aid and special attention to handicapped children ((as their)) in regular or special school facilities ((will permit)) within the district or shall contract for such services with other agencies as provided in section 6 of this 1971 amendatory act or shall participate in an interdistrict arrangement in accordance with RCW 28A.58.075 and 28A.58.240 and/or 28A.58.245 and 28A.58.250.

In carrying out their responsibilities under this chapter, school districts ((may)) severally or jointly((+)) with the approval of the superintendent of public instruction are authorized to

((+)) Purchase and own special aid equipment and materials; with the approval of the administrative officer; and may pay for the same out of their general fund budgets.

(2) Employ special teachers for special aid; with the approval of the administrative officer; and may pay their salaries and compensation out of their general fund budgets.

(3)) establish, ((and)) operate, support and/or contract for residential schools and/or homes approved by the department of social and health services for aid and special attention to handicapped children ((7 with the approval of the administrative officer; and may pay for the operation of such residential schools out of their general fund budgets)).

((+)) Contribute funds for purchasing sites and constructing; equipping and furnishing buildings in another school district for the purpose of giving special educational aid to handicapped children; with the approval of the administrative officer; and may pay for the same out of their building fund budgets.

School districts may make agreements with other school districts for aid and special attention to handicapped children of their districts in the schools and special services of such other districts; with the approval of the administrative officer; and may pay for the same out of their general fund budgets; and such payments may include the cost of board and room for such handicapped children while housed in such other districts. Such expenditures may be partially or wholly reimbursed from funds appropriated for that purpose under rules and regulations established by the superintendent of public instruction)). The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those handicapped students eligible for such aid under programs of the

department. The cost of approved board and room shall be provided for those handicapped students not eligible under programs of the department of social and health services but deemed in need of the same by the superintendent of public instruction: PROVIDED, That no school district shall be financially responsible for special aid programs for students who are attending residential schools operated by the department of social and health services: PROVIDED FURTHER, That the provisions of this 1971 amendatory act shall not preclude the extension by the superintendent of public instruction of special education opportunities to handicapped children in residential schools operated by the department of social and health services.

Sec. 5. Section 28A.13.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.040 are each amended to read as follows:

Any child who is not able to attend school and who is eligible for special excess cost aid (~~(under)~~) programs authorized under this chapter (~~(may)~~) shall be given such aid at (~~(his)~~) home or at such other place as determined by the (~~(administrative officer)~~) board of directors of the school district in which such child resides. Any school district within which such a child resides shall thereupon be granted regular apportionment(~~(s)~~) of state and county school funds and, in addition, allocations from state excess funds made available for such special services for such (~~(days)~~) period of time as such special aid program is given; PROVIDED, That should such child or any other handicapped child attend and participate in a special aid program operated by another school district in accordance with the provisions of RCW 28A.58.230, 28A.58.240, and/or 28A.58.245, such regular apportionment shall be granted to the receiving school district, and such receiving school district shall be reimbursed by the district in which such student resides in accordance with rules and regulations promulgated by the superintendent of public instruction for the entire approved excess cost not reimbursed from such regular apportionment.

NEW SECTION. Sec. 6. There is added to chapter 28A.13 RCW a new section to read as follows:

For the purpose of carrying out the provisions of sections 2 through 5 of this 1971 amendatory act, the board of directors of every school district shall be authorized to contract with agencies approved by the state board of education for operating handicapped programs. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 7. Section 28A.13.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.13.050 are each amended to read as follows:

Special educational and training programs provided by the state and the school districts thereof for handicapped children

((temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of social or emotional maladjustment, or by reason of other handicap)) may be extended to include children of preschool age. School districts which extend such special programs ((as provided in this section,)) to children of preschool age shall be entitled to the regular apportionments from state and county school funds, as provided by law, and in addition to allocations from state excess cost funds made available for such special services((7)) for those handicapped children ((three or more years of age)) who are given such special services.

NEW SECTION. Sec. 8. Where a handicapped child as defined in section 2 of this 1971 amendatory act has been denied the opportunity of an educational program by a local school district superintendent under the provisions of RCW 28A.27.010, or for any other reason there shall be an affirmative showing by the school district superintendent in a writing directed to the parents or guardian of such a child within ten days of such decision that

(1) No agency or other school district with whom the district may contract under section 4 of this 1971 amendatory act can accommodate such child, and

(2) Such child will not benefit from an alternative educational opportunity as permitted under section 5 of this 1971 amendatory act.

There shall be a right of appeal by the parent or guardian of such child to the superintendent of public instruction pursuant to procedures established by him and in accordance with section 9 of this 1971 amendatory act.

NEW SECTION. Sec. 9. There is added to chapter 28A.13 RCW a new section to read as follows:

The superintendent of public instruction shall have the duty and authority, through the division of special education, to:

(1) Assist school districts in the formation of total school programs to meet the needs of handicapped children.

(2) Develop interdistrict cooperation programs for handicapped children as authorized in RCW 28A.58.245.

(3) Provide, upon request, to parents or guardians of handicapped children, information as to the handicapped programs offered within the state.

(4) Assist, upon request, the parent or guardian of any handicapped child in the placement of any handicapped child who is eligible for but not receiving special educational aid for handicapped children.

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to handicapped

children.

(6) Adjudge, upon appeal by a parent or guardian of a handicapped child who is not receiving an educational program, whether the decision of a local school district superintendent under section 8 of this 1971 amendatory act to exclude such handicapped child was justified by the available facts and consistent with the provisions of this 1971 amendatory act. If the superintendent of public instruction shall decide otherwise he shall apply sanctions as provided in section 12 of this 1971 amendatory act until such time as the school district assures compliance with the provisions of this 1971 amendatory act.

(7) Promulgate such rules and regulations as are necessary to implement the several provisions of this 1971 amendatory act and to ensure educational opportunities within the common school system for all handicapped children who are not institutionalized.

Sec. 10. Section 28A.24.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.24.100 are each amended to read as follows:

Individual transportation or other arrangements may be authorized when these seem best in the judgment of the commission. No district shall be required to transport any pupil living within two miles of the school which such pupil attends; PROVIDED, That all handicapped children as defined in section 2 of this 1971 amendatory act who are not ambulatory and/or who are not capable of protecting their own welfare while traveling to and/or from the school or agency where special educational aid services are provided shall be provided with transportation at school district or districts expense. Except as otherwise provided in this section, the commission may require pupils residing within two miles of an established route to travel to the route at their own expense.

NEW SECTION. Sec. 11. There is added to chapter 28A.41 RCW a new section to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature a programmed budget request for handicapped programs. Programs operated by local school districts shall be funded on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW 28A.41.130, 28A.41.140, and other state and local funds, excluding special excess levies.

NEW SECTION. Sec. 12. The superintendent of public instruction is hereby authorized and directed to establish appropriate sanctions to be applied to any school district of the state failing to comply with the provisions of this 1971 amendatory act to be applied beginning upon the effective date thereof, which sanctions shall include withholding of any portion of state aid to such district until such time as compliance is assured.

NEW SECTION. Sec. 13. If any provision of this 1971 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. 14. This 1971 amendatory act will take effect July 1, 1973.

Passed the House April 1, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 57

[Engrossed House Bill No. 175]

CRIMINAL INVESTIGATORY ACT OF 1971

AN ACT Relating to grand juries and criminal investigations; repealing section 3, chapter 48, Laws of 1891 and RCW 2.36.030; repealing section 1, chapter 90, Laws of 1951 and RCW 2.36.031; repealing section 2, chapter 90, Laws of 1951 and RCW 2.36.033; repealing section 5, chapter 57, Laws of 1911 and RCW 2.36.040; repealing section 45, page 110, Laws of 1854, section 163, page 220, Laws of 1873, section 977, Code of 1881, section 11, chapter 28, Laws of 1891 and RCW 10.28.010; repealing section 47, page 110, Laws of 1854, section 165, page 220, Laws of 1873, section 979, Code of 1881, section 12, chapter 28, Laws of 1891 and RCW 10.28.020; repealing section 46, page 110, Laws of 1854, section 164, page 220, Laws of 1873, section 978, Code of 1881 and RCW 10.28.030; repealing section 48, page 110, Laws of 1854, section 166, page 220, Laws of 1873, section 980, Code of 1881 and RCW 10.28.040; repealing section 49, page 110, Laws of 1854, section 167, page 220, Laws of 1873, section 981, Code of 1881, section 13, chapter 28, Laws of 1891 and RCW 10.28.050; repealing section 50, page 110, Laws of 1854, section 168, page 221, Laws of 1873, section 982, Code of 1881, section 1, chapter 74, Laws of 1939 and RCW 10.28.060; repealing section 52, page 110, Laws of 1854, section 170, page 221, Laws of 1873, section 984, Code of 1881, section 14, chapter 28, Laws of 1891 and RCW 10.28.070; repealing section 1, chapter 130, Laws of 1967 and RCW 10.28.075; repealing section 51, page 110, Laws of 1854, section 169, page 221, Laws of 1873, section 983, Code of 1881 and RCW 10.28.080; repealing section 179, page 239, Laws of 1869, section 184,

page 224, Laws of 1873, section 1001, Code of 1881, section 17, chapter 28, Laws of 1891 and RCW 10.28.085; repealing section 53, part, page 111, Laws of 1854, section 1, page 19, Laws of 1865, section 171, page 221, Laws of 1873, section 985, Code of 1881, section 15, chapter 28, Laws of 1891 and RCW 10.28.090; repealing section 57, page 111, Laws of 1854, section 176, page 222, Laws of 1873, section 992, Code of 1881 and RCW 10.28.100; repealing section 53, page 111, Laws of 1854, section 172, page 221, Laws of 1873, section 999, Code of 1881 and RCW 10.28.110; repealing section 54, page 111, Laws of 1854, section 173, page 222, Laws of 1873, section 990, Code of 1881 and RCW 10.28.120; repealing section 986, Code of 1881 and RCW 10.28.130; repealing section 1, page 19, Laws of 1864, section 987, Code of 1881 and RCW 10.28.140; repealing sections 55 and 59, page 111, Laws of 1854, section 173, page 238, Laws of 1869, section 178, page 223, Laws of 1873, section 994, Code of 1881, section 1, chapter 150, Laws of 1925 ex. sess. and RCW 10.28.150; repealing section 996, Code of 1881 and RCW 10.28.160; repealing section 177, page 239, Laws of 1869, section 182, page 223, Laws of 1873, section 999, Code of 1881 and RCW 10.28.170; repealing section 178, page 239, Laws of 1869, section 183, page 224, Laws of 1873, section 1000, Code of 1881, section 16, chapter 28, Laws of 1891 and RCW 10.28.180; repealing section 2, page 20, Laws of 1864, section 988, Code of 1881 and RCW 10.28.190; repealing section 2, page 418, Laws of 1869, section 2104, Code of 1881 and RCW 10.28.195; repealing section 175, page 239, Laws of 1869, section 180, page 223, Laws of 1873, section 997, Code of 1881 and RCW 10.28.200; repealing section 176, page 239, Laws of 1869, section 181, page 233, Laws of 1873, section 998, Code of 1881 and RCW 10.28.210; repealing section 56, page 111, Laws of 1854, sections 175 and 181, pages 222 and 223, Laws of 1873, section 991, Code of 1881 and RCW 10.28.215; repealing section 58, page 111, Laws of 1854, section 177, page 222, Laws of 1873, section 993, Code of 1881 and RCW 10.28.220; declaring an emergency; and providing penalties.

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

NEW SECTION. Section 1. This act shall be known as the criminal investigatory act of 1971 and is enacted on behalf of the people of the state of Washington to serve law enforcement in combating crime and corruption.

NEW SECTION. Sec. 2. For the purposes of this act:

(1) The term "court" shall mean any superior court in the state of Washington.

(2) The term "public attorney" shall mean the prosecuting attorney of the county in which a grand jury or special grand jury is impaneled; the attorney general of the state of Washington when acting pursuant to section 7 (9) of this 1971 act and, the special prosecutor appointed by the governor, pursuant to section 7 (10) of this 1971 act, and their deputies or special deputies.

(3) The term "indictment" shall mean a written accusation found by a grand jury.

(4) The term "principal" shall mean any person whose conduct is being investigated by a grand jury or special inquiry judge.

(5) The term "witness" shall mean any person summoned to appear before a grand jury or special inquiry judge to answer questions or produce evidence.

(6) A "grand jury" consists of not less than twelve nor more than seventeen persons, is impaneled by a superior court and constitutes a part of such court. The functions of a grand jury are to hear, examine and investigate evidence concerning criminal activity and corruption and to take action with respect to such evidence. The grand jury shall operate as a whole and not by committee.

(7) A "special inquiry judge" is a superior court judge designated by a majority of the superior court judges of a county to hear and receive evidence of crime and corruption.

NEW SECTION. Sec. 3. No grand jury shall be summoned to attend at the superior court of any county except upon an order signed by a majority of the judges thereof. A grand jury shall be summoned by the court, where the public interest so demands, whenever in its opinion there is sufficient evidence of criminal activity or corruption within the county or whenever so requested by a public attorney, corporation counsel or city attorney upon showing of good cause.

NEW SECTION. Sec. 4. The court shall select the members of the grand jury from either the petit jury panel, or from a grand jury panel of one hundred individuals drawn by lot in the manner provided for petit jury panels under chapter 2.36 RCW, or from both.

NEW SECTION. Sec. 5. In every county a superior court judge as designated by a majority of the judges shall be available to serve as a special inquiry judge to hear evidence concerning criminal activity and corruption.

NEW SECTION. Sec. 6. Neither the grand jury panel nor any individual grand juror may be challenged, but the court may:

(1) At any time before a grand jury is sworn discharge the panel and summon another if it finds that the original panel does not substantially conform to the requirements of chapter 2.36 RCW; or

(2) At any time after a grand juror is drawn, refuse to swear

him, or discharge him after he has been sworn, upon a finding that he is disqualified from service pursuant to chapter 2.36 RCW, or incapable of performing his duties because of bias or prejudice, or guilty of misconduct in the performance of his duties such as to impair the proper functioning of the grand jury.

NEW SECTION. Sec. 7. (1) When the grand jury is impaneled, the court shall appoint one of the jurors to be foreman, and also another of the jurors to act as foreman in case of the absence of the foreman.

(2) The grand jurors must be sworn pursuant to the following oath: "You, as grand jurors for the county of, do solemnly swear (or affirm) that you will diligently inquire into and true presentment make of all such matters and things as shall come to your knowledge and you will submit things truly as they come to your knowledge, according to your charge the laws of this state and your understanding; you shall indict no person through envy, hatred, malice or political consideration; neither will you leave any person unindicted through fear, favor, affection, reward or the hope thereof or political consideration. The counsel of the state, his advice, and that of your fellows you shall keep secret."

(3) After a grand jury has been sworn, the court must deliver or cause to be delivered to each grand juror a printed copy of all the provisions of this act, and the court may give the grand jurors any oral or written instructions, or both, relating to the proper performance of their duties at any time it deems necessary or appropriate.

(4) The court shall appoint a reporter to record the proceedings before the grand jury or special inquiry judge, and shall swear him not to disclose any testimony or the name of any witness except as provided in section 9 of this 1971 act. In addition, the foreman of the grand jury may, in his discretion, select one of the grand jurors to act as secretary to keep records of the grand jury's business.

(5) The court, whenever necessary, shall appoint an interpreter, and shall swear him not to disclose any testimony or the name of any witness except as provided in section 9 of this 1971 act.

(6) When a person held in official custody is a witness before a grand jury or special inquiry judge, a public servant assigned to guard him during his appearance may accompany him. The court shall swear such public servant not to disclose any testimony or the name of any witness except as provided in section 9 of this 1971 act.

(7) Proceedings of a grand jury shall not be valid unless at least twelve of its members are present. The foreman or acting foreman of the grand jury shall conduct proceedings in an orderly manner and shall administer an oath or affirmation in the manner

prescribed by law to any witness who shall testify before the grand jury.

(8) The legal advisers of a grand jury are the court and public attorneys, and a grand jury may not seek or receive legal advice from any other source. When necessary or appropriate, the court or public attorneys or both must instruct the grand jury concerning the law with respect to its duties or any matter before it, and such instructions shall be recorded by the reporter.

(9) (a) Upon request of the prosecuting attorney of the county in which a grand jury or special inquiry judge is impaneled, the attorney general shall assist such prosecuting attorney in attending such grand jury or special inquiry judge.

(b) Whenever directed by the court, the attorney general shall supersede the prosecuting attorney in attending the grand jury and in which event the attorney general shall be responsible for the prosecution of any indictment returned by the grand jury.

(c) When the attorney general is conducting a criminal investigation pursuant to powers otherwise granted to him, he shall attend all grand juries or special inquiry judges in relation thereto and shall prosecute any indictments returned by a grand jury.

(10) After consulting with the court and receiving its approval, the grand jury may request the governor to appoint a special prosecutor to attend the grand jury. The grand jury shall in the request nominate three persons approved by the court. From those nominated, the governor shall appoint a special prosecutor, who shall supersede the prosecuting attorney and the attorney general and who shall be responsible for the prosecution of any indictments returned by the grand jury attended by him.

(11) A public attorney shall attend the grand jurors when requested by them, and he may do so on his own motion within the limitations of sections 2 (2), 7 (9) and 7 (10) of this 1971 act hereof, for the purpose of examining witnesses in their presence, or of giving the grand jurors legal advice regarding any matter cognizable by them. He shall also, when requested by them, draft indictments and issue process for the attendance of witnesses.

(12) Subject to the approval of the court, the corporation counsel or city attorney for any city or town in the county where any grand jury has been convened may appear as a witness before the grand jury to advise the grand jury of any criminal activity or corruption within his jurisdiction.

NEW SECTION. Sec. 8. No person shall be present at sessions of the grand jury or special inquiry judge except the witness under examination and his attorney, public attorneys, the reporter, an interpreter, a public servant guarding a witness who has been held in custody, if any, and, for the purposes provided for in section 17 of

this 1971 act, any corporation counsel or city attorney. The attorney advising the witness shall only advise such witness concerning his right to answer or not answer any questions and the form of his answer and shall not otherwise engage in the proceedings. No person other than grand jurors shall be present while the grand jurors are deliberating or voting. Any person violating either of the above provisions may be held in contempt of court.

NEW SECTION. Sec. 9. (1) Every member of the grand jury shall keep secret whatever he or any other grand juror has said, and how he or any other grand juror has voted, except for disclosure of indictments, if any, as provided in section 15 of this 1971 act.

(2) No grand juror shall be permitted to state or testify in any court how he or any other grand juror voted on any question before them or what opinion was expressed by himself or any other grand juror regarding such question.

(3) No grand juror, public or private attorney, city attorney or corporation counsel, reporter, interpreter or public servant who held a witness in custody before a grand jury or special inquiry judge, or witness, principal or other person shall disclose the testimony of a witness examined before the grand jury or special inquiry judge or other evidence received by it, except when required by the court to disclose the testimony of the witness examined before the grand jury or special inquiry judge for the purpose of ascertaining whether it is consistent with that of the witness given before the court, or to disclose his testimony given before the grand jury or special inquiry judge by any person upon a charge against such person for perjury in giving his testimony or upon trial therefor, or when permitted by the court in furtherance of justice.

(4) The public attorney shall have access to all grand jury and special inquiry judge evidence and may introduce such evidence before any other grand jury or any trial in which the same may be relevant.

(5) The court upon a showing of good cause may make any or all grand jury or special inquiry judge evidence available to any other public attorney, prosecuting attorney, city attorney or corporation counsel upon proper application and with the concurrence of the public attorney attending such grand jury. Any witness' testimony, given before a grand jury or a special inquiry judge and relevant to any subsequent proceeding against the witness, shall be made available to the witness upon proper application to the court. The court may also, upon proper application and upon a showing of good cause, make available to a defendant in a subsequent criminal proceeding other testimony or evidence:

(a) when given or presented before a special inquiry judge, if doing so is in the furtherance of justice; or

(b) when given or presented before a grand jury, if the court finds that doing so is necessary to prevent an injustice and that there is no reason to believe that doing so would endanger the life or safety of any witness or his family. The cost of any such transcript made available shall be borne by the applicant.

NEW SECTION. Sec. 10. The grand jurors shall inquire into every offense triable within the county for which any person has been held to answer, if an indictment has not been found or an information filed in such case, and all other indictable offenses within the county which are presented to them by a public attorney or otherwise come to their knowledge. If a grand juror knows or has reason to believe that an indictable offense, triable within the county, has been committed, he shall declare such a fact to his fellow jurors who may begin an investigation. In such investigation the grand juror may be sworn as a witness.

NEW SECTION. Sec. 11. The length of time which a grand jury may sit after being convened shall not exceed sixty days. Before expiration of the sixty day period and any extensions, and upon showing of good cause, the court may order the grand jury panel extended for a period not to exceed sixty days.

NEW SECTION. Sec. 12. Any individual called to testify before a grand jury or special inquiry judge, whether as a witness or principal, if not represented by an attorney appearing with the witness before the grand jury or special inquiry judge, must be told of his privilege against self-incrimination. Such an individual has a right to representation by an attorney to advise him as to his rights, obligations and duties before the grand jury or special inquiry judge, and must be informed of this right. The attorney may be present during all proceedings attended by his client unless immunity has been granted pursuant to section 13 of this 1971 act. After immunity has been granted, such an individual may leave the grand jury room to confer with his attorney.

NEW SECTION. Sec. 13. If in any proceedings before a grand jury or special inquiry judge, a person refuses, or indicates in advance a refusal, to testify or provide evidence of any other kind on the ground that he may be incriminated thereby, and if a public attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order. The hearing shall be subject to the provisions of sections 8 and 9 of this 1971 act, unless the witness shall request that the hearing be public.

If, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, the

witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but he shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which he has been ordered to testify pursuant to this section. He may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the grand jury.

NEW SECTION. Sec. 14. (1) Except as provided in this section, no person has the right to appear as a witness in a grand jury or special inquiry judge proceeding.

(2) A public attorney may call as a witness in a grand jury or special inquiry judge proceeding any person believed by him to possess information or knowledge relevant thereto and may issue legal process and subpoena to compel his attendance and the production of evidence.

(3) The grand jury or special inquiry judge may cause to be called as a witness any person believed by it to possess relevant information or knowledge. If the grand jury or special inquiry judge desires to hear any such witness who was not called by a public attorney, it may direct a public attorney to issue and serve a subpoena upon such witness and the public attorney must comply with such direction. At any time after service of such subpoena and before the return date thereof, however, the public attorney may apply to the court which impaneled the grand jury for an order vacating or modifying the subpoena on the grounds that such is in the public interest. Upon such application, the court may in its discretion vacate the subpoena, extend its return date, attach reasonable conditions to directions, or make such other qualification thereof as is appropriate.

(4) The proceedings to summon a person and compel him to testify or provide evidence shall as far as possible be the same as proceedings to summon witnesses and compel their attendance. Such persons shall receive only those fees paid witnesses in superior court criminal trials.

NEW SECTION. Sec. 15. After hearing, examining and investigating the evidence before it, a grand jury may, in its discretion, issue an indictment against a principal. A grand jury shall find an indictment only when from all the evidence at least three-fourths of the jurors are convinced that there is probable cause to believe a principal is guilty of a criminal offense. When an indictment is found by a grand jury the foreman or acting foreman shall present it to the court.

NEW SECTION. Sec. 16. The grand jury may prepare its conclusions, recommendations and suggestions in the form of a grand jury report. Such report shall be released to the public only upon a

determination by a majority of the judges of the superior court of the county court that (1) the findings in the report deal with matters of broad public policy affecting the public interest and do not identify or criticize any individual; (2) the release of the report would be consistent with the public interest and further the ends of justice; and (3) release of the report would not prejudice any pending criminal investigation or trial.

NEW SECTION. Sec. 17. When any public attorney, corporation counsel or city attorney has reason to suspect crime or corruption, within the jurisdiction of such attorney, and there is reason to believe that there are persons who may be able to give material testimony or provide material evidence concerning such suspected crime or corruption, such attorney may petition the judge designated as a special inquiry judge pursuant to section 5 of this 1971 act for an order directed to such persons commanding them to appear at a designated time and place in said county and to then and there answer such questions concerning the suspected crime or corruption as the special inquiry judge may approve, or provide evidence as directed by the special inquiry judge.

NEW SECTION. Sec. 18. The judge serving as a special inquiry judge shall be disqualified from acting as a magistrate or judge in any subsequent court proceeding arising from such inquiry except alleged contempt for neglect or refusal to appear, testify or provide evidence at such inquiry in response to an order, summons or subpoena.

NEW SECTION. Sec. 19. Upon petition of a public attorney to the special inquiry judge that there is reason to suspect that there exists evidence of crime and corruption in another county, and with the concurrence of the special inquiry judge and prosecuting attorney of the other county, the special inquiry judge may direct the public attorney to attend and participate in special inquiry judge proceedings in the other county held to inquire into crime and corruption which relates to crime or corruption under investigation in the initiating county. The proceedings of such special inquiry judge may be transcribed, certified and filed in the county of the public attorney's jurisdiction at the expense of that county.

NEW SECTION. Sec. 20. The following acts or parts of acts are each hereby repealed:

- (1) Section 3, chapter 48, Laws of 1891 and RCW 2.36.030;
- (2) Section 1, chapter 90, Laws of 1951 and RCW 2.36.031;
- (3) Section 2, chapter 90, Laws of 1951 and RCW 2.36.033;
- (4) Section 5, chapter 57, Laws of 1911 and RCW 2.36.040;
- (5) Section 45, page 110, Laws of 1854, section 163, page 220, Laws of 1873, section 977, Code of 1881, section 11, chapter 28, Laws of 1891 and RCW 10.28.010;

(6) Section 47, page 110, Laws of 1854, section 165, page 220, Laws of 1873, section 979, Code of 1881, section 12, chapter 28, Laws of 1891 and RCW 10.28.020;

(7) Section 46, page 110, Laws of 1854, section 164, page 220, Laws of 1873, section 978, Code of 1881 and RCW 10.28.030;

(8) Section 48, page 110, Laws of 1854, section 166, page 220, Laws of 1873, section 980, Code of 1881 and RCW 10.28.040;

(9) Section 49, page 110, Laws of 1854, section 167, page 220, Laws of 1873, section 981, Code of 1881, section 13, chapter 28, Laws of 1891 and RCW 10.28.050;

(10) Section 50, page 110, Laws of 1854, section 168, page 221, Laws of 1873, section 982, Code of 1881, section 1, chapter 74, Laws of 1939 and RCW 10.28.060;

(11) Section 52, page 110, Laws of 1854, section 170, page 221, Laws of 1873, section 984, Code of 1881, section 14, chapter 28, Laws of 1891 and RCW 10.28.070;

(12) Section 1, chapter 130, Laws of 1967 and RCW 10.28.075;

(13) Section 51, page 110, Laws of 1854, section 169, page 221, Laws of 1873, section 983, Code of 1881 and RCW 10.28.080;

(14) Section 179, page 239, Laws of 1869, section 184, page 224, Laws of 1873, section 1001, Code of 1881, section 17, chapter 28, Laws of 1891 and RCW 10.28.085;

(15) Section 53, part, page 111, Laws of 1854, section 1, page 19, Laws of 1865, section 171, page 221, Laws of 1873, section 985, Code of 1881, section 15, chapter 28, Laws of 1891 and RCW 10.28.090;

(16) Section 57, page 111, Laws of 1854, section 176, page 222, Laws of 1873, section 992, Code of 1881 and RCW 10.28.100;

(17) Section 53, page 111, Laws of 1854, section 172, page 221, Laws of 1873, section 989, Code of 1881 and RCW 10.28.110;

(18) Section 54, page 111, Laws of 1854, section 173, page 222, Laws of 1873, section 990, Code of 1881 and RCW 10.28.120;

(19) Section 986, Code of 1881 and RCW 10.28.130;

(20) Section 1, page 19, Laws of 1864, section 987, Code of 1881 and RCW 10.28.140;

(21) Sections 55 and 59, page 111, Laws of 1854, section 173, page 238, Laws of 1869, section 178, page 223, Laws of 1873, section 994, Code of 1881, section 1, chapter 150, Laws of 1925 ex. sess. and RCW 10.28.150;

(22) Section 996, Code of 1881 and RCW 10.28.160;

(23) Section 177, page 239, Laws of 1869, section 182, page 223, Laws of 1873, section 999, Code of 1881 and RCW 10.28.170;

(24) Section 178, page 239, Laws of 1869, section 183, page 224, Laws of 1873, section 1000, Code of 1881, section 16, chapter 28, Laws of 1891 and RCW 10.28.180;

(25) Section 2, page 20, Laws of 1864, section 988, Code of

1881 and RCW 10.28.190;

(26) Section 2, page 418, Laws of 1869, section 2104, Code of 1881 and RCW 10.28.195;

(27) Section 175, page 239, Laws of 1869, section 180, page 223, Laws of 1873, section 997, Code of 1881 and RCW 10.28.200;

(28) Section 176, page 239, Laws of 1869, section 181, page 233, Laws of 1873, section 998, Code of 1881 and RCW 10.28.210;

(29) Section 56, page 111, Laws of 1854, sections 175 and 181, pages 222 and 223, Laws of 1873, section 991, Code of 1881 and 10.28.215; and

(30) Section 58, page 111, Laws of 1854, section 177, page 222, Laws of 1873, section 993, Code of 1881 and RCW 10.28.220.

NEW SECTION. Sec. 21. This 1971 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 May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 10, 1971.

Filed in Office of Secretary of State May 11, 1971.

CHAPTER 68

[Senate Bill NO. 71]

MODEL ESCHEAT OF POSTAL SAVINGS SYSTEM ACCOUNT ACT

AN ACT Relating to the postal savings system; and enacting the Model Escheat of Postal Savings System Accounts Act.

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

NEW SECTION. Section 1. All postal savings system accounts created by the deposits of persons whose last known addresses are in the state which have not been claimed by the persons entitled thereto before May 1, 1971, are presumed to have been abandoned by their owners and are declared to escheat and become the property of this state.

NEW SECTION. Sec. 2. The director of revenue shall request from the bureau of accounts of the United States treasury department records providing the following information: the names of depositors at the post offices of this state whose accounts are unclaimed, their last addresses as shown by the records of the post office department, and the balance in each account. He shall agree to return to the bureau of accounts promptly all account cards showing last addresses in another state.

NEW SECTION. Sec. 3. The director of revenue may bring

proceedings in the superior court for Thurston county to escheat unclaimed postal savings system accounts held by the United States treasury. A single proceeding may be used to escheat as many accounts as may be available for escheat at one time.

NEW SECTION. Sec. 4. The director of revenue shall notify depositors whose accounts are to be escheated as follows:

(1) A letter advising that a postal savings system account in the name of the addressee is about to be escheated and setting forth the procedure by which a deposit may be claimed shall be mailed by first class mail to the named depositor at the last address shown on the account records for each account to be escheated having an unpaid principal balance of more than twenty-five dollars.

(2) A general notice of intention to escheat postal savings system accounts shall be published once in each of three successive weeks in one or more newspapers which combine to provide general circulation throughout this state.

(3) A special notice of intention to escheat the unclaimed postal savings system accounts originally deposited in each post office must be published once in each of three successive weeks in a newspaper published in the county in which the post office is located or, if there is none, in a newspaper having general circulation in the county. This notice must list the names of the owners of each unclaimed account to be escheated having a principal balance of three dollars or more.

NEW SECTION. Sec. 5. The director of revenue shall present a copy of each final judgment of escheat to the United States treasury department for payment of the principal due and the interest computed under regulations of the United States treasury department. The payment received shall be deposited in the general fund in the state treasury.

NEW SECTION. Sec. 6. This state shall indemnify the United States for any losses suffered as a result of the escheat of unclaimed postal savings system accounts. The burden of the indemnification falls upon the fund into which the proceeds of the escheated accounts have been paid.

Passed the Senate March 15, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 69

[Engrossed Senate Bill No. 91]

MOTOR VEHICLES--

NONRESIDENTS--

ACTIONS--PROCESS

AN ACT Relating to the service of summons and process in actions involving motor vehicle accidents, collisions or liability; and amending section 46.64.040, chapter 12, Laws of 1961 and RCW 46.64.040.

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

Section 1. Section 46.64.040, chapter 12, Laws of 1961 and RCW 46.64.040 are each amended to read as follows:

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of two dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail ((requiring personal delivery)) with return receipt requested, by plaintiff to the defendant ((and the defendant's return receipt, or an endorsement by the proper postal authority showing that delivery of said letter was refused)) at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process ((and entered as a part of the return

thereof), together with the affidavit of the plaintiff's attorney that he has with due diligence attempted to serve personal process upon the defendant at all addresses known to him of defendant and further listing in his affidavit the addresses at which he attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of two dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

Passed the Senate March 12, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 70
[Engrossed Senate Bill No. 262]
SCHOOL PLANT FACILITIES AID--
CIGARETTE TAX--
DISPOSITION OF REVENUE

AN ACT Relating to revenue and taxation; and amending section 28A.47.440, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.440; 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. 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 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 ((two million two hundred and fifty thousand dollars, all sums received above that amount)) the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund.

NEW SECTION. Sec. 2. This 1971 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 April 2, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 71
[Senate Bill No. 648]
ATTORNEY GENERAL--
LEGAL SERVICES REVOLVING FUND

AN ACT Relating to state government; creating new sections; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding and accounting of the legal services provided to agencies of the state government by the attorney general.

NEW SECTION. Sec. 2. The amounts to be disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services on a quarterly or other basis as required by the director of the office of program planning and fiscal management. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as are allocated for legal services in such amounts as are agreed by the agency and the attorney general and at such times as are designated by the director of the office of program planning and fiscal management.

The director of the office of program planning and fiscal management shall allot all such funds to the attorney general for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW.

NEW SECTION. Sec. 3. Disbursements from the legal services revolving fund shall be pursuant to vouchers executed by the attorney general or his designee in accordance with the provisions of RCW 43.88.160.

NEW SECTION. Sec. 4. Any balance in the legal services revolving fund at the close of the biennium shall lapse and shall be credited to the agencies or funds from which the balance was originally derived in inverse proportion to the use of the legal services revolving fund on behalf of such funds or agencies by the attorney general. The attorney general shall keep such records as are necessary to facilitate proper crediting and the director of the office of program planning and fiscal management shall prescribe appropriate accounting procedures. Funds which are derived from sources other than appropriated funds shall not revert but shall be kept in the legal services revolving fund and credited to the accounts of the agencies or funds from which they were originally derived.

NEW SECTION. Sec. 5. In cases where there are unanticipated demands for legal services or where there are insufficient funds on hand or available for payment through the legal services revolving fund or in other cases of necessity, the attorney general may request payment for legal services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of the office of program planning and fiscal management the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 6. Court costs, attorneys' fees, and other expenses recovered by the attorney general shall be deposited in the legal services revolving fund and shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended in the same manner and under the same conditions and restrictions as set forth in section 11, chapter 282, Laws of 1969 ex. sess.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1971.

Passed the Senate April 9, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 72
[Engrossed Senate Bill No. 626]
STATE DEPOSITS--
DISTRIBUTION OF INTEREST

AN ACT Relating to state depositories; and amending section 43.85.060, chapter 8, Laws of 1965 as amended by section 17, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.060; repealing section 43.85.240, chapter 8, Laws of 1965 and RCW 43.85.240; declaring an emergency; and providing an effective date.

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

Section 1. Section 43.85.060, chapter 8, Laws of 1965 as amended by section 17, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.060 are each amended to read as follows:

Every public depository of state moneys shall, on the first

day of each calendar month, and oftener when required, file with the state auditor a sworn statement of the amount of state moneys on deposit with it, and shall, within ten days after the first day of January, April, July, and October in each year make a full statement of all deposits and payments of state moneys during the preceding quarter.

The statement shall be upon such forms as may be prescribed by the state finance committee and accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that neither the depository nor any officer, agent, or employee thereof, nor any person in its behalf has in any way whatsoever given, paid, or rendered or promised to give, pay, or render to any member of the committee, or to any other person or corporation whatever any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the state moneys. A copy of such statement shall be sent to the public deposit protection commission.

Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

The total interest paid by all depositories shall be placed by the state treasurer to the credit of the deposit interest fund ((~~r~~ and upon the fifteenth day of January of each year, the state treasurer shall divide the deposit interest fund among the various funds from which such deposits are made, in proportion to the respective amounts thereof)).

NEW SECTION. Sec. 2. On or before July 20 of 1971, and annually thereafter, the state treasurer shall distribute all interest credited to the deposit interest fund as of June 30. Said fund shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected.

NEW SECTION. Sec. 3. Section 43.85.240, chapter 8, Laws of 1965 and RC# 43.85.240 are each repealed.

NEW SECTION. Sec. 4. This 1971 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 April 15, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 73

[Senate Bill No. 291]

STATE HIGHWAY ROUTES

AN ACT Relating to state highways; amending section 10, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.045; amending section 29, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.140; amending section 33, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.160; amending section 42, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.205; amending section 44, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.215; amending section 63, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.310; amending section 64, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.315; amending section 69, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.340; amending section 75, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.370; amending section 85, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.420; amending section 97, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.480; amending section 102, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.505; amending section 111, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.550; amending section 140, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.695; amending section 141, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.700; amending section 151, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.750; amending section 152, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.755; amending section 159, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.790; amending section 167, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.830; amending section 170, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.845; amending section 171, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.850; amending section 14, chapter 96, Laws of 1961 and RCW 47.42.140; amending section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 177, chapter 51, Laws of 1970 ex. sess. and RCW 47.39.020; creating new sections; repealing section 47.20.370, chapter 13, Laws of 1961 and RCW 47.20.370; repealing section 43, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.210; and repealing section 118, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.585.

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

Section 1. Section 10, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.045 are each amended to read as follows:

A state highway to be known as state route number 10 is established as follows:

Beginning ((at a junction with state route number 97)) at

Teanaway junction ((at mile 0+9)), thence easterly ((by the most feasible route to a junction with an off ramp of state route number 90 in)) via the existing highway along the north side of the Yakima river to a junction with state route number 131 ((the vicinity)) west of Ellensburg ((7 mile 20+0)).

Sec. 2. Section 29, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.140 are each amended to read as follows:

A state highway to be known as state route number 90 is established as follows:

Beginning at ((the intersection of)) a junction with state route number 5, thence, via the west approach to the Lake Washington bridge ((at Rainier avenue)) in Seattle, ((in King county, thence easterly by the most feasible route by way of Lake Washington bridge and approaches crossing Lake Washington and Mercer Island to the east shore of Lake Washington; thence easterly by the most feasible route by way of North Bend, Snoqualmie Pass and Cle Elum to a junction with state route number 97 in the vicinity east of Cle Elum; also

From that junction with state route number 97 in the vicinity east of Cle Elum; thence southeasterly by the most feasible route to a junction with state route number 82 in the vicinity of Ellensburg; also

From that junction with state route number 82 in the vicinity of Ellensburg; to Ellensburg; thence easterly by the most feasible route by way of a bridge across the Columbia River near Vantage to a junction with a wye junction of state route number 284 near Burke; also

From that junction with a wye junction of state route number 284 near Burke; thence easterly by way of Neppel to a junction with state route number 395 at Ritzville; also

From that junction with state route number 395 at Ritzville; thence northeasterly by the most feasible route by way of Sprague to a junction with state route number 2 in the vicinity west of Spokane; also

From that junction with state route number 2 in the vicinity west of Spokane; thence easterly by way of) in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

Sec. 3. Section 33, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.160 are each amended to read as follows:

((Notwithstanding any other provision of law

That part of former primary state highway No. 4 (Pacific Highway); between the northerly city limits of Everett and the southerly city limits of Marysville which shall be known as state route number 528; and that part of former primary state highway No. 4

{Pacific Highway} from a junction with state route number 546 at Midway; thence northerly by way of Seattle to a junction with state route number 5 at Broadway Interchange in Everett which shall be known as state route number 99; shall remain a part of the state highway system until July 1, 1974.

That part of former primary state highway No. 4 {Pacific Highway} from)) A state highway to be known as state route number 99 is established as follows:

Beginning at a junction with state route number ((509 in Tacoma) 18 in the vicinity of Federal Way, thence ((easterly and)) northerly ((to a junction with state route number 546 at)) by way of Midway, ((shall be reinstated as part of the state highway system and shall be known as state route number 99.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate these portions of former primary state highway No. 4 {Pacific Highway}; to determine whether or not they should permanently remain on the state highway system)) Seattle, Edmonds, and Lynnwood to a junction with state route number 5 in Everett; PROVIDED, That until state route number 509 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 in Tacoma via the Port of Tacoma industrial area to a junction with state route number 18 in the vicinity of Federal Way that portion of state route number 99 between state route number 5 at Rife and state route number 18 in the vicinity of Federal Way shall remain on the state highway system.

Sec. 4. Section 42, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.205 are each amended to read as follows:

A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 11 in the vicinity of Donovan avenue in the city of Bellingham, thence easterly by the most feasible route to a junction with state route number 5 at Lindsay avenue in the city of Bellingham; PROVIDED, That at such time as this route, as designated by the highway commission, is constructed and opened to traffic it shall then become a part of state route number 11 and that part of state route number 11 in Bellingham between its junction with state route number 110 and state route number 5 is then and shall be deleted from the state highway system.

Sec. 5. Section 44, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.215 are each amended to read as follows:

A state highway to be known as state route number 112 is established as follows:

Beginning at ((Neah Bay)) the easterly boundary of the Makah

Indian Reservation, thence easterly by way of Clallam Bay and Pysht to a junction with state route number 101 in or near Port Angeles.

Sec. 6. Section 63, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.310 are each amended to read as follows:

A state highway to be known as state route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly ((~~to~~) via Eatonville ((~~7~~ thence northerly to a junction with state route number 440 at Puyallup; also

From a junction with state route number 440 at)) to Puyallup, thence northerly to a junction with state route number ((5)) 18.

Sec. 7. Section 64, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.315 are each amended to read as follows:

A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number ((440)) 161 at Puyallup, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley.

Sec. 8. Section 69, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.340 are each amended to read as follows:

A state highway to be known as state route number 169 is established as follows:

Beginning at a junction with state route number ((440)) 164 at Enumclaw, thence northwesterly by way of Summit to a junction with state route number ((405)) 900 in the vicinity of Renton.

Sec. 9. Section 75, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.370 are each amended to read as follows:

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 18 in the vicinity west of Auburn, thence northerly to a junction with state route number ((99)) 599 south of Seattle.

NEW SECTION. Sec. 10. A state highway to be known as state route number 182 is established as follows:

Beginning at a junction with state route number 82, thence easterly via Kiona and Richland to a junction with state route number 395 in the vicinity of Pasco.

Sec. 11. Section 85, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.420 are each amended to read as follows:

A state highway to be known as state route number 220 is established as follows:

Beginning at Old Fort Simcoe, thence easterly by way of White Swan to a junction with state route number ((97)) 22 at Toppenish.

Sec. 12. Section 97, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.480 are each amended to read as follows:

A state highway to be known as state route number 261 is established as follows:

Beginning at a junction with state route number 12 at Delaney, thence northwesterly to a junction with state route number 26 in the vicinity of Washtucna ((: PROVIDED, That until such time as state route number 261 between Washtucna and Delaney is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 261)); also

Beginning at a junction with state route number 26 at Washtucna, thence northerly to a junction with state route number 90 at Ritzville ((on state route number 90)).

Sec. 13. Section 102, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.505 are each amended to read as follows:

A state highway to be known as state route number 281 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of George, thence northerly to a junction with state route number 28 at Quincy; also

Beginning at a junction with state route number 281 at a point north of the above described junction on state route number 90, thence in a southeasterly direction to a junction with state route number 90 in the vicinity east of George, some 1.6 miles more or less, resulting in a wye connection between state route number 281 and state route number 90.

Sec. 14. Section 111, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.550 are each amended to read as follows:

A state highway to be known as state route number 303 is established as follows:

Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington ((Bay)) Narrows to a junction with state route number ((303)) 308 in the vicinity west of Keyport ((7 thence to Keyport)); also

((From that junction with state route number 303, in the vicinity west of Keyport, thence westerly to a junction with state route number 3; also))

Beginning at a junction with state route number 304, thence by way of the Warren Avenue bridge across the Port Washington Narrows ((and approaches thereto)) northerly to a junction with state route number 303, all within Bremerton.

NEW SECTION. Sec. 15. A state highway to be known as state

route number 308 is established as follows:

Beginning at a junction with state route number 3 in the vicinity west of Keyport, thence easterly to Keyport.

Sec. 16. Section 140, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.695 are each amended to read as follows:

A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to ((±)) the vicinity of ((the Naval Air Station at)) Sand Point, thence northwesterly ((in the vicinity of Lake Washington, thence easterly)) to a junction with state route number 5 in the vicinity north of Seattle.

Sec. 17. Section 141, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.700 are each amended to read as follows:

A state highway to be known as state route number 514 is established as follows:

Beginning at a junction with state route number ((99)) 5 in the vicinity of Fife, thence easterly by way of Milton to a junction with state route number 161 in the vicinity east of Milton.

Sec. 18. Section 151, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.750 are each amended to read as follows:

A state highway to be known as state route number 528 is established as follows:

((Beginning at the southerly city limits of Marysville, thence to Marysville; also))

Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9: PROVIDED, That until such time as state route number 528 from Marysville to a junction with state route number 9 is actually constructed on the location adopted by the state highway commission, no existing city streets or county roads shall be maintained or improved by the state highway commission as a temporary route of said state route number 528.

NEW SECTION. Sec. 19. A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence northerly through Everett to a junction with state route number 528 in Marysville.

Sec. 20. Section 152, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.755 are each amended to read as follows:

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southerly by way of ((East)) Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction

with state route number 9 at Arlington ((+ also)) thence

((From that junction with state route number 9 at Arlington, thence northeasterly and)) easterly to Darrington.

Sec. 21. Section 159, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.790 are each amended to read as follows:

A state highway to be known as state route number 540 is established as follows:

Beginning at a junction with a Whatcom county road ((+ at a location where construction is feasible from an engineering and economic point of view)) known as Haxton Way in the vicinity of the easterly boundary of Range 1.E.W.M., thence easterly to a junction with state route number 5 northwest of Bellingham.

NEW SECTION. Sec. 22. A state highway to be known as state route number 543 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Blaine, thence northerly to the international boundary.

NEW SECTION. Sec. 23. A state highway to be known as state route number 599 is established as follows:

Beginning in the vicinity south of Seattle at a junction with state route number 5, thence in a northwesterly direction west of the Duwamish river to a junction with state route number 99 in the vicinity of South 118 street south of Seattle.

Sec. 24. Section 167, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.830 are each amended to read as follows:

A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number ((900)) 90 in the vicinity west of Issaquah, thence northerly to the west of Lake Sammamish to a junction with state route number ((202)) 908 in the vicinity of Redmond ((+ thence westerly to Kirkland, thence southerly to a junction with state route number 520, Evergreen Point Bridge route, in the vicinity of Northrop road)).

Sec. 25. Section 170, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.845 are each amended to read as follows:

A state highway to be known as state route number 904 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with state route number 90 in the vicinity of Pour Lakes ((+ ~~PROVIDED,~~ That the addition of state route number 904 shall not become effective until such time as the interstate system by pass of Cheney is constructed and under traffic)).

Sec. 26. Section 171, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.850 are each amended to read as follows:

A state highway to be known as state route number 906 is

established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967 in a southeasterly direction to a junction with state route number 90 at the Hyak interchange (~~(+ PROVIDED, That the addition of state route number 906 shall not become effective until Snoqualmie Summit by pass is constructed and under traffic)~~).

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

NEW SECTION. Sec. 27. A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number 520, Evergreen Point bridge route, in the vicinity of Northrup Road, thence northerly and easterly in the vicinity of Kirkland to a junction with state route number 202 in the vicinity of Redmond.

Sec. 28. Section 14, chapter 96, Laws of 1961 and RCW 47.42.140 are each amended to read as follows:

The following portions of state highways are designated as scenic areas: ~~((1) Primary state highway No. 4, or the Pacific highway, beginning at the limits of Arabee state park (north line of section 36, township 37 north, range 2 east); thence in a southerly direction to the Blanchard overcrossing (Bridge No. 469/404);~~

~~(2) Primary state highway No. 27, or the Sunset highway, beginning at the westerly intersection of secondary state highway No. 2B (interchange 2/626); thence in an easterly direction by way of North Bend, Snoqualmie Pass, Cle Blum, Blewett Pass to a junction with primary state highway No. 45 in the vicinity of Peshastin;~~

~~(3) Primary state highway No. 45, the Stevens Pass highway, beginning at Woods creek bridge (bridge 45/246) at the east city limits of Monroe; thence in an easterly direction by way of Stevens Pass to a junction with primary state highway No. 2 in the vicinity of Peshastin;~~

~~(4) Primary state highway No. 5, the National park highway, beginning at the Scatter creek bridge (bridge 5/303) approximately six miles east of Enumclaw, and proceeding by way of Chinook Pass to the west city limits of the town of Naches. Also beginning at the junction of secondary state highway No. 5E east of the town of South Prairie; thence in a southerly direction to the northwest entrance to Mount Rainier national park; also beginning at a junction with secondary state highway No. 5H south of Spanaway; thence in a southerly direction by way of Elbe; thence in an easterly direction to the southwest entrance to Mount Rainier national park; also~~

beginning at a junction with primary state highway No. 5 at Cayuse junction in the vicinity west of Chinook Pass; thence in a southerly direction to a junction with primary state highway No. 5 at the Ohanapecosh junction in the vicinity west of White Pass; and also beginning at a junction with primary state highway No. 5 at Kosmos; thence in an easterly direction across White Pass to the Oak Flat junction with primary state highway No. 5 northwest of Yakima.)

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at a junction with state route number 901, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 97 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 90 at Cle Elum, thence via Blewett (Swauk) pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(8) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(9) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of SR12 and SR410.

(10) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

Sec. 29. Section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 177, chapter 51, Laws of 1970 ex. sess. and

RCW 47.39.020 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 96, beginning at the CMSFPF Railroad overcrossing, highway department designation 96/886, approximately 2.3 miles southeast of North Bend, thence in an easterly direction by the most feasible route by way of Snoqualmie Pass to the Elc Elum River bridge, highway department designation 96/434N, approximately 2.6 miles west of Elc Elum;

(2) State route number 97, beginning at the upper Wilson Creek bridge, highway department designation 97/222, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah Hoxee Canal bridge, highway department designation 97/465, approximately 5.4 miles north of Yakima;

(3) State route number 542 beginning at Nugent's bridge over the Nooksack river, highway department designation 542/10, approximately 7.7 miles northeast of Bellingham, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county;

(4) State route number 42, beginning at the Northern Pacific Railroad bridge, highway department designation 42/655, approximately 3.4 miles west of Dixie, thence in a northerly direction by the most feasible route by way of Dayton to a junction with state route number 427 in the vicinity of Dodge, also beginning at a junction with state route number 427, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy to a junction with a county road 2.38 miles west of a junction with state route number 429 in Glazkston. State route number 395, beginning at the north end of the Hill Creek bridge, highway department designation 395/534, in the vicinity of Colville on state route number 395, thence to a junction with state route number 30 in the vicinity of the Kettle Falls bridge; state route number 97 also beginning at the upper Wilson Creek bridge, highway department designation 97/222, approximately 33.4 miles north of Yakima, thence southerly by the most feasible route to the Selah Hoxee Canal bridge, highway department designation 97/465, approximately 5.4 miles north of Yakima;

(5) State route number 24, beginning at the Keller Ferry slip on the north side of Roosevelt Lake, thence in a northerly direction by the most feasible route to the Granite Creek bridge, highway department designation 24/226-25, approximately fifty four miles north of the Keller Ferry;

(6) State route number 34, beginning at Newport, thence in a northerly direction to a junction with state route number 294 in the vicinity of Tiger;

{7} State route number 47, beginning at the point on state route number 28, as described in REW 47-16-070, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with state route number 2 west of Coulee City;

{8} State route number 44, beginning at the Gibbons Creek bridge, highway department designation 44/33, approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a junction with state route number 97 in the vicinity of Maryhill. Also beginning at that junction, in the vicinity of Maryhill thence in a southerly direction on state route number 97 to connect with the approach to the Biggs Rapids toll bridge across the Columbia river; also beginning in the vicinity of Maryhill, on state route number 44 running easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

{9} Beginning on state route number 404 at the west end of the Black Lake road overcrossing in the vicinity of Olympia, thence in a westerly direction to a junction with state route number 8, thence on state route number 8 to a junction with state route number 42 at Elma, thence in a westerly direction on state route number 42 by way of Montesano to a junction with a county road approximately 2.02 miles west of the west end of the Wynooche River bridge, highway department designation 42/25, approximately 4.2 miles west of Montesano; also beginning on state route number 404 at a junction with state route number 409, in the vicinity of Queets, thence in a northeasterly direction by way of Forks to the west boundary of the Olympia National Park in the vicinity of Lake Crescent; also beginning on state route number 404 at Sequim Bay State Park, thence in a southerly direction to a junction with Airport Road north of Shelton; also beginning on state route number 404 at a junction with a county road 2.64 miles south of the junction with state route number 3 in Shelton; thence in a southerly direction to a junction with state route number 8 in the vicinity west of Olympia;

{10} State route number 395, beginning at a junction with state route number 47 in the vicinity of Eltopia, thence in a southerly direction to approximately 2.6 miles north of Pasco;

{11} State route number 20, beginning in the vicinity of Pateros on state route number 97, thence in a northerly and westerly direction by the most feasible route by way of Twisp, Diablo Dam, Harblemount and Concrete to the Hanson Creek bridge, highway department designation 20/46, approximately 6.8 miles west of Lyman;

{12} State route number 525, beginning at a junction with state route number 536 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass, to a junction with Torpedo Road in the vicinity northeast of Oak Harbor; also beginning at a junction with Miller Road in the vicinity southwest of Oak Harbor, thence

southeasterly to a junction with Sherman Road in the vicinity west of Coupeville; also beginning at a junction with Rhododendron Road in the vicinity east of Coupeville; thence southeasterly to a junction with Maxwellton Road in the southern portion of Whidbey Island; also state route number 443; beginning at a junction with state route number 525; as herein described; in the vicinity easterly of the Keystone ferry slip; thence westerly to the Keystone ferry slip;

{13} State route number 504; beginning at a junction with state route number 5 in the vicinity north of Castle Rock; thence in an easterly direction by way of St. Helens and Spirit Lake to Mt. St. Helens;

{14} State route number 455; beginning at a junction with state route number 2 in the vicinity north of Coulee City; thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee Dam;

{15} State route number 30; beginning at a junction with state route number 395 at the west end of the Kettle Falls bridge over the Columbia river; highway department designation 395/545; thence in a westerly direction to a junction with state route number 24 east of Republic;

{16} State route number 294; beginning at Tiger on state route number 34; thence in a southwesterly direction by the most feasible route to a junction with a county road 2.76 miles east of a junction with state route number 395 in Colville;

{17} State route number 442; beginning in the vicinity of Laird's Corner on state route number 404; thence in a westerly direction to Neah Bay;

{18} State route number 409; beginning at a junction with a county road 3.04 miles northwest of the junction with state route number 404 in Hoquiam; thence in a northwesterly direction by way of Ocean City; Copalis; Pacific Beach; and Modclips to a junction with state route number 404 in the vicinity of Queets;

{19} State route number 404; beginning at a junction with state route number 404 in the vicinity south of Discovery Bay; thence in a southeasterly direction to the vicinity of Shine on Hood Canal;

{20} State route number 47; beginning in the vicinity of Eltopia on state route number 395; thence in a northwesterly direction to the south end of the overcrossing of state route number 20; in the vicinity of Moses Lake; also beginning at a junction with Grape Drive in the vicinity of Moses Lake; thence northwesterly to a junction with state route number 28 in the vicinity of Soap Lake;

{24} State route number 404; beginning at Point Ellice on state route number 404; thence in an easterly and northerly direction to a junction with state route number 4 in the vicinity north of Naselle;

{22} State route number 465, beginning at Raymond on state route number 404, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to the shore of Grays Harbor north of Westport; also beginning at Aberdeen on state route number 404, thence in a southwesterly direction by the most feasible route to a junction with state route number 465 in the vicinity south of Westport;

{23} State route number 455, beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer city, thence in a northwesterly direction to the west end of the Smak Creek bridge east of Smak;

{24} State route number 426, beginning at a junction with state route number 42 in the vicinity of Dayton, thence in a northeasterly direction by way of Whetstone and Marengo to a junction with state route number 42 west of Pomeroy;

{25} State route number 406, beginning at a junction with state route number 404 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair, thence on state route number 3 northeasterly to a junction with Arsenal Way south of Bremerton; also on state route number 3 beginning with Carr Boulevard north of Bremerton, thence northeasterly to Port Gamble;

{26} State route number 48, beginning at a junction with state route number 97, Peanaway Junction at mile 0.0, thence in an easterly direction by the most feasible route to the junction with the off ramp of Interstate 90 at the west end of Ellensburg, mile 20.0. The scenic and recreational qualities of this highway shall be preserved by the highway commission by setting a maximum speed substantially less than that authorized by RCW 46.64.400. The commission may prescribe different maximum speeds for different sections of such highway;

{27} State route number 2, beginning at Woods Creek Bridge {bridge 2/22} at the east city limits of Monroe, thence in an easterly direction by way of Stevens Pass to a junction with state route number 97 in the vicinity of Peshastin;

{28} State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 located near north line of section 3, township 26, range 43, thence northeasterly to a point in section 28, township 28, range 45 at the entrance to Mt. Spokane State Park.))

{1} State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

{2} State route number 3 beginning at a junction with state

route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Carr Boulevard north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 131 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diable Dam, and Twisp to a junction with state route number 153 southeast of Twisp;

(9) State route number 21, beginning at the Keller Ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 30, beginning at a junction with state

route number 21 to Curley, east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls;

(11) State route number 31, beginning at Newport, thence in a northerly direction to a junction with state route number 294 in the vicinity of Tiger;

(12) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(13) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill; also

Beginning at the crossing of Selah-Moxee canal approximately 5.4 miles north of Yakima thence in a northerly direction to the upper Wilson creek crossing approximately 33.4 miles north of Yakima;

(14) State route number 101, beginning at a junction with state route number 102 in the vicinity of Queets, thence in a northerly, northeasterly and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with a county road 2.64 miles south of the junction with state route number 3 in Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(15) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(16) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(17) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(18) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam thence, in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(19) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(20) State route number 113, beginning at the Keystone ferry slip on Whidbey island, thence easterly to a junction with state route number 525;

(21) State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;

(22) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(23) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer city, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

(24) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

(25) State route number 294, beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger;

(26) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 30 at the west end of the crossing over the Columbia river at Kettle Falls;

(27) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 5 in the vicinity north of Naselle;

(28) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

(29) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey island, thence northwesterly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception pass to a junction with state route number 536 in the vicinity southeast of Anacortes;

(30) State route number 542, beginning at the Nugent crossing over the Noosack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

(1) section 47.20.370, chapter 13, Laws of 1961 and RCW 47.20.370;

(2) section 43, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.210; and

(3) section 118, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.585..

Passed the Senate May 6, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 74

[Engrossed House Bill No. 77]

MOTOR VEHICLE DEALERS

AN ACT Relating to motor vehicle dealers; amending section 6, chapter 74, Laws of 1967 ex. sess. as amended by section 2, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.041; amending section

7, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.051; amending section 46.70.060, chapter 12, Laws of 1961 as last amended by section 26, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.060; amending section 46.70.070, chapter 12, Laws of 1961 as last amended by section 27, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.070; amending section 9, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.082; amending section 10, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.083; amending section 46.70.090, chapter 12, Laws of 1961 as amended by section 3, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.090; amending section 46.70.140, chapter 12, Laws of 1961 as amended by section 79, chapter 32, Laws of 1967 and RCW 46.70.140; and amending section 29, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.280.

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

Section 1. Section 6, chapter 74, Laws of 1967 ex. sess. as amended by section 2, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application shall contain the following information to the extent the same is applicable to the applicant:

(a) The applicant's honesty and reputation;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a motor vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(f) Any other information the ~~((director))~~ department may require.

(2) If the applicant is a motor vehicle dealer, then information as to the type of business he will be engaged in, including:

(a) Name or names of new ~~((cars))~~ automobiles the motor vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer or distributor from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used motor vehicles,

and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has ((^u)) an established place of business ((^u)) at each business location in the state of Washington ((as defined by this chapter)); PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons.

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell new or current-model motor vehicles with factory or distributor warranties.

(3) If the application is for a salesman's license, a certification by the motor vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character.

Sec. 2. Section 7, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.051 are each amended to read as follows:

After the application has been filed and the fee paid, the ((director)) department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license.

Sec. 3. Section 46.70.060, chapter 12, Laws of 1961 as last amended by section 26, chapter 74, Laws of 1967 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 ((and which may be renewed annually for a fee of twenty dollars)). 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: 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 sections 46.70.090 (1), (3) or (4) of this chapter. If any dealer shall fail or neglect to apply for such renewal prior to ~~((August))~~ 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.

Sec. 4. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 27, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.070 are each amended to read as follows:

Before issuing a dealer license, the ~~((director))~~ department shall require the applicant to file with said ~~((director))~~ department a surety bond in the amount of ~~((ten thousand dollars for a motor vehicle dealer))~~:

(1) Ten thousand dollars for new and used motor vehicles;

(2) Ten thousand dollars for used motor vehicles;

(3) Ten thousand dollars for the sale of trailers valued at more than two thousand dollars;

(4) Five thousand dollars for the sale of trailers valued at two thousand dollars or less, and motorcycles,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the ~~((director shall revoke the license of the dealer))~~ dealer license shall be automatically revoked.

Sec. 5. Section 9, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.082 are each amended to read as follows:

The license issued to the motor vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman

is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a motor vehicle dealer, the salesman and dealer shall promptly notify the ((director)) department, in writing, in the form prescribed by the ((director)) department. In addition to other information required by the ((director)) department, the motor vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the salesman is of good moral character.

Sec. 6. Section 10, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.083 are each amended to read as follows:

Registration of a motor vehicle dealer ((or motor vehicle salesman)) shall be effective until ((June 30)) December 31 and may be renewed by filing with the ((director)) department prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application.

Registration of a motor vehicle salesman shall be effective until June 30 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

Sec. 7. Section 46.70.090, chapter 12, Laws of 1961 as amended by section 3, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.090 are each amended to read as follows:

Dealer license plates shall be used only under the following conditions:

(1) To demonstrate an automobile for sale provided that (a) a dated demonstration permit or purchase order identifying the sale or the potential sale is carried in the vehicle and (b) once the sale is completed the dealer will register and title the vehicle in question no later than the finish of the second business day.

(2) On vehicles assigned permanently to officers of the corporation, partnership or proprietorship, and to the bona fide, full time employees of the dealer: PROVIDED, That the ((director will twice each year)) department of motor vehicles shall from time to time inspect the records of every licensed dealer to determine that the above conditions have been met.

(3) On vehicles being tested for repair.

(4) On vehicles being transported for resale.

Failure to comply with the provisions of this section shall be cause for the suspension or revocation of the dealer license. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a

vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: PROVIDED, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plates another vehicle or vehicles upon which the said dealer might have used his dealer license plate: PROVIDED FURTHER, That transportation of dealers' own tools, parts and equipment, in a vehicle bearing a dealer license plate, to a total net weight not to exceed five hundred pounds shall not be considered a violation of the use of said dealer license.

Sec. 8. Section 46.70.140, chapter 12, Laws of 1961 as amended by section 79, chapter 32, Laws of 1967 and RCW 46.70.140 are each amended to read as follows:

Any dealer who shall knowingly buy or receive, sell or dispose of, conceal or have in his possession, any motor vehicle, trailer, or motorcycle from which the motor or serial number has been removed, defaced, covered, altered or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the ((director)) department of such fact upon a form provided by ((him)) the department, or any motor vehicle dealer who shall loan or permit the use of dealer plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor.

Sec. 9. Section 29, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.280 are each amended to read as follows:

((All persons doing business within this state as a motor vehicle salesman as defined in this chapter who may be required by this chapter to be licensed by the department shall comply with the provisions hereof no later than September 30, 1967.))

All motor vehicle dealers now licensed by the state shall renew their licenses on or before ((February)) August 1, ((1968)) 1971, for a period expiring ((June 30th)) December 31 st and thereafter licenses shall expire ((June 30th)) December 31st of each year: PROVIDED, That those who renew for the six months period from ((January)) July 1, ((1968)) 1971, to ((June 30, 1968)) December 31, 1971, shall only pay one-half the regular renewal fee.

((All persons doing business within this state not previously licensed as a dealer but who may be required to license as a "motor vehicle dealer" as defined in this chapter shall comply with the provisions hereof no later than September 30, 1967.))

Passed the House March 24, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 75
[Engrossed House Bill No. 82]
JOINT OPERATING AGENCIES--
TAXATION--
NUCLEAR STEAM POWERED ELECTRIC
GENERATING FACILITIES

AN ACT Relating to joint operating agencies, removing certain tax exemptions, and requiring related reports; amending section 43.52.460, chapter 8, Laws of 1965 and RCW 43.52.460; and declaring an emergency.

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

Section 1. Section 43.52.460, chapter 8, Laws of 1965 and RCW 43.52.460 are each amended to read as follows:

Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts: PROVIDED, HOWEVER, That such tax shall not apply to steam generated electricity produced by a nuclear steam powered electric generating facility constructed or acquired by a joint operating agency and in operation prior to the effective date of this amendatory act.

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 March 12, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 76
[Engrossed House Bill No. 125]
U. W., W. S. U. RETIRED FACULTY AND EMPLOYEES--
ADDITIONAL PENSION

AN ACT Relating to institutions of higher education; providing increased pension benefits for certain retired employees; and adding a new section to chapter 28B.10 RCW.

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

NEW SECTION. Section 1. There is added to chapter 28B.10 RCW a new section to read as follows:

Retired faculty members or employees of the University of

Washington or Washington State University, who have reached age sixty-five or are disabled from further service as of the effective date of this act, who at the time of retirement or disability were not eligible for federal old age, survivors, or disability benefit payments (Social Security), and who are receiving retirement income on July 1, 1970 pursuant to RCW 28B.10.400, shall, upon application approved by the board of regents of the institution retired from, receive an additional pension of three dollars per month for each year of full time service at such institution, including military leave. For periods of service that are less than full time service, the monthly rate of the pension shall be prorated accordingly to include such periods of service.

Passed the House March 31, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 77

[Engrossed House Bill No. 357]

"WHITE CANE LAW"--

BLIND PEDESTRIANS--

DRIVER'S STANDARD OF CARE

AN ACT Relating to the public health and safety; amending section 4, chapter 141, Laws of 1969 and RCW 70.84.040.

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

Section 1. Section 4, chapter 141, Laws of 1969 and RCW 70.84.040 are each amended to read as follows:

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, any pedestrian wholly or partially blind, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane, or using a guide dog. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws.

Passed the House April 22, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 78

[House Bill No. 397]

HIGHWAY CONSTRUCTION AND MAINTENANCE--
CONTRACT AWARDS BY DISTRICT ENGINEERS

AN ACT Relating to state highways; and amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 2, chapter 180, Laws of 1969 ex. sess. and RCW 47.28.030.

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

Section 1. Section 47.28.030, chapter 13, Laws of 1961 as last amended by section 2, chapter 180, Laws of 1969 ex. sess. and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: PROVIDED, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. The state highway commission may authorize any district engineer of the department of highways to publish calls for bids and award contracts for work not exceeding a cost of fifteen thousand dollars. All such awards shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section.

Whenever the work to be performed is repair or maintenance of an existing highway, surveying, test drilling, or other exploratory engineering on an existing or proposed highway and the engineer's estimate indicates the cost of the work would not exceed seven thousand five hundred dollars, and delay of performance thereof would jeopardize a state highway or inconvenience the traveling public, the state highway commission may negotiate without a call for bids a contract for the furnishing of any equipment with operator and/or materials and supplies required for performance of the work, and in such instances the contractor furnishing such equipment, and/or materials and supplies need not be prequalified pursuant to RCW 47.28.070 nor furnish a bid deposit or performance bond.

Passed the House March 12, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 79

[House Bill No. 437]

LOCAL GOVERNMENT BONDS--

REGISTRATION--

FISCAL AGENCIES

AN ACT Relating to state government; and amending section 30, chapter 91, Laws of 1915 and RCW 39.44.130.

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

Section 1. Section 3, chapter 91, Laws of 1915 and RCW 39.44.130 are each amended to read as follows:

The duties herein prescribed as to the registration of bonds of any city or town shall be performed by the treasurer thereof, and as to those of any county, port or school district by the county treasurer of the county in which such port or school district lies; but any county, city, town, port or school district may designate by resolution any other officer for the performance of such duties, and any county, city, town, port or school district may designate by resolution ~~((the fiscal agency of the state of Washington in New York))~~ its legally designated fiscal agency or agencies for the performance of such duties, after making arrangements with such fiscal agency therefor, which arrangements may include provision for the payment by the bondholder of a fee not exceeding twenty-five cents for each registration.

Passed the House April 2, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 80

[House Bill No. 486]

MOTOR VEHICLE EXCISE FUND--

APPORTIONMENT AND DISTRIBUTION

AN ACT Relating to revenue and taxation; amending section 82.44.150, chapter 15, Laws of 1961, as amended by section 15, chapter 255, Laws of 1969 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 amended by section 15, chapter 255, Laws of 1969 ex. sess. and RCW 82.44.150 are each amended 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.

(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 35.58.273, 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 1971 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 March 30, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 81

[Second Substitute House Bill No. 594]

DISCRIMINATION BECAUSE OF SEX

AN ACT Relating to discriminatory practices and prohibiting discrimination based on sex; amending section 8, chapter 270, Laws of 1955 as amended by section 7, chapter 37, Laws of 1957 and RCW 49.60.120; amending section 9, chapter 270, Laws of

1955 and RCW 49.60.130; amending section 9, chapter 37, Laws of 1957 as amended by section 1, chapter 100, Laws of 1961 and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as amended by section 2, chapter 100, Laws of 1961 and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as amended by section 3, chapter 100, Laws of 1961 and RCW 49.60.200; and prescribing an effective date.

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

Section 1. Section 8, chapter 270, Laws of 1955 as amended by section 7, chapter 37, Laws of 1957 and RCW 49.60.120 are each amended to read as follows:

The board shall have the functions, powers and duties:

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.

(4) To receive, investigate and pass upon complaints alleging unfair practices as defined in this chapter because of sex, race, creed, color, or national origin.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, or national origin.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

Sec. 2. Section 9, chapter 270, Laws of 1955 and RCW 49.60.130 are each amended to read as follows:

The board has power to create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color or national origin; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 3. Section 9, chapter 37, Laws of 1957 as amended by section 1, chapter 100, Laws of 1961 and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, sex, race, creed, color, or national origin, unless based upon a bona fide occupational qualification.

(2) To discharge or bar any person from employment because of such person's age, sex, race, creed, color, or national origin.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, sex, race, creed, color, or national origin: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the board by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 4. Section 10, chapter 37, Laws of 1957 as amended by section 2, chapter 100, Laws of 1961 and RCW 49.60.190 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of such person's age, sex, race, creed, color, or national origin.

(2) To expel from membership any person because of such person's age, sex, race, creed, color, or national origin.

(3) To discriminate against any member, employer, or employee

because of such person's age, sex, race, creed, color, or national origin.

Sec. 5. Section 11, chapter 37, Laws of 1957 as amended by section 3, chapter 100, Laws of 1961 and RCW 49.60.200 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, ~~((any))~~ an individual because of ~~((his))~~ age, sex, race, creed, color, or national origin, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

NEW SECTION. Sec. 6. The effective date of this act shall be July 1, 1971.

Passed the House March 25, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 82

[Engrossed House Bill No. 597]

MOBILE HOME AND RECREATIONAL VEHICLE ADVISORY BOARD ADDITIONAL
MEMBER--QUALIFICATIONS--
EXPENSES

AN ACT Relating to state government; adding a member to the mobile home and recreational vehicle advisory board; and amending section 3, chapter 229, Laws of 1969 ex. sess. as amended by section 9, chapter 27, Laws of 1970 ex. sess. and RCW 43.22.420.

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

Section 1. Section 3, chapter 229, Laws of 1969 ex. sess. as amended by section 9, chapter 27, Laws of 1970 ex. sess., and RCW 43.22.420 are each amended to read as follows:

There is hereby created a mobile home and recreational vehicle advisory board consisting of ~~((seven))~~ eight members to be appointed by the governor with the advice of the director of labor and

industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and recreational vehicles. The members of the mobile home and recreational vehicle advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid per

dium ((of twenty-five dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto his necessary and reasonable transportation and other expenses recognized by the state of Washington)) in accordance with RCW 43.03.050 and mileage in accordance with RCW 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries.

Passed the House March 12, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 83

[Engrossed House Bill No. 643]

SUPERIOR COURT DISTRICTS

AND NUMBER OF JUDGES

AN ACT Relating to judicial districts; amending section 5, chapter 125, Laws of 1951 as last amended by section 3, chapter 48, Laws of 1963 and RCW 2.08.063; and amending section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 213, Laws of 1969 ex. sess. and RCW 2.08.065; amending section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 213, Laws of 1969 ex. sess. and RCW 2.08.064; amending section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 84, Laws of 1967 first ex. sess. and RCW 2.08.062; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 213, Laws of 1969 ex. sess. and RCW 2.08.061.

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

Section 1. Section 5, chapter 125, Laws of 1951 as last amended by section 3, chapter 48, Laws of 1963 and RCW 2.08.063 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit ((and Island jointly)), two judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima four judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, two judges of the superior court.

Sec. 2. Section 7, chapter 125, Laws of 1951 as last amended by section 3, chapter 213, Laws of 1969 ex. sess. and RCW 2.08.065

are each amended to read as follows:

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, three judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and (~~Whatecom~~) Island jointly, (~~two~~) one judge(~~s~~) of the superior court.

Sec. 3. Section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 213, Laws of 1969 ex. sess. and RCW 2.08.064 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, three judges of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the county of Snohomish (~~six~~) seven judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 4. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 84, Laws of 1967 first ex. sess. and RCW 2.08.062 are each amended to read as follows:

There shall be in the county of Chelan one judge of the superior court; in the county of Clark (~~three~~) four judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap three judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis one judge of the superior court.

Sec. 5. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 213, Laws of 1969 ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King twenty-six judges of the superior court; in the county of Spokane seven judges of the superior court; in the county of Pierce (~~nine~~) ten judges of the superior court.

Passed the House March 20, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 84

[House Bill No. 707]

COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES--
FEDERAL MATCHING FUNDS

AN ACT Relating to community mental health and mental retardation services; and amending section 16, chapter 110, Laws of 1967 ex. sess. as amended by section 8, chapter 47, Laws of 1970 ex. sess. and RCW 71.20.110.

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

Section 1. Section 16, chapter 110, Laws of 1967 ex. sess. as amended by section 8, chapter 47, Laws of 1970 ex. sess. and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation services and to provide community mental retardation or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of one-fortieth of a mill against the actual value of the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.16, 71.20, 71.24, and 71.28 RCW.

Passed the House March 19, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 85

[House Bill No. 738]

WASHINGTON STATE ASSOCIATION OF COUNTIES

AN ACT Relating to counties; changing the name of the Washington state association of county commissioners to the Washington state association of counties; anending section 11, chapter

117, Laws of 1951 and RCW 18.51.100; amending section 36.21.011, chapter 4, Laws of 1963 as amended by section 7, chapter 146, Laws of 1967 ex. sess. and RCW 36.21.011; amending section 36.32.350, chapter 4, Laws of 1963 as amended by section 1, chapter 47, Laws of 1970 ex. sess. and RCW 36.32.350; amending section 36.40.040, chapter 4, Laws of 1963 as amended by section 1, chapter 252, Laws of 1969 ex. sess. and RCW 36.40.040; amending section 3, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.030; amending section 43.32.010, chapter 8, Laws of 1965 and RCW 43.32.010; amending section 3, chapter 147, Laws of 1967 ex. sess. as amended by section 1, chapter 105, Laws of 1969 ex. sess. and RCW 43.59.030; amending section 18, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.120; amending section 27, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.260; and amending section 8, chapter 183, Laws of 1945 as amended by section 19, chapter 51, Laws of 1967 ex. sess. and RCW 70.46.080.

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

Section 1. Section 11, chapter 117, Laws of 1951 and RCW 18.51.100 are each amended to read as follows:

The director shall appoint an advisory nursing home council to consult with the department. The council shall be comprised of the director who shall serve as chairman ex officio, and ten members and shall include one representative of each of the following organizations or groups except, that the Washington association of licensed nursing homes shall have three members: State medical association, state hospital association, state nurses association, department of social ((~~security~~ [department of public assistance])) and health services, Washington state fire marshal, association of Washington cities, association of ((~~county commissioners~~)) counties. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, two at the end of the first year, three at the end of the second year, three at the end of the third year, and two at the end of the fourth year after the date of appointment. Thereafter all appointments shall be for four years. The council shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by four or more members, it shall be the duty of the chairman to call a meeting of the council.

Sec. 2. Section 36.21.011, chapter 4, Laws of 1963 as amended by section 7, chapter 146, Laws of 1967 ex. sess. and RCW 36.21.011

are each amended to read as follows:

Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as his assistants or deputies; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of ((county commissioners)) counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

If an assessor intends to put such plan into effect in his county, he shall inform the department of revenue and the board of county commissioners of this intent in writing. The department of revenue and the board may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the board, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the board of county commissioners. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of his four next succeeding annual budget estimates, for as many positions as are established in such determination. Each board of county commissioners to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

Sec. 3. Section 36.32.350, chapter 4, Laws of 1963 as amended by section 1, chapter 47, Laws of 1970 ex. sess. and RCW 36.32.350 are each amended to read as follows:

County commissioners may designate the Washington state association of ((county commissioners)) counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county commissioners' budget for the costs of any such services rendered: PROVIDED, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one two-hundredths of a mill against the actual value of the taxable property of the county. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the board of county commissioners in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

Sec. 4. Section 36.40.040, chapter 4, Laws of 1963 as amended by section 1, chapter 252, Laws of 1969 ex. sess. and RCW 36.40.040 are each amended to read as follows;

Upon receipt of the estimates the auditor shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year and the actual receipts for the last completed fiscal year and the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by the taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates or receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the Washington state association of ((county commissioners)) counties and the Washington state association of elected county officials.

The county auditor shall set forth separately in the annual budget to be submitted to the board for county commissioners the total amount of emergency warrants issued during the preceding fiscal

year, together with a statement showing the amount issued for each emergency, and the board shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

Sec. 5. Section 3, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.030 are each amended to read as follows:

There is created hereby a county road administration board consisting of nine members who shall be appointed by the executive committee of the Washington state association of ((county commissioners)) counties. Prior to July 1, 1965 the executive committee of the Washington state association of ((county commissioners)) counties shall appoint the first members of the county road administration board: Three members to serve one year; three members to serve two years; and three members to serve three years from July 1, 1965. Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for three year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred.

Sec. 6. Section 43.32.010, chapter 8, Laws of 1965 and RCW 43.32.010 are each amended to read as follows:

There is created a state design standards committee of seven members, six of which shall be appointed by the executive committee of the Washington state association of ((county commissioners)) counties to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Washington state association of ((county commissioners)) counties shall be restricted to the membership of such association or to those holding the office and/or performing the functions of chief engineer in any of the several counties of the state.

Sec. 7. Section 3, chapter 147, Laws of 1967 ex. sess. as amended by section 1, chapter 105, Laws of 1969 ex. sess. and RCW 43.59.030 are each amended to read as follows:

The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be comprised of the governor as chairman, the superintendent of public instruction, the director of motor vehicles, the director of highways, the chief of the state patrol, the director of the state department of health, a representative of the association of Washington cities to be appointed by the governor, a member of the association of ((county commissioners)) counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor.

Appointments to any vacancies among appointee members shall be as in the case of original appointment.

Sec. 8. Section 18, chapter 83, Laws of 1967 ex. sess. as amended by section 1, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.120 are each amended to read as follows:

(1) There is hereby created an urban arterial board of thirteen members, six of whom shall be county members, six of whom shall be city members. The chairman shall be the assistant director of highways for state aid.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county road administration engineer, created by RCW 36.78.060; one member shall be the chairman of the county road administration board created by RCW 36.78.030; one member shall be a county commissioner from a county of the first class or larger; one member shall be a county commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer and the chairman of the county road administration board, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers of cities over twenty thousand population; one shall be a chief city engineer of a city of less than twenty thousand population; two shall be mayors of cities of more than twenty thousand population; and one shall be a mayor of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city. For the purposes of this subsection the term chief city engineer shall mean the director of public works in any city in which such a position exists.

(4) Prior to July 1, 1967, the state highway commission shall appoint the first appointive county members of the board: Two members to serve two years and two members to serve four years from July 1, 1967.

(5) Prior to July 1, 1967, the state highway commission shall appoint the first city members of the board: Three members to serve two years and three members to serve four years from July 1, 1967.

(6) Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for four year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in

which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes his term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(7) Before appointing any member to the urban arterial board, the state highway commission shall request from the executive committee of the Washington state association of (~~county commissioners~~) counties, in the case of a county member appointment, and from the executive committee of the association of Washington cities, in the case of a city member appointment, recommendations of at least two eligible persons for each appointment to be made. The commission shall give due consideration to the recommendations submitted to it.

(8) Any member of the board, including the chairman, may designate an official representative to serve on the board in his place with the same authority as the member, subject to the conditions and under the circumstances set forth in rules adopted by the board.

Sec. 9. Section 27, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.260 are each amended to read as follows:

In order that there be a degree of uniformity of survey monumentation throughout the cities, towns and counties of the state of Washington, there is hereby created a joint committee composed of six members to be appointed as follows: The Washington state association of (~~county commissioners~~) counties shall appoint two county road engineers; the association of Washington cities shall appoint two city engineers; the land surveyors association of Washington shall appoint one member; and the consulting engineers association of Washington shall appoint one member. The joint committee is directed to cooperate with the department of natural resources to establish recommendations pertaining to requirements of survey, monumentation and plat drawings for subdivisions and dedications throughout the state of Washington. The department of natural resources shall publish such recommendation.

Sec. 10. Section 8, chapter 183, Laws of 1945 as amended by section 19, chapter 51, Laws of 1967 ex. sess. and RCW 70.46.080 are each amended to read as follows:

Each health district shall establish a fund to be designated as the "district health fund", in which shall be placed all sums received by the district from any source, and out of which shall be expended all sums disbursed by the district. The county treasurer of the county in the district embracing only one county; or, in a district composed of more than one county the county treasurer of the county having the largest population shall be the custodian of the

fund, and the county auditor of said county shall keep the record of the receipts and disbursements, and shall draw and the county treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the board: PROVIDED, That in local health departments wherein a city of over one hundred thousand population is a part of said department, the local board of health may pool the funds available for public health purposes in the office of the city treasurer in a special pooling fund to be established and which shall be expended as set forth above.

Each county, city or town which is included in the district shall contribute such sums towards the expense for maintaining and operating the district as shall be agreed upon between it and the local board of health in accordance with guidelines established by the state board of health after consultation with the Washington state association of ((county commissioners)) counties and the association of Washington cities. In the event that no agreement can be reached between the district board of health and the county, city or town, the matter shall be resolved by a board of arbitrators to consist of a representative of the district board of health, a representative from the county, city or town involved, and a third representative to be appointed by the two representatives, but if they are unable to agree, a representative shall be appointed by a judge in the county in which the city or town is located. The determination of the proportionate share to be paid by a county, city or town shall be binding on all parties. Payments into the fund of the district may be made by the county or city or town members during the first year of membership in said district from any funds of the respective county, city or town as would otherwise be available for expenditures for health facilities and services, and thereafter the members shall include items in their respective budgets for payments to finance the health district.

Passed the House April 2, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 17, 1971.

Filed in Office of Secretary of State May 18, 1971.

CHAPTER 86

[Engrossed Senate Bill No. 153]

CONVICTION UPON NEW TRIAL--

FORMER IMPRISONMENT DEDUCTIBLE

AN ACT Relating to crimes and punishments; and amending section 4, chapter 42, Laws of 1955 as amended by section 47, chapter 81,

Laws of 1971 and RCW 9.95.063.

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

Section 1. Section 4, chapter 42, Laws of 1955 as amended by section 47, chapter 81, Laws of 1971 and RCW 9.95.063 are each amended to read as follows:

If a defendant who has been (~~in prison~~) imprisoned during the pendency of (~~an appeal~~) any post-trial proceeding in any state or federal court shall be again convicted upon a new trial (~~ordered by the supreme court or the court of appeals shall be again convicted~~) resulting from any such proceeding, the period of his former imprisonment shall be deducted by the superior court from the period of imprisonment to be fixed on the last verdict of conviction.

Passed the Senate April 6, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 87

[Engrossed Senate Bill No. 257]

DEPARTMENT OF SOCIAL AND HEALTH CARE SERVICES--
GOVERNOR'S ADVISORY COMMITTEE ON VENDOR RATES

AN ACT Relating to social and health services; amending section 1, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.100; and amending section 4, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.130.

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

Section 1. Section 1, chapter 203, Laws of 1969 ex. sess. and RCW 74.32.100 are each amended to read as follows:

There is hereby created a governor's advisory committee on vendor rates. The committee shall be composed of (~~seven~~) nine members (~~including the director of the state department of public assistance, who shall be the chairman, and six others~~) appointed by the governor. In addition, the secretary of the department of social and health services or his designee shall be an ex officio member of the committee. Members shall be selected on the basis of their interest in (~~public assistance and its related~~) problems related to the department of social and health services, and no less than two members shall be licensed certified public accountants. The members shall serve at the pleasure of the governor. The governor shall select one member to serve as chairman of the committee and he shall serve as such at the pleasure of the governor.

Sec. 2. Section 4, chapter 203, Laws of 1969 ex. sess. and

RCW 74.32.130 are each amended to read as follows:

The committee shall have the following powers and duties:

(1) Study and review the methods and procedures for establishing the rates and/or fees of all vendors of goods, services and care purchased by the department of ((public assistance)) social and health services including all medical and ((other)) welfare care and services.

(2) Provide each professional and trade association or other representative groups of each of the service areas, the opportunity to present to the committee their evidence for justifying the methods of computing and the justification for the rates and/or fees they propose.

(3) The committee shall have the authority to request vendors to appoint a fiscal intermediary to provide the committee with an evaluation and justification of the method of establishing rates and/or fees.

(4) Prepare and submit a written report to the governor, at least sixty days prior to each session of the legislature, which contains its findings and recommendations concerning the methods and procedures for establishing rates and/or fees and the specific rates and/or fees that should be paid by the department of ((public assistance)) social and health services to the various designated vendors. This report shall include the suggested effective dates of the recommended rates and/or fees when appropriate.

The vendors shall furnish adequate documented evidence related to the cost of providing their particular services, care or supplies, in the form, to the extent and at such times as the ((chairman)) committee may determine.

The ((director, as)) chairman of this committee, shall have the same authority as provided in RCW 74.04.290 as it is now or hereafter amended.

Passed the Senate April 6, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 88

[Senate Bill No. 862]

STATE WARRANTS--

INTEREST--CALL--INVESTMENT

AN ACT Relating to state warrants; amending section 3, chapter 80, Laws of 1899 and RCW 39.56.010; amending section 43.08.070,

chapter 8, Laws of 1965 and RCW 43.08.070; amending section 43.08.080, chapter 8, Laws of 1965 and RCW 43.08.080; amending section 43.84.120, chapter 8, Laws of 1965 and RCW 43.84.120; and declaring an emergency.

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

Section 1. Section 3, chapter 80, Laws of 1899 and RCW 39.56.010 are each amended to read as follows:

All state warrants shall bear interest at a rate not greater than ~~((five))~~ eight percent per annum unless a less rate be specified therein, and shall be paid by the treasurer in the order of their ~~((number date and issue))~~ registration and shall cease to draw interest at the expiration of ~~((ten))~~ five days from and after the date of the first publication of any call made by the treasurer for the payment of warrants.

Sec. 2. Section 43.08.070, chapter 8, Laws of 1965 and RCW 43.08.070 are each amended to read as follows:

Upon the presentation of any state warrant to the state treasurer, if there ~~((are no funds in the state treasury))~~ is not sufficient money then available in the appropriate fund with which to redeem all warrants drawn against such fund which the treasurer anticipates will be presented for payment during the current business day, he ~~((shall))~~ may endorse on the warrant, "Not paid for want of funds," with the day and date of presentation, and the warrant shall draw legal interest from and including that date until five days from and after being called for payment in accordance with section 3 of this 1971 amendatory act, or until paid, whichever occurs first; or, in the alternative, the treasurer may prepare and register a single new warrant, drawn against the appropriate fund, and exchange such new warrant for one or more warrants not paid for want of funds when presented for payment totaling a like amount but not exceeding one million dollars, which new warrant shall then draw legal interest from and including its date of issuance until five days from and after being called for payment in accordance with section 3 of this 1971 amendatory act, or until paid, whichever occurs first.

Sec. 3. Section 43.08.080, chapter 8, Laws of 1965 and RCW 43.08.080 are each amended to read as follows:

When the state treasurer ~~((has))~~ deems that there is sufficient money ((on hand)) in a fund to pay all or part of the registered warrants ((exceeding three thousand dollars)) of such fund, and the warrants are not presented for payment, he ~~((shall))~~ may advertise at least once in some ~~((weekly))~~ newspaper published at the seat of government ((having the largest circulation in the state, for two weeks)), stating the ~~((amount of money on hand; and the))~~ serial number of the warrants he is calling and prepared to pay; and if such warrants are not presented for payment within ((ten)) five

days from and after the date of publication of the notice, the warrants shall not then draw any further interest ((after that date)): PROVIDED, That when said fund has a balance in excess of three percent of the preceding monthly warrant issue of said fund, or at any time that the money in the fund exceeds the warrants outstanding, the state treasurer shall similarly advertise a call for all those registered warrants which can be fully paid out of said fund in accordance with their registration sequence.

Sec. 4. Section 43.84.120, chapter 8, Laws of 1965 and RCW 43.84.120 are each amended to read as follows:

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state ((finance committee)) treasurer may invest such portion of such funds or balances over and above that belonging to the permanent school fund in registered warrants of the state of Washington ((The state finance committee may purchase such state warrants at such prices and upon such terms as it may determine)) at such times and in such amounts, and may sell them at such times, ((and on such terms)) as ((it)) he deems advisable: PROVIDED, That those funds having statutory authority to make investments are excluded from the provisions of RCW 43.84.120.

Upon such investment being made, the state treasurer shall pay into the ((general)) appropriate fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds.

NEW SECTION. Sec. 5. This 1971 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. 6. If any provision of this 1971 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 April 3, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 89
[Senate Bill No. 629]
HIGHWAYS--
EMERGENCY PROTECTION AND RESTORATION

AN ACT Relating to emergency protection and restoration of highways;
and adding a new section to chapter 47.28 RCW.

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

NEW SECTION. Section 1. There is added to chapter 47.28 RCW a new section to read as follows:

(1) Whenever the state highway commission finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the commission further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the highway commission may authorize the department of highways to obtain at least three written bids for the work without publishing a call for bids and to award a contract forthwith to the lowest responsible bidder.

The department of highways shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the state highway commission finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the highway commission may authorize the department of highways to contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) When the engineer's estimate of the cost of work authorized in either subsections (1) or (2) of this section is less than one hundred thousand dollars, the director of highways may make findings as provided hereinabove and pursuant thereto the department of highways may award contracts as authorized by this section.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Passed the Senate May 6, 1971.

Passed the House May 5, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 90

[Engrossed Senate Bill No. 858]

DEPARTMENT OF NATURAL RESOURCES--

DISPOSITION OF LANDS

IN COWLITZ AND MASON COUNTIES

AN ACT Relating to the exchange and transfer of certain lands under the jurisdiction of the department of natural resources.

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

NEW SECTION. Section 1. The department of natural resources is authorized, with the advice and approval of the state board of natural resources, to exchange any lands acquired pursuant to RCW 76.12.030 located in Cowlitz county for lands of equal value owned by the International Paper Company which are adjacent to Seaquest State Park in Cowlitz county. In the event of such exchange the lands acquired by the state shall be held and administered in the same manner as were the lands exchanged therefor.

NEW SECTION. Sec. 2. The department of natural resources shall have the authority to deed the Mason County Cemetery District No. 1 an area not to exceed one acre of state forest lands utilized for cemetery purposes located in section 30, township 23 north, range 1 west, Willamette Meridian, Mason county.

Passed the Senate May 4, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 91

[Engrossed Senate Bill No. 124]

MOTOR VEHICLES--

DISPOSITION OF REVENUES--

STATE PATROL HIGHWAY ACCOUNT ABOLISHED

AN ACT Relating to the disposition of vehicle license fees; disposition of motor vehicle driver's license fees; abolishing the state patrol highway account and providing for disposition of funds therein and moneys payable thereto; amending section

46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 61, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.520; amending section 5, chapter 119, Laws of 1965 ex. sess. and RCW 46.52.085; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030; amending section 4, chapter 25, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1969 and RCW 46.68.041; amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1963 and RCW 46.68.130; repealing section 46.68.140, chapter 12, Laws of 1961 and RCW 46.68.140; declaring an emergency; and providing effective dates.

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

Section 1. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund ((7 and out of each vehicle basic license fee as provided for in RCW 46-46-060, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46-44-100 relating to weight control)).

Sec. 2. Section 4, chapter 25, Laws of 1965 as last amended by section 9, chapter 99, Laws of 1969 and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of five dollars collected for a driver's license, the sum of three dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the ((state patrol highway account)) general fund: PROVIDED, That the legislative budget committee and the joint committee on highways are directed to jointly review methods for providing adequate financing of the state patrol and report their

conclusions to the next session of the legislature commencing after January 1, 1972.

Sec. 3. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the (~~state patrol highway account~~) motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 4. Section 61, chapter 170, Laws of 1965 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state commission on equipment, which commission may charge a reasonable fee therefor to go into (~~the state patrol highway account~~) the motor vehicle fund.

Sec. 5. Section 5, chapter 119, Laws of 1965 ex. sess. and RCW 46.52.085 are each amended to read as follows:

Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee of two dollars. All fees received by the Washington state patrol for such copies

shall be deposited in ((the state patrol highway account of)) the motor vehicle fund.

Sec. 6. Section 46.68.130, chapter 12, Laws of 1961 as last amended by section 1, chapter 83, Laws of 1963 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 ((credited to the state patrol highway account and such sums expended pursuant to proper appropriation)) 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.

NEW SECTION. Sec. 7. Section 46.68.140, chapter 12, Laws of 1961 and RCW 46.68.140 are hereby repealed and all funds remaining in the state patrol highway account on August 1, 1971 are transferred to the motor vehicle fund: PROVIDED, That this section shall take effect on August 1, 1971.

NEW SECTION. Sec. 8. This 1971 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, 1971.

Passed the Senate May 7, 1971.

Passed the House May 4, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 92

[Engrossed Senate Bill No. 136]

MOTOR VEHICLES--

EMERGENCY VEHICLES, EQUIPMENT

AN ACT Relating to emergency vehicle equipment; amending section 46.37.190, chapter 12, Laws of 1961 as last amended by section 5, chapter 100, Laws of 1970 ex. sess. and RCW 46.37.190; amending section 46.37.187, chapter 12, Laws of 1961 and RCW 46.37.187; and amending section 46.37.185, chapter 12, Laws of 1961 and RCW 46.37.185.

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

Section 1. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 5, chapter 100, Laws of 1970 ex. sess. and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle, when used as an authorized emergency vehicle, may but need not be equipped with alternately flashing red lights specified herein. A police vehicle may, in addition to or in lieu of the red light specified in subsection (1), be equipped with one or more blue lights.

(4) The alternately flashing (~~(lighting)~~) red lights described in subsections (2) and (3) of this section shall not be used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency vehicle. The blue lights described in subsection (3) of this section may only be used on publicly owned police vehicles of a police department, sheriff's office and the Washington state patrol.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Sec. 2. Section 46.37.187, chapter 12, Laws of 1961 and RCW 46.37.187 are each amended to read as follows:

~~((1))~~ Any individual displaying a ~~((blue))~~ green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the ~~((blue))~~ green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

~~((2))~~ The operator of any funeral coach shall be authorized to display a blue light of the type specified in RCW 46.37.185 on the front of such coach when engaged in answering a call of an accidental

or emergency nature-))

Sec. 3. Section 46.37.185, chapter 12, Laws of 1961 and RCW 46.37.185 are each amended to read as follows:

Firemen, when approved by the chief of their respective service, shall be authorized to use a ((blue)) green light on the front of their private cars when on emergency duty only. Such ((blue)) green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the commission on equipment. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Passed the Senate February 24, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 93
[Engrossed Senate Bill No. 168]
COMMON SCHOOLS--
BUDGETS--EXPENDITURES--
INFORMATION AND RESEARCH SERVICES

AN ACT Relating to education, and school district budgets relating thereto; amending section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 38, chapter 48, Laws of 1971 and RCW 28A.65.080; amending section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 119, Laws of 1969 ex. sess. and RCW 28A.65.170; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW; amending section 28A.58.530, chapter 223, Laws of 1969 ex. sess. as amended by section 142, chapter 176, Laws of 1969 ex. sess. and RCW 28A.58.530; 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.65 RCW a new section to read as follows:

If the state legislature has not appropriated moneys under RCW 28A.41.050 needed for the support of the common schools at the time any school district shall prepare its preliminary budget, budget items may be submitted and adopted tentatively on the basis of the

requirements for the ensuing fiscal year and be subject to revision as soon as reasonably possible upon such appropriation being made, but not later than such time as provided in RCW 28A.65.090 for the revision of items dependent upon enrollment. Boards of directors shall meet in open public meeting for such revision, notice thereof to be given in the manner provided in RCW 28A.65.070. Any taxpayer may appear thereat and be heard for or against any proposed revision.

Sec. 2. Section 28A.65.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 38, chapter 48, Laws of 1971 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 intermediate school 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 intermediate school district superintendent, a member of the local board of directors, a member of the intermediate school 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.

Sec. 3. Section 28A.65.170, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 119, Laws of 1969 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 (~~Expenditures made, liabilities incurred, or warrants issued in excess of said appropriations shall not be a liability of the district, but shall subject the members of any board of directors violating any provision of this section to personal liability in the full amount thus expended or contracted for, and each director shall immediately forfeit his office~~): PROVIDED, That no board of directors shall be prohibited from making expenditures for the payment of regular employees and for the necessary repairs, and upkeep of the school plant 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 43.09.260 as now or hereafter amended.

Sec. 4. Section 28A.58.530, chapter 223, Laws of 1969, ex. sess. as amended by section 142, chapter 176, Laws of 1969 ex. sess. and RCW 28A.58.530 are each amended to read as follows:

For the purpose of obtaining information on school organization, administration, operation, finance and instruction, school districts and intermediate school districts ((superintendents)) may contract for or purchase information and research services from public universities, colleges and other public bodies, or from private individuals or agencies. For the same purpose, school districts and intermediate school superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the

participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations.

NEW SECTION. Sec. 5. This 1971 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 May 8, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 94

[Engrossed Senate Bill No. 183]

MECHANICS' AND MATERIALMEN'S LIENS

AN ACT Relating to liens; amending section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 279, Laws of 1959 and RCW 60.04.010; amending section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 279, Laws of 1959 and RCW 60.04.040; amending section 5, chapter 24, Laws of 1893 as last amended by section 5, chapter 279, Laws of 1959, and RCW 60.04.060; and declaring an effective date.

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

Section 1. Section 5, chapter 24, Laws of 1893 as last amended by section 5, chapter 279, Laws of 1959, and RCW 60.04.060 are each amended to read as follows:

No lien created by this chapter shall exist, and no action to enforce the same shall be maintained, unless within ninety days from the date of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, a claim for such lien shall be filed for record as hereinafter provided, in the office of the county auditor of the county in which the property, or some part thereof to be affected thereby, is situated. Such claim shall state, as nearly as may be, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the name of the person who performed the labor, furnished the material, or supplied the equipment, the name of the person by whom the laborer was employed (if known) or to whom the material was furnished, or equipment supplied, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed

owner if known, and if not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the claimant, or by some person in his behalf, and be verified by the oath of the claimant, or some person in his behalf, to the effect that the affiant believes the claim to be just; in case the claim shall have been assigned the name of the assignee shall be stated; and such claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, insofar as the interests of third parties shall not be affected by such amendment. A claim of lien shall also state the address of the claimant. A claim for lien substantially in the following form shall be sufficient:

.....,claimant, vs.

Notice is hereby given that on theday (date of commencement of performing labor or furnishing material or supplying equipment)at the request of.....commenced to perform labor (or to furnish material or supply equipment to be used) upon.....(here describe property subject to the lien) of which property the owner, or reputed owner, is(or if the owner or reputed owner is not known, insert the word "unknown"), the performance of which labor (or the furnishing of which material or supply of which equipment) ceased on theday of.....; that said labor performed (or material furnished or equipment supplied) was of the value ofdollars, for which labor (or material) (or equipment) the undersigned claims a lien upon the property herein described for the sum ofdollars. (In case the claim has been assigned, add the words "and.....is assignee of said claim", or claims, if several are united.)

.....,Claimant.

.....
.....

(Address, city, and
state of claimant)

STATE OF WASHINGTON, COUNTY OF.....,ss.

.....,being sworn, says: I am the claimant (or attorney of the claimant) above named; I have heard the foregoing claim read and know the contents thereof, and believe the same to be just.

.....
Subscribed and sworn to before me this.....day of.....
.....

Any number of claimants may join in the same claim for the purpose of filing the same and enforcing their liens, but in such case the amount claimed by each original lienor, respectively, shall be stated: PROVIDED, It shall not be necessary to insert in the

notice of claim of lien provided for by this chapter any itemized statement or bill of particulars of such claim.

Sec. 2. Section 1, chapter 24, Laws of 1893 as last amended by section 1, chapter 279, Laws of 1959 and RCW 60.04.010 are each amended to read as follows:

Every person performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power or any other structure or who performs labor in any mine or mining claim or stone quarry, has a lien upon the same for the labor performed, material furnished, or equipment supplied by each, respectively, whether performed, furnished, or supplied at the instance of the owner of the property subject to the lien or his agent; and every registered or licensed contractor, registered or licensed subcontractor, architect, ((builder)) or person having charge, of the construction, alteration or repair of any property subject to the lien as aforesaid, shall be held to be the agent of the owner for the purposes of the establishment of the lien created by this chapter: PROVIDED, That whenever any railroad company shall contract with any person for the construction of its road, or any part thereof, such railroad company shall take from the person with whom such contract is made a good and sufficient bond, conditioned that such person shall pay all laborers, mechanics, materialmen, and equipment suppliers, and persons who supply such contractors with provisions, all just dues to such person or to any person to whom any part of such work is given, incurred in carrying on such work, which bond shall be filed by such railroad company in the office of the county auditor in each county in which any part of such work is situated. And if any such railroad company shall fail to take such bond, such railroad company shall be liable to the persons herein mentioned to the full extent of all such debts so contracted by such contractor. Contractors or subcontractors required to be registered under chapter 19.27 RCW or licensed under chapter 19.28 RCW shall be deemed the agents of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW covering the period when the work or material shall be furnished, and lien rights shall not be lost by suspension or revocation of registration or license without their knowledge.

Sec. 3. Section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 279, Laws of 1959 and RCW 60.04.040 are each

amended to read as follows:

Any person who, at the request of the owner of any real property, or his agent, (~~(contractor or subcontractor)~~) clears, grades, fills in or otherwise improves the same, or any street or road in front of, or adjoining the same, and every person who, at the request of the owner of any real property, or his agents, (~~(contractor, or subcontractor)~~) rents, leases, or otherwise supplies equipment, or furnishes materials, including blasting powder, dynamite, caps and fuses, for clearing, grading, filling in, or otherwise improving any real property or any street or road in front of or adjoining the same, has a lien upon such real property for the labor performed, the materials furnished, or the equipment supplied for such purposes.

NEW SECTION. Sec. 4. This 1971 amendatory act shall take effect on January 1, 1972.

Passed the Senate May 8, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 95

[Substitute Senate Bill No. 85]

CITIES AND TOWNS, WATER OR SEWER DISTRICTS--
INTERGOVERNMENTAL RELATIONSHIPS

AN ACT Relating to municipal corporations; adding a new chapter to Title 35 RCW; repealing section 35.13.220, chapter 7, Laws of 1965 and RCW 35.13.220; repealing section 35.13.243, chapter 7, Laws of 1965 and RCW 35.13.243; repealing section 35.13.246, chapter 7, Laws of 1965 and RCW 35.13.246; repealing section 35.13.250, chapter 7, Laws of 1965 and RCW 35.13.250; repealing section 4, chapter 51, Laws of 1969 ex. sess. and RCW 35.13.255; repealing section 35A.14.350, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.350; repealing section 35A.14.360, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.360; repealing section 5, chapter 51, Laws of 1969 ex. sess. and RCW 35A.14.365; repealing section 35A.14.370, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.370; and repealing section 35A.14.600, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.600.

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

NEW SECTION. Section 1. Whenever used in this act, the following words shall have the following meanings:

(1) The word "district" shall mean a water district or sewer district as indicated by the context of the section in which used.

(2) The word "city" shall mean a city or town of any class and shall also include any code city as defined in chapter 35A.01 RCW.

(3) The words "included with" shall mean the inclusion of all or part of the territory of a district, as indicated by the context, within the corporate limits of a city either by incorporation of a city, annexation to a city, consolidation of cities or any combination thereof.

(4) The word "indebtedness" shall include general obligation, revenue, and special indebtedness and temporary, emergency, and interim loans.

NEW SECTION. Sec. 2. Whenever all of the territory of a water district or sewer district is included within the corporate boundaries of a city, and the city legislative body has elected by resolution or ordinance to assume jurisdiction thereof, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water and sewer lines, and all other facilities and equipment of the district shall become the property of such city subject to all financial, statutory, or contractual obligations of the district for the security or performance of which such property may have been pledged. Such city, in addition to its other powers, shall have the power to manage, control, maintain and operate such property, facilities and equipment and to fix and collect service and other charges from owners and occupants of properties so served by the city, subject, however, to any outstanding indebtedness, bonded or otherwise, of the district payable from taxes, assessments or revenues of any kind or nature and to any other contractual obligations of the district.

Such city may by resolution of its legislative body, assume the obligation of paying such district indebtedness and of levying and of collecting or causing to be collected such district taxes, assessments and utility rates and charges of any kind or nature to pay and secure the payment of such indebtedness, according to all of the terms, conditions and covenants incident to such indebtedness, and shall assume and perform all other outstanding contractual obligation of the district in accordance with all of its terms, conditions and covenants. No such assumption shall be deemed to impair the obligation of any indebtedness or other contractual obligation entered into after the effective date of this act. During the period until the outstanding indebtedness of the district has been discharged, the territory of the district and the owners and occupants of property therein, shall continue to be liable for its and their proportionate share of such indebtedness, including any outstanding assessments levied within any local improvement district

or utility local improvement district thereof. The city shall assume the obligation of causing the payment of such indebtedness, collecting such taxes, assessments and charges and observing and performing the other district contractual obligations. The legislative body of the city shall act as the officers of the district for the purpose of certifying the amount of any property tax to be levied and collected therein, and causing service and other charges and assessments to be collected from such property or owners or occupants thereof, enforcing such collection and performing all other acts necessary to insure performance of the district's contractual obligations in the same manner and by the same means as if the territory of the district had not been included within the boundaries of a city.

When a city assumes the obligation of paying the outstanding indebtedness, and if property taxes or assessments have been levied and service and other charges have accrued for such purpose but have not been collected by the district prior to such election, the same when collected shall belong and be paid to the city and be used by such city so far as necessary for payment of the indebtedness of the district existing and unpaid on the date such city elects to assume the indebtedness. Any funds received by the city which have been collected for the purpose of paying any bonded or other indebtedness of the district, shall be used for the purpose for which they were collected and for no other purpose. Any outstanding indebtedness shall be paid as provided in the bond covenants. All funds of the district on deposit with the county treasurer at the time of title transfer shall be used by the city solely for the benefit of the utility and shall not be transferred to or used for the benefit of the city's general fund.

NEW SECTION. Sec. 3. Whenever a portion of a water district or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property lying within such district, is included within the corporate boundaries of a city, the city may assume by ordinance the full and complete management and control of that portion of the entire district not included within another city, whereupon the provisions of section 2 of this act shall be operative; or the city may proceed directly under the provisions of section 5 of this act.

NEW SECTION. Sec. 4. Whenever the portion of a water or sewer district included within the corporate boundaries of a city is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the city may elect to proceed under the provisions of section 5 of this act.

NEW SECTION. Sec. 5. When electing under sections 3 or 4 of

this act to proceed under this section, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment within the corporate limits of the city: PROVIDED, That if on the effective date of such an ordinance the territory of the district included within the city contains any facilities serving or designed to serve any portion of the district outside the corporate limits of the city or if the territory lying within the district and outside the city contains any facilities serving or designed to serve territory included within the city (which facilities are hereafter in this section called the "serving facilities"), the city or district shall for the economically useful life of any such serving facilities make available sufficient capacity therein to serve the sewage or water requirements of such territory, to the extent that such facilities were designed to serve such territory at a rate charged to the municipality being served which is reasonable to all parties.

In the event a city proceeds under this section, the district may elect upon a favorable vote of a majority of all voters within the district voting upon such propositions to require the city to assume responsibility for the operation and maintenance of the district's property, facilities and equipment throughout the entire district and to pay the city a charge for such operation and maintenance which is reasonable under all of the circumstances.

A city acquiring property, facilities and equipment under the provisions of this section shall acquire such property, facilities and equipment, and fix and collect service and other charges from owners and occupants of properties served by the city, subject, to any contractual obligations of the district which relate to the property, facilities, or equipment so acquired by the city or which are secured by taxes, assessments or revenues from the territory of the district included within the city. In such cases, the property included within the city and the owners and occupants thereof shall continue to be liable for payment of its and their proportionate share of any outstanding district indebtedness. The district and its officers shall continue to levy taxes and assessments on and to collect service and other charges from such property, or owners or occupants thereof, to enforce such collections, and to perform all other acts necessary to insure performance of the district's contractual obligations in the same manner and by the same means as if the territory of the district had not been included within the boundaries of a city.

NEW SECTION. Sec. 6. Whenever more than one city, in whole or in part, is included within a water district or sewer district, the city which has within its boundaries sixty percent or more of the area of the assessed valuation of the district (in this section

referred to as the "principal city") may, with the approval of any other city containing part of such district, assume responsibility for operation and maintenance of the district's property, facilities and equipment within such other city and make and enforce such charges for operation, maintenance and retirement of indebtedness as may be reasonable under all the circumstances.

Any other city having less than sixty percent in area or assessed valuation of such district, within its boundaries may install facilities and create local improvement districts or otherwise finance the cost of installation of such facilities and if such facilities have been installed in accordance with reasonable standards fixed by the principal city, such other city may connect such facilities to the utility system of such district operated by the principal city upon providing for payment by the owners or occupants of properties served thereby, of such charges established by the principal city as may be reasonable under the circumstances.

NEW SECTION. Sec. 7. Notwithstanding any provision of this act to the contrary, one or more cities and one or more water districts or sewer districts may, through their legislative authorities, authorize a contract with respect to the rights, powers, duties and obligation of such cities, or districts with regard to the use and ownership of property, the providing of services, the maintenance and operation of facilities, allocation of cost, financing and construction of new facilities, application and use of assets, disposition of liabilities and debts, the performance of contractual obligations and any other matters arising out of the inclusion, in whole or in part, of the district or districts within any city or cities. The contract may provide for the furnishing of services by any party thereto and the use of city or district facilities or real estate for such purpose, and may also provide for the time during which such district or districts may continue to exercise any rights, privileges, powers and functions provided by law for such district or districts as if the district or districts or portions thereof were not included within a city, including but not by way of limitation, the right to promulgate rules and regulations, to levy and collect special assessments, rates, charges, service charges and connection fees, and to adopt and carry out the provisions of a comprehensive plan, and amendments thereto, for a system of improvements and to issue general obligation bonds or revenue bonds in the manner provided by law. The contract may provide for the transfer to a city of district facilities, property, rights and powers as provided in sections 3 and 5 of this act, whether or not sixty percent of the area or assessed valuation of real estate lying within the district or districts is included within such city. The contract may provide that any party thereto may

authorize, issue and sell revenue bonds to provide funds for new water or sewer improvements or to refund any water revenue, sewer revenue or combined water and sewer revenue bonds outstanding of any city, or district which is a party to such contract if such refunding is deemed necessary, providing such refunding will not increase interest costs. The contract may provide that any party thereto may authorize and issue, in the manner provided by law, general obligation or revenue bonds of like amounts, terms, conditions and covenants as the outstanding bonds of any other party to the contract, and such new bonds may be substituted or exchanged for such outstanding bonds: PROVIDED, That no such exchange or substitution shall be effected in such a manner as to impair the obligation or security of any such outstanding bonds.

NEW SECTION. Sec. 8. In any of the cases provided for in sections 2, 3, and 5 of this act, and notwithstanding any other method of dissolution provided by law, dissolution proceedings may be initiated by either the city or the district, or both, when the legislative body of the city and the governing body of the district agree to, and petition for, dissolution of the district.

The petition for dissolution shall be signed by the chief administrative officer of the city and the district, upon authorization of the legislative body of the city and the governing body of the district, respectively and such petition shall be presented to the superior court of the county in which the city is situated.

If the petition is thus authorized by both the city and district, and title to the property, facilities and equipment of the district has passed to the city pursuant to action taken under this act, all indebtedness and local improvement district or utility local improvement district assessments of the district have been discharged or assumed by and transferred to the city, and the petition contains a statement of the distribution of assets and liabilities mutually agreed upon by the city and the district and a copy of the agreement between such city and the district is attached thereto, a hearing shall not be required and the court shall, if the interests of all interested parties have been protected, enter an order dissolving the district.

In any of the cases provided for in sections 2 and 3 of this act, if the petition for an order of dissolution is signed on behalf of the city alone or the district alone, or there is no mutual agreement on the distribution of assets and liabilities, the superior court shall enter an order fixing a hearing date not less than sixty days from the day the petition is filed, and the clerk of the court of the county shall give notice of such hearing by publication in a newspaper of general circulation in the district once a week for

three successive weeks and by posting in three public places in the district at least twenty-one days before the hearing. The notice shall set forth the filing of the petition, its purposes, and the date and place of hearing thereon.

After the hearing the court shall enter its order with respect to the dissolution of the district. If the court finds that such district should be dissolved and the functions performed by the city, the court shall provide for the transfer of assets and liabilities to the city. The court may provide for the dissolution of the district upon such conditions as the court may deem appropriate. A certified copy of the court order dissolving the district shall be filed with the county auditor. If the court does not dissolve the district, it shall state the reasons for declining to do so.

NEW SECTION. Sec. 9. Whenever a city acquires all of the facilities of a water district or sewer district, pursuant to this act, such a city shall offer to employ every full time employee of the district who is engaged in the operation of such a district's facilities on the date on which such city acquires the district facilities. When a city acquires any portion of the facilities of such a district, such a city shall offer to employ full time employees of the district as of the date of the acquisition of the facilities of the district who are no longer needed by the district.

Whenever a city employs a person who was employed immediately prior thereto by the district, arrangements shall be made:

(1) For the retention of service credits under the pension plan of the district pursuant to RCW 41.04.070 through 41.04.110.

(2) For the retention of all sick leave standing to the employee's credit in the plan of such district.

(3) For a vacation with pay during the first year of employment equivalent to that to which he would have been entitled if he had remained in the employment of the district.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 35.13.220, chapter 7, Laws of 1965 and RCW 35.13.220;

(2) Section 35.13.243, chapter 7, Laws of 1965 and RCW 35.13.243;

(3) Section 35.13.246, chapter 7, Laws of 1965 and RCW 35.13.246;

(4) Section 35.13.250, chapter 7, Laws of 1965 and RCW 35.13.250;

(5) Section 4, chapter 51, Laws of 1969 ex. sess. and RCW 35.13.255;

(6) Section 35A.14.350, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.350;

(7) Section 35A.14.360, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.360;

(8) Section 5, chapter 51, Laws of 1969 ex. sess. and RCW 35A.14.365;

(9) Section 35A.14.370, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.370; and

(10) Section 35A.14.600, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.600.

NEW SECTION. Sec. 11. Sections 1 through 9 and section 12 shall constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 12. 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 April 30, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 96

[Engrossed Substitute Senate Bill No. 139]

COUNTIES--

SEWERAGE, WATER AND DRAINAGE SYSTEMS

AN ACT Relating to counties; amending section 1, chapter 72, Laws of 1967 and RCW 36.94.010; amending section 5, chapter 72, Laws of 1967 and RCW 36.94.050; amending section 6, chapter 72, Laws of 1967 and RCW 36.94.060; amending section 7, chapter 72, Laws of 1967 and RCW 36.94.070; amending section 10, chapter 72, Laws of 1967 and RCW 36.94.100; amending section 12, chapter 72, Laws of 1967 and RCW 36.94.120; amending section 17, chapter 72, Laws of 1967 and RCW 36.94.170; amending section 18, chapter 72, Laws of 1967 and RCW 36.94.180; amending section 22, chapter 72, Laws of 1967 and RCW 36.94.220; amending section 23, chapter 72, Laws of 1967 and RCW 36.94.230; amending section 24, chapter 72, Laws of 1967 and RCW 36.94.240; creating new sections; and declaring an emergency.

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

Section 1. Section 1, chapter 72, Laws of 1967 and RCW 36.94.010 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and includes:

- (a) Sanitary sewage disposal sewers;
- (b) Combined sanitary sewage disposal and storm or surface water sewers;
- (c) Storm or surface water sewers;
- (d) Outfalls for storm or sanitary sewage and works, plants, and facilities for sanitary sewage treatment and disposal;
- (e) Combined water and sewerage systems;
- (f) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

- (a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;
- (b) A combined water and sewerage system;
- (c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(5) and/or chapter 35.63 RCW. ((A sewerage and/or water general plan shall include the general location of lines, laterals, trunks, interceptors, pumping stations, tanks, plants, works, outfalls and other facilities, including preliminary engineering to assure feasibility and shall further provide for the method of distributing the cost and expense of the system.))

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, local service areas and a general description of the collection system to serve those areas, and other facilities as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and shall further provide for the methods of distributing the cost and expense of the system and shall indicate the economic and financing feasibility of plan implementation. The plans may also specify local or lateral facilities. The sewerage and/or water general plan shall not mean the final engineering construction plans

for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a water system, any sewer, water, diking or drainage district, any diking, drainage and sewerage improvement district, any water distribution district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners.

Sec. 2. Section 5, chapter 72, Laws of 1967 and RCW 36.94.050 are each amended to read as follows:

Prior to the adoption of or amendment of the sewerage and/or water general plan, the board or boards of county commissioners shall submit the plan or amendment to a review committee. The review committee shall consist of:

(1) A representative of each first and second class city within or adjoining the area selected by the mayor thereof (if there are no first or second class cities within the plan area, then one representative chosen by the mayor of the city with the largest population within the plan area);

(2) One representative chosen at large by a majority vote of the executive officers of the other cities or towns within or adjoining the area;

(3) A representative chosen by the executive officer or the chairman of the board, as the case may be, of each of the other municipal corporations and private utilities serving one thousand or more sewer and/or water customers located within the area;

(4) One representative chosen at large by a majority vote of the executive officers and chairmen of the boards, as the case may be, of the other remaining municipal corporations within the area;

(5) The chairman or chairmen of the board or boards of county commissioners within the planned area; and

(6) In counties where there is a metropolitan municipal corporation operating a sewerage and/or water system in the area, the chairman of its council or such person as he designates.

If the board shall reject the plan pursuant to RCW 36.94.090, the review committee shall be deemed to be dissolved; otherwise the review committee shall continue in existence to review amendments to the plan. Vacancies on the committee shall be filled in the same manner as the original appointment to that position.

Sec. 3. Section 6, chapter 72, Laws of 1967 and RCW 36.94.060 are each amended to read as follows:

The members of each review committee shall elect from its members a chairman and a secretary. The committee shall determine its own rules and order of business and shall provide by resolution for the time and manner of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

Each member of the committee shall be compensated from the county current expense fund at the rate of twenty-five dollars per day, or a major portion thereof, for time actually devoted to the work of the committee in reviewing any proposed sewerage and/or water general plan or amendments to a plan. Each board of county commissioners shall provide such funds as shall be necessary to pay the compensation of the members and such other expenses as shall be reasonably necessary. Such payments shall be reimbursed to the counties advancing the funds from moneys acquired from the construction or operation of a sewerage and/or water system.

Sec. 4. Section 7, chapter 72, Laws of 1967 and RCW 36.94.070 are each amended to read as follows:

The committee shall review the sewerage and/or water general plan or amendments thereto and shall report to the board or boards of county commissioners within ninety days their approval or any suggested amendments, deletions, or additions. If the committee shall fail to report within the time, the plan or amendments thereto shall be deemed approved. If the committee submits a report, the board shall consider and review the committee's report and may adopt any recommendations suggested therein.

Sec. 5. Section 10, chapter 72, Laws of 1967 and RCW 36.94.100 are each amended to read as follows:

Prior to the commencement of actual work on any plan or amendment thereto approved by the board, it must be submitted ((to the appropriate departments of the state of Washington for their written approval: For a sewerage system plan, the plan must be approved by the department of health and the state pollution control commission; For a water system, the plan must be approved by the department of health, the state pollution control commission, and the department of conservation)) for written approval to the Washington department of social and health services and to the Washington department of ecology.

Sec. 6. Section 12, chapter 72, Laws of 1967 and RCW 36.94.120 are each amended to read as follows:

The board shall establish a department in county government for the purpose of establishing, operating and maintaining the system or systems of sewerage and/or water. In the department, the board

shall establish and provide for the operation and maintenance of a personnel merit system for the employment, classification, promotion, demotion, suspension, transfer, layoff and discharge of its appointive officers and employees, solely on the basis of merit and fitness, without regard to political influence or affiliation. Such merit system shall not apply to the chief administrative officer of the department and, if the sewer and/or water utility is a division of a department having other functions, the chief administrative officer of such utility.

Sec. 7. Section 17, chapter 72, Laws of 1967 and RCW 36.94.170 are each amended to read as follows:

The primary authority to construct, operate and maintain a system of sewerage and/or water within the boundaries of a municipal corporation which lies within the area of the county's sewerage and/or water general plan shall remain with such municipal corporation. A county, after it has adopted and received the necessary approvals of its sewer and/or water general plan under the provisions of chapter 36.94 RCW may construct, own, operate and maintain a system of sewerage and/or water within the boundaries of a city or town with the written consent of such city or town and within any other municipal corporation provided such municipal corporation (1) has the legislative authority to operate such a utility; and (2) (a) has given its written consent to the county to operate therein; or (b) after adoption of a comprehensive plan or an amendment thereto for the area involved, the municipal corporation has not within twelve months after receiving notice by the county of its intention to serve that area held a formation hearing for a utility local improvement district.

Prior to exercising any authority granted in this section, the county shall compensate such municipal corporation for its reasonable costs, expenses and obligations actually incurred or contracted which are directly related to and which benefit the area which the county proposes to serve. The county may contract with a municipal corporation to furnish such utility service within any municipal corporation.

Except in the case of annexations provided for in RCW 36.94.180, once a county qualifies under this section to serve within a municipal corporation, no municipal corporation may construct or operate a competing utility in the same territory to be served by the county if the county proceeds within a reasonable period of time with the construction of its proposed facilities including the sale of any bonds to finance the same.

As may be permitted by other statutes, a city or town may provide water or sewer service outside of its corporate limits, but such service may not conflict with the county plan or any county,

sewer or water facilities installed or being installed.

A county proposing to exercise any authority granted in this section shall give written notice of such intention to the municipal corporation involved and to the boundary review board, if any, of such county. Within sixty days of the filing of such notice of intention, review by the boundary review board of the proposed action may be requested as provided by the provisions of RCW 36.93.100 through 36.93.180. In the event of such review, the board shall consider the factors set forth in this section in addition to the factors and objectives set forth in RCW 36.93.170 and 36.93.180.

Sec. 8. Section 18, chapter 72, Laws of 1967 and RCW 36.94.180 are each amended to read as follows:

In the event of the annexation to a city or town of an area in which a county is operating a sewerage and/or water system, the property, facilities, and equipment of such sewerage and/or water system lying within the annexed area may be transferred to the city or town if such transfer will not materially affect the operation of any of the remaining county system, subject to the assumption by the city or town of the county's obligations relating to such property, facilities, and equipment, under the procedures specified in RCW 35.13.220 through RCW 35.13.246 inclusive, and pursuant to the authority contained in RCW 35.13.250 as now existing or hereafter amended.

Sec. 9. Section 22 chapter 72, Laws of 1967 and RCW 36.94.220 are each amended to read as follows:

A county shall have the power to establish utility local improvement districts within the area of a sewerage and/or water general plan and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such county. Utility local improvement districts may include territory within a city or town only with the written consent of the city or town, but if the local district is formed before such area is included within the city or town, no such consent shall be necessary. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this chapter. The duties devolving upon the city treasurer under such laws are imposed upon the county treasurer for the purposes of this chapter. The mode of assessment shall be in the manner to be determined by the board of county commissioners by resolution. It must be specified in any petition for the

establishment of a utility local improvement district and in the sewerage and/or water general plan or amendment thereto that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any sewerage and/or water ((general plan)) improvement payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility improvement district, when collected, shall be paid into the applicable revenue bond fund.

Sec. 10. Section 23, chapter 72, Laws of 1967 and RCW 36.94.230 are each amended to read as follows:

Utility local improvement districts to carry out all or any portion of the general plan, or additions and betterments thereof, may be initiated either by resolution of the board of county commissioners or by petition signed by the owners according to the records of the office of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created.

In case the board shall desire to initiate the formation of a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed utility local improvement district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the utility local improvement district to be created. Upon the filing of such petition with the clerk of the board of county commissioners, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the clerk of the board of county commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the

nature and territorial extent of said improvement, designating the number of the proposed local district, describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of county commissioners; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the clerk of the board of county commissioners before the time fixed for said public hearing.

Sec. 11. Section 24, chapter 72, Laws of 1967 and RCW 36.94.240 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to the property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the clerk of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district. No action whatsoever may be maintained challenging the jurisdiction or authority of the county to proceed with the improvement and creating the utility local improvement district or in any way challenging the validity thereof or any proceedings relating thereto unless that action is served and filed no later than thirty days after the date of passage of the resolution ordering the improvement and creating the local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the county such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the county to proceed with the work. The board of county commissioners shall proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local utility improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

NEW SECTION. Sec. 12. This 1971 amendatory act shall apply to any existing and future sewerage and/or water plans or amendments thereto and implementations thereof and shall not be deemed to be prospective only.

NEW SECTION. Sec. 13. If any provision of this 1971 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. 14. This 1971 amendatory 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 Senate May 8, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 26, 1971.

CHAPTER 97
[Senate Bill No. 369]
MOTOR VEHICLES--EQUIPMENT--
FLARES AND OTHER WARNING DEVICES

AN ACT Relating to motor vehicle warning devices; and amending section 46.37.440, chapter 12, Laws of 1961 and RCW 46.37.440. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 46.37.440, chapter 12, Laws of 1961 and RCW 46.37.440 are each amended to read as follows:

(1) No person shall operate any motor truck, passenger bus or truck tractor over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state commission on equipment and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to (~~include two reflecting elements one above the other, each of which shall~~) be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state commission on equipment and approved by it.

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any

flares, fusees or signal produced by flame.

Passed the Senate April 6, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 98

[Engrossed Substitute Senate Bill No. 446]

CUSTOM MEAT FACILITIES

AN ACT Relating to custom meat facilities handling meat for household consumers; amending section 37, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.370; and creating new sections.

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

Section 1. Section 37, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.370 are each amended to read as follows:

(1) The provisions of this chapter requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations for intrastate commerce shall not apply to the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor to the custom slaughter by any person, firm, or corporation of meat food animals delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees (~~PROVIDED, That the director shall promulgate such rules and regulations as are necessary to prevent the commingling of inspected and uninspected meat~~), nor to regularly licensed custom meat facilities.

(2) The adulteration and misbranding provisions of this chapter, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section.

NEW SECTION. Sec. 2. "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under the Washington Meat Inspection Act, chapter 16.49A RCW, or a federal meat

inspection act.

"Uninspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

"Custom meat facility" means any establishment regularly licensed under this 1971 amendatory act which prepares inspected meat and uninspected meat for the household consumer in quantities of not less than one quarter or one side of a meat food animal.

"Household user" means the ultimate consumer, the members of his household, his nonpaying guests and employees.

NEW SECTION. Sec. 3. Inspected and uninspected meat may be prepared by any regularly licensed custom meat facility under the following conditions:

(1) Inspected meat and the meat and meat food products prepared therefrom shall be separated at all times from uninspected meat and the meat food products prepared therefrom, by a sufficient distance to prevent inspected meat from coming into contact with uninspected meat.

(2) Preparation of inspected meat and uninspected meat shall be done at different times.

(3) No sales of inspected meat, nor the meat food products derived therefrom shall be made to any person other than a household user.

(4) Uninspected meat shall be prepared for the sole use of the owner of said uninspected meat, who shall be a household user.

(5) Inspected meat may be purchased by a custom meat facility for preparation and sale to a household user only.

(6) Inspected meat which has been prepared by a custom meat facility shall not be sold in less than one full quarter or one side of a meat food animal.

(7) Uninspected meat, as well as the packages and containers containing any meat or meat food products prepared therefrom shall be plainly marked and labeled "not for sale" or equivalent language.

(8) Any custom meat facility shall comply with sanitation rules and regulations promulgated by the director of agriculture.

NEW SECTION. Sec. 4. The director of agriculture shall promulgate such rules and regulations as he may deem necessary to enforce the conditions set forth in section 3 of this 1971 amendatory act. The director shall also cause inspection of each custom meat facility licensed under this 1971 amendatory act to be made at such times as he may deem necessary to adequately insure compliance with this 1971 amendatory act and all regulations promulgated hereunder: PROVIDED, That the department of agriculture and the department of social and health services may allow any retail meat shop to act as a meat handling facility and exempt from the provisions of subsections

(3) and (6) of section 3 of this act and may exempt any meat handling facility from the said provisions of subsections (3) and (6) of section 3 of this 1971 amendatory act if the director of the department of agriculture and the secretary of the department of social and health services shall determine that any such retail meat shop or custom meat handling facility is located in an area so remote from centers of population that few establishments exist that can practicably handle, prepare, and sell meat to the residents of such remote area: PROVIDED FURTHER, That the director of the department of agriculture and the secretary of the department of social and health services shall make such regulations as they deem necessary to insure that the operations of such custom meat facilities and retail meat shops in remote areas shall be conducted in a manner adequately to protect the health of the residents in the areas served by such facilities.

NEW SECTION. Sec. 5. It shall be unlawful for any person to operate a custom meat facility without first obtaining an annual license from the department of agriculture. Application for such license shall be on a form prescribed by the department and accompanied by a twenty-five dollar license fee. Such application shall include the full name of the applicant, if such applicant is an individual, receiver, or trustee; and the full name of each member of the firm or the names of the officers of the corporation if such applicant is a firm or corporation. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of the person domiciled in this state authorized to receive and accept service of legal process of all kinds for the applicant, and the applicant shall supply any other information required by the department. All custom meat facility licenses shall expire on June 30th of each year.

NEW SECTION. Sec. 6. If the application for the renewal of a custom meat facility license is not filed prior to July 1st in any year, an additional fee of twenty-five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued.

NEW SECTION. Sec. 7. The department of agriculture shall, within ninety days after the effective date of this 1971 amendatory act, promulgate the rules and regulations provided for herein, and give notice that a hearing will be held to determine that such rules, regulations, or orders will be applicable to the provisions of this 1971 amendatory act. Such rules shall be in accordance with the requirements of chapter 34.04 RCW as now or hereafter amended. All rules and regulations promulgated subsequent to the adoption of the initial rules and regulations provided for in this 1971 amendatory act, shall be adopted in accordance with chapter 34.04 RCW, as now or

hereafter amended.

NEW SECTION. Sec. 8. (1) Any person who on the effective date of this 1971 amendatory act is engaged in the business of processing inspected and uninspected meat, except those persons who are on that date operating establishments inspected under the Washington state meat inspection act or a federal meat inspection act, shall within ninety days after the effective date of this 1971 amendatory act file an application for a conditional custom meat facility license on a form prescribed by the department and accompanied by a license fee of twenty-five dollars. The department shall forthwith issue to each such applicant a conditional custom meat facility license.

(2) The department shall, as soon as practicable after the adoption of the regulations required to be promulgated under this 1971 amendatory act, cause an inspection to be made of each facility operated by a person who has been granted a conditional custom meat facility license. The department shall thereafter promptly notify said conditional licensee in writing, transmitted to said conditional licensee by certified mail, of what act or actions if any such conditional licensee must take, do, and perform to bring the facility operated by him into compliance with this 1971 amendatory act, and the regulations promulgated thereunder as outlined in the written notification mailed by certified mail to such conditional licensee. Within a maximum of one hundred and twenty days after receipt of such written notification from the department, the conditional licensee shall comply with all requirements set forth in the department's written notification. If such conditional licensee fails to comply with the requirements set forth in the department's written notification within a maximum of one hundred and twenty days, said conditional license shall expire and become void. If such conditional licensee has brought the facility operated by him into compliance with requirements set forth in the department's written notification, he shall forthwith be issued a custom meat facility license without further application or fee, which license shall remain valid until June 30, 1972. After June 30, 1972, the issuance of custom meat facility licenses shall be governed by the provisions contained in sections 2 through 6 of this 1971 amendatory act.

NEW SECTION. Sec. 9. This act shall in no way supersede or restrict the authority of any county or any city to adopt ordinances which are more restrictive for the handling of meat than those provided for herein.

Passed the Senate May 8, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 99

[Engrossed Senate Bill No. 454]

PRESCRIPTION DRUGS--
PACKAGING AND LABELING

AN ACT Relating to prescription drugs; and amending section 2, chapter 28, Laws of 1939 and RCW 18.64.246.

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

Section 1. Section 2, chapter 28, Laws of 1939 and RCW 18.64.246 are each amended to read as follows:

To every box, bottle, jar, tube or other container of a prescription which is dispensed there shall be fixed a label bearing the name and address of the pharmacy wherein the prescription is compounded, the corresponding serial number of the prescription, the name of the prescriber, his directions, the name of the medicine and the strength per unit dose, name of patient, date, and initials of the registered pharmacist who has compounded the prescription, and the security of the cover or cap on every bottle or jar shall meet safety standards promulgated by the state board of pharmacy: PROVIDED, That at the physician's request, the name and dosage of the drug need not be shown. This section shall not apply to the dispensing of medicines to in-patients in hospitals.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 100

[Engrossed Senate Bill No. 531]

COMMON SCHOOL CODE MANUAL--
INTERMEDIATE SUPERINTENDENTS, CONVENTIONS--
DISTRIBUTION TO SCHOOL DISTRICTS OF STATE PROPERTY TAX PROCEEDS

AN ACT Relating to education; amending section 28A.48.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.48.110; and amending section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as amended by section 102, chapter 176, Laws of 1969 ex. sess.

and RCW 28A.03.030.

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

Section 1. Section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as amended by section 102, chapter 176, Laws of 1969 ex. sess. and RCW 28A.03.030 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report biennially to the governor on or before the first day of November preceding the regular session of the legislature, of which report a sufficient number of copies as the superintendent shall deem necessary shall be printed and delivered to the superintendent of public instruction, who shall furnish copies to be deposited with the state library, to each intermediate school district superintendent and to each school district library in such amount as he shall deem sufficient therefor. Said report shall contain a statement of the general condition of the public schools of the state, with full statistical tables by counties showing the number of schools and the attendance, the state and intermediate school district funds apportioned, amounts received from special taxes and from other sources, amounts expended for salaries of teachers, the salaries paid to the intermediate school district superintendents and the amount paid for incidentals and expenses; the amount paid for building and providing schoolhouses with furniture and apparatus, the amount of bonded and other school indebtedness, with the rate of interest paid thereon, such reports of state educational institutions, or such portions of them as he may think advisable, together with such other facts as he may deem of general interest. The superintendent may include as a part of such report any information or estimates obtained for the purposes of RCW 43.88.090. He shall also include in his report a statement of plans for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.04.120 (7), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to intermediate school district superintendents.

(4) To travel, without neglecting his other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of

consulting intermediate school district superintendents or other school officials.

(5) ((To cause to be printed with an appendix of appropriate forms and instructions for carrying into execution the laws relating to public schools; and to distribute to each intermediate school district superintendent a sufficient number of copies to supply each school district official; and to cause the same to be printed and distributed as often as any change in the laws shall make it of sufficient importance, in his opinion, to justify the same;)) To prepare and from time to time to revise a manual of the Washington state common school code, which shall be sold at actual cost of publication and distribution, said manual to contain Title 28A RCW and such other matter as the state superintendent or the state board of education shall determine.

(6) To act as ex officio president and the chief executive officer of the state board of education.

(7) To hold, annually, a convention of the intermediate school district superintendents of the state at such time and place as he may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session ((not less than two days nor more than three days;)) at the option of the superintendent of public instruction. It shall be the duty of every intermediate school district superintendent in this state to attend said convention during its entire session, and any intermediate school district superintendent who attends the convention shall be reimbursed for traveling and subsistence expenses as provided in RCW 28A.19.090 in attending said convention.

(8) To file all papers, reports and public documents transmitted to him by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in his office, and his official acts, may, or upon request, shall be certified by him and attested by his official seal, and when so certified shall be evidence of the papers or acts so certified to.

(9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such manner as he may prescribe, and he shall furnish forms for such reports; and it is hereby made the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(10) To keep in his office a record of all teachers receiving certificates to teach in the common schools of this state.

(11) To issue certificates as provided by law.

(12) To keep in his office at the capital of the state, all books and papers pertaining to the business of his office, and to keep and preserve in his office a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to him in writing by any intermediate school district superintendent, or that may be submitted to him by any other person, upon appeal from the decision of any intermediate school district superintendent; and he shall publish his rulings and decisions from time to time for the information of school officials and teachers; and his decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of his official duties.

(15) To deliver to his successor, at the expiration of his term of office, all records, books, maps, documents and papers of whatever kind belonging to his office or which may have been received by him for the use of his office.

(16) To perform such other duties as may be required by law.

Sec. 2. Section 28A.48.110, chapter 223, Laws of 1969 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.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 101

[Engrossed Senate Bill No. 735]

JUNKYARDS ADJACENT TO HIGHWAYS

AN ACT Relating to junkyards adjacent to highways; and providing penalties.

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

NEW SECTION. Section 1. For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and federal-aid primary systems within this state. The legislature hereby finds and declares that junkyards which do not conform to the requirements of this act are public nuisances.

NEW SECTION. Sec. 2. When used in this act, the term:

(1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard and the term shall include garbage dumps and

sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated by the commission and approved by the secretary of transportation pursuant to the provisions of Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the commission and approved by the secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "Commission" means the Washington state highway commission.

NEW SECTION. Sec. 3. No person shall establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

(1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight.

(2) Those located within areas which are zoned for industrial use under authority of law.

(3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the commission and approved by the secretary of transportation.

(4) Those which are not visible from the main-traveled way of the system.

NEW SECTION. Sec. 4. Prior to the first day of July, 1971, the highway commission shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined herein on the effective date of this act which is within one thousand feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the interstate and primary system and whether screening of such junkyard would be economically feasible. Within thirty days thereafter the commission shall notify by registered or certified mail the record owner of the land upon which such junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen any such junkyard, the commission shall screen the same so it will not be visible from the main-traveled way of such highway. The highway commission is authorized to acquire by gift, purchase, exchange, or condemnation

such lands or interest in lands as may be required for such purposes.

In the event that it is not economically feasible to screen any such junkyard, the highway commission shall acquire by purchase, gift or condemnation an interest in the real property used for junkyard purposes which is visible from the main traveled way of such highway, restricting any owner of the remaining interest to use of such real estate for purposes other than a junkyard. In addition to compensation for such real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated and maintained. This section shall be interpreted as in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain.

NEW SECTION. Sec. 5. The commission shall prescribe regulations for administration of this act consistent with the policy of this act and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the secretary of transportation. Proceedings for review of any action taken by the commission pursuant to this act shall be instituted by filing a petition only in the superior court of Thurston county.

NEW SECTION. Sec. 6. Nothing in this act shall be construed to permit a person to maintain any junkyard that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town, nor to abrogate or affect the lawful provisions of any statute, ordinance, regulation, or resolution which are more restrictive than the provisions of this act.

NEW SECTION. Sec. 7. If the owner of the land upon which any such junkyard is located, or the operator thereof as the case may be, shall fail to comply with the notice or remove any such junk within the time provided in this act after being so notified, he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this act. Each day such junkyard shall be maintained in a manner so as not to comply with this act shall constitute a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as in this act provided. If the notice is not complied with, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police

of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for so doing.

NEW SECTION. Sec. 8. The commission is hereby authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of such agreement.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 21, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 102

[Substitute Senate Bill No. 90]

PUBLIC RECORDS--LEGISLATIVE RECORDS

AN ACT Relating to public records; amending section 1, chapter 246, Laws of 1957 and RCW 40.14.010; and creating new sections.

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

Section 1. Section 1, chapter 246, Laws of 1957 and RCW 40.14.010 are each amended to read as follows:

As used in this chapter, the term "public records" shall include any paper, correspondence, form, book, photograph, film, sound recording, map drawing, or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by or received by any agency of the state of Washington ((or received by it)) in connection with the transaction of public business, and legislative records as described in section 2 of this 1971 amendatory act.

For the purposes of this chapter, public records shall be classified as follows:

(1) Official public records shall include all original vouchers, receipts and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety

and performance bonds; all claims filed against the state of Washington or any agency thereof; all records or documents required by law to be filed with or kept by any agency of the state of Washington; all legislative records as defined in section 2 of this 1971 amendatory act; and all other documents or records determined by the records committee, hereinafter created, to be official public records.

(2) Office files and memoranda shall include all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not above defined and classified as official public records; all duplicate copies of official public records filed with any agency of the state of Washington; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; and all other documents or records, determined by the records committee, hereinafter created, to be office files and memoranda.

NEW SECTION. Sec. 2. As used in this 1971 amendatory act, unless the context requires otherwise, "legislative records" shall be defined as correspondence, amendments, reports, and minutes of meetings made by or submitted to legislative committees or subcommittees and transcripts or other records of hearings or supplementary written testimony or data thereof filed with committees or subcommittees in connection with the exercise of legislative or investigatory functions, but does not include the records of an official act of the legislature kept by the secretary of state, bills and their copies, published materials, digests, or multi-copied matter which are routinely retained and otherwise available at the state library or in a public repository, or reports or correspondence made or received by or in any way under the personal control of the individual members of the legislature.

NEW SECTION. Sec. 3. Nothing in this 1971 amendatory act shall prohibit a legislator or legislative employee from contributing his personal papers to any private library, public library, or the state archives. The state archivist is authorized to receive papers of legislators and legislative employees and is directed to encourage the donation of such personal records to the state. The state archivist is authorized to establish such guidelines and procedures for the collection of personal papers and correspondence relating to the legislature as he sees fit. Legislators and legislative employees are encouraged to contribute their personal papers to the state for preservation.

NEW SECTION. Sec. 4. As used in this 1971 amendatory act "clerk" means clerk of the Washington state house of representatives and "secretary" means the secretary of the Washington state senate.

NEW SECTION. Sec. 5. The legislative committee chairman,

subcommittee chairman, committee member, or employed personnel of the state legislature having possession of legislative records that are not required for the regular performance of official duties shall, within ten days after the adjournment sine die of a regular or special session, deliver all such legislative records to the clerk of the house or the secretary of the senate.

The clerk of the house and the secretary of the senate are charged to include requirements and responsibilities for keeping committee minutes and records as part of their instructions to committee chairmen and employees.

The clerk or the secretary, with the assistance of the state archivist, shall classify and arrange the legislative records delivered to the clerk or secretary in a manner that he considers best suited to carry out the efficient and economical utilization, maintenance, preservation, and disposition of the records. The clerk or the secretary may deliver to the state archivist all legislative records in his possession when such records have been classified and arranged and are no longer needed by either house. The state archivist shall thereafter be custodian of the records so delivered, but shall deliver such records back to either the clerk or secretary upon his request.

The chairman, member, or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, on a scheduled basis agreed upon by the chairman, member, or employee of the legislative interim committee, deliver to the clerk or secretary all legislative records in his possession, as long as such records are not required for the regular performance of official duties. He shall also deliver to the clerk or secretary all records of an interim committee within ten days after the committee ceases to function.

NEW SECTION. Sec. 6. It shall be the duty of the clerk and the secretary to advise the party caucuses in each house concerning the necessity to keep public records. The state archivist or his representative shall work with the clerk and secretary to provide information and instructions on the best method for keeping legislative records.

NEW SECTION. Sec. 7. Committee records may be used by legislative employees for research at the discretion of the clerk or the secretary.

NEW SECTION. Sec. 8. The clerk or the secretary shall, with advice of the state archivist, prescribe rules for access to records more than three years old when such records have been delivered to the state archives for preservation and maintenance.

NEW SECTION. Sec. 9. Any sound recording of debate in the house or senate made by legislative employees shall be preserved by

the chief clerk of the house and by the secretary of the senate, respectively, for two years from the end of the session at which made, and thereafter shall be transmitted to the state archivist. The chief clerk and the secretary shall catalogue or index the recordings in their custody according to a uniform system, in order to allow easy access to the debate on specific questions before either house, and shall make available to any court of record, at the cost of reproduction, such portions of the recordings as the court may request.

NEW SECTION. Sec. 10. The provisions of this 1971 amendatory act shall not be construed as repealing or modifying any other acts or parts of acts authorizing the retention or destruction of public records nor shall this 1971 amendatory act affect the provisions of RCW 40.04.020 requiring the deposit of all state publications in the state library nor shall it affect the confidentiality of the bill drafting records of the code reviser's office.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 103

[Engrossed Senate Bill No. 164]

COUNTIES--

UNDERGROUND UTILITIES

AN ACT Relating to counties; amending section 1, chapter 194, Laws of 1967 and RCW 36.88.410; amending section 3, chapter 194, Laws of 1967 and RCW 36.88.430; and amending section 4, chapter 194, Laws of 1967 and RCW 36.88.440.

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

Section 1. Section 1, chapter 194, Laws of 1967 and RCW 36.88.410 are each amended to read as follows:

It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities and the initial underground installation of such facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to any electric or communication utility affected by such conversion or installation.

Sec. 2. Section 3, chapter 194, Laws of 1967 and RCW 36.88.430 are each amended to read as follows:

Every county shall have the power to contract with electric and communication utilities, as hereinafter provided, for any or all of the following purposes:

(1) The conversion of existing overhead electric facilities to underground facilities.

(2) The conversion of existing overhead communication facilities to underground facilities.

(3) The conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities.

(4) The initial installation, in accordance with the limitations set forth in RCW 36.88.015, or ornamental street and road lighting facilities to be served from underground electrical facilities.

(5) The initial installation of underground electric and communication facilities.

(6) Any combination of the improvements provided for in this section.

To provide funds to pay the whole or any part of the cost of any such conversion ((and)) or initial installation, together with the expense of furnishing electric energy, maintenance and operation to any ornamental street lighting facilities served from underground electrical facilities, every county shall have the power to create county road improvement districts and to levy and collect special assessments against the real property specially benefited by such conversion or initial installation. For the purpose of ascertaining the amount to be assessed against each lot or parcel of land within any county road improvement district established pursuant to RCW 36.88.410 through 36.88.480, in addition to other methods provided by law for apportioning special benefits, the county commissioners may apportion all or part of the special benefits accruing on a square footage basis or on a per lot basis.

That portion of the assessments levied in any county road improvement district to pay part of the cost of the initial installation of underground electric and communication facilities shall not exceed the cost of such installation, less the estimated cost of constructing overhead facilities providing equivalent service.

Sec. 3. Section 4, chapter 194, Laws of 1967 and RCW 36.88.440 are each amended to read as follows:

Every county shall have the power to contract with electric and communication utilities for the conversion of existing overhead electric and communication facilities to underground facilities, for the conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from

underground electrical facilities ((and)) for the initial installation of ornamental street and road lighting facilities to be served from underground electrical facilities and for the initial installation of underground electric and communication facilities. Such contracts may provide, among other provisions, any of the following:

(1) For the supplying and approval by the electric and communication utilities of plans and specifications for such conversion or installation;

(2) For the payment to the electric and communication utilities for any work performed or services rendered by it in connection with the conversion project or installation;

(3) For the payment to the electric and communication utilities for the value of the overhead facilities removed pursuant to the conversion;

(4) For ownership of the underground facilities and the ornamental street and road lighting facilities by the electric and communication utilities.

NEW SECTION. Sec. 4. All installations of underground utilities made hereafter shall be recorded on an "as constructed" map and filed with the county engineer of the county in which the underground utilities are installed.

Passed the Senate March 31, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 104

[Engrossed Senate Bill No. 214]

ALCOHOLISM

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:

All facilities, plans, or programs receiving financial assistance under RCW 70.96.085 shall be approved by the department of social and health services before any state funds are used to provide such financial assistance. Whenever such facilities, plans, or programs have not been approved as required or do not receive the required approval, the funds set aside for such facility, plan, or program shall be made available for allocation to facilities, plans,

or programs which have received the required approval of the department. In addition, whenever there is an excess of funds set aside for a particular approved facility, plan or program, the excess shall be made available for allocation to other approved facilities, plans, or programs.

NEW SECTION. Sec. 2. There is added to chapter 70.96 RCW a new section to read as follows:

Except as hereinafter provided, the secretary of social and health services shall not approve any facility, plan, or program for financial assistance under RCW 70.96.085 unless at least ten percent of the amount expended for such facility, plan or program is provided from local public or private sources. When deemed necessary to maintain public standards of care in the facility, plan, or program, the secretary may require such facility, plan, or program to provide up to fifty percent of the total expended for such program through fees, gifts, contributions or volunteer services, the value of such gifts, contributions and volunteer services to be determined by the secretary.

NEW SECTION. Sec. 3. There is added to chapter 70.96 RCW a new section to read as follows:

A city or county alcoholism program shall not be approved by the secretary of the department of social and health services unless such city or county has allotted no less than two percent of its share of liquor taxes and profits to the support of such program.

NEW SECTION. Sec. 4. There is added to chapter 70.96 RCW a new section to read as follows:

Any city, town or county not having a facility, plan or program for the rehabilitation of alcoholics may share in the use of a facility, plan or program maintained by another city, town 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.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971, with the exception of Sections 3 and 4 which are vetoed.

Filed in Office of Secretary of State May 20, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill was intended to strengthen alcoholism programs in the state, and to assure local financial participation in such programs. These are purposes with which I agree. Sections one and two are appropriate to the intentions of the bill.

However, sections three and four, because of the manner in which they are drafted, instead of assuring expanded alcoholism programs with local participation, provide a substantial potential for harming the effort against alcoholism by giving cities, towns and counties the ability to prevent an alcoholism control program from being initiated or continued even without city, town or county liquor tax or profit money. These sections essentially give cities, towns or counties a veto power over the initiation or continuation of alcoholism programs. I have therefore vetoed sections three and four with the hope that a statute with the language more appropriate will be enacted at the next session."

CHAPTER 105

[Engrossed Senate Bill No. 269]

FIRE PROTECTION DISTRICTS--
EXCESS LEVIES

AN ACT Relating to fire protection districts; amending section 9, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 2, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.130.

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

Section 1. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 2, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in this act for the payment of the principal and interest of any outstanding general obligation bonds and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an ad valorem tax on all taxable property located in such district not to exceed two mills: PROVIDED, That in no case may the total general levy for all purposes, except retirement of general obligation bonds, exceed four mills. Levies in excess of four mills or in excess of aggregate millage limitations or both may be made for any district purpose when so authorized at a special election under the provisions of RCW 84.52.052. Any such tax

when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 106

[Engrossed Senate Bill No. 335]

CRAWFISH--

TAKING FOR COMMERCIAL PURPOSES

AN ACT Relating to food fish and shellfish: adding a new section to chapter 75.12 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 75.12 RCW a new section to read as follows:

It shall be unlawful to take or fish for crawfish for commercial purposes in any of the rivers, streams or lakes of the state except under conditions where crawfish have been cultured for commercial purposes or where otherwise permitted under department of fisheries rules or regulations.

Passed the Senate March 12, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 107

[Senate Bill No. 449]

COURTS--

BUSINESS DAYS--FEES--COSTS--

APPEALS, PUBLIC SERVICE COMPANY MATTERS--

LAW DEFECTS, REPORT

AN ACT Relating to the judiciary; amending section 7, page 36, Laws of 1909 and RCW 2.04.030; amending section 1, part, chapter 151, Laws of 1903 as last amended by section 1, chapter 51,

Laws of 1951 and RCW 2.32.070; amending section 29, chapter 61, Laws of 1893 as amended by section 1, chapter 86, Laws of 1941 and RCW 4.88.260; amending section 80.04.190, chapter 14, Laws of 1961 and RCW 80.04.190; amending section 81.04.190, chapter 14, Laws of 1961 and RCW 81.04.190; and adding a new section to chapter 2.06 RCW.

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

Section 1. Section 7, page 36, Laws of 1909 and RCW 2.04.030 are each amended to read as follows:

The supreme court and the court of appeals shall always be open for the transaction of business except on ~~((nonjudicial days-~~ It shall hold regular sessions for the hearing of causes en banc, and in each of its departments, at the capital of the state at the respective times now provided by law for holding terms of the supreme court. Special sessions at the same place may be held at such other times as may be prescribed by the judges of such court)) Saturdays, Sundays, and legal holidays designated by the legislature.

Sec. 2. Section 1, part, chapter 151, Laws of 1903 as last amended by section 1, chapter 51, Laws of 1951 and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for ~~((his))~~ their official services:

Upon filing his first paper or record and making an appearance ~~((in the supreme court)),~~ the appellant or petitioner shall pay to the clerk of said court a docket fee of ~~((five))~~ twenty-five dollars.

~~((Upon making his appearance in the supreme court, the respondent in any appealed case shall pay to the clerk a fee of two dollars:~~

The applicant or petitioner in any special proceeding in the supreme court, upon making his appearance, shall pay to the clerk thereof a fee of three dollars.

The respondent in a special proceeding, and each respondent appearing separately therein, at the time of his appearance shall pay to the clerk a fee of one dollar.)

For copies of opinions ~~((of the supreme court)),~~ ten cents per folio :PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge. For certificates showing admission of an attorney to practice law ~~((one))~~ two dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending

on behalf of such state or municipal corporation.

((For all services for which no fee is herein prescribed, the clerk of the supreme court shall receive the same fees as are prescribed for clerks of the superior courts for like services.))

Sec. 3. Section 29, chapter 61, Laws of 1893 as amended by section 1, chapter 86, Laws of 1941 and RCW 4.88.260 are each amended to read as follows:

((Costs shall be allowed in the supreme court, irrespective of any costs to be taxed in the case in the court below, to the prevailing party in the supreme court, on any appeal in any civil action or proceeding or any applications for any original writs, other than writs of habeas corpus as follows: The fees of the clerk of the supreme court paid by the prevailing party; the fees of the clerk of the court below for preparing, certifying and sending up the records on appeal, or any supplementary record, paid by the prevailing party; and twenty-five dollars attorneys fees, besides his necessary disbursements for the printing of briefs; and any sum actually paid or incurred by the prevailing party as stenographer's fees, not exceeding ten cents a folio, for making a transcript of the evidence or any part thereof included in the bill of exceptions or statement of facts; but when the judgment of the court below shall be affirmed in part and reversed in part, or affirmed as to some of the parties and reversed as to others, or modified, the costs shall be in the discretion of the court; and when the judgment is reversed and a new trial ordered, the court may in its discretion direct that costs of the prevailing party shall abide the result of the action. When in the opinion of the supreme court a brief of the prevailing party shall be unnecessarily long, or improper in substance, the court may in its discretion order the disallowance as costs of any part or the whole of the disbursements for printing the same.))

A party who substantially prevails in an opinion of the supreme court or court of appeals shall, when the opinion becomes final, be allowed costs for expenses incurred by him, irrespective of costs taxed in the case in the court below, as follows: The fee of the clerk of the appellate court; the fee of the clerk of the superior court for preparing, certifying and transmitting to the appellate court the transcript on appeal, or any supplementary transcript, and the statement of facts, including all exhibits; attorney fees in the amount of twenty-five dollars; the actual amount incurred in the printing of briefs required by the appellate rules, the actual amount incurred by the appellant, as stenographer's fees for preparing the statement of facts and one copy; and the actual cost of the premium on an appeal and/or supersedeas bond. When the judgment of the superior court is affirmed and remanded for trial, the awarding of costs shall abide the final determination of the cause. When the

judgment is affirmed in part, reversed in part, modified or remanded for further proceedings, all or partial costs may be awarded to either party or it may be provided that costs shall abide the final result of the further proceedings. When an opinion is filed by the supreme court finally determining a cause reviewed by the court of appeals, the supreme court shall allow costs for the above items incurred in both the supreme court and court of appeals. When an order is entered in a case, the court shall have discretion to allow costs for any or all of the items set forth above. When in the opinion of the court a brief, statement of facts, or transcript is improper in substance or unnecessarily long with regard to the issues raised on the appeal, the court, may in its discretion order the disallowance as costs of any part or the whole of the cost thereof.

Sec. 4. Section 80.04.190, chapter 14, Laws of 1961 and RCW 80.04.190 are each amended to read as follows:

The commission, any public service company or any complainant may, ((within twenty days)) after the entry of judgment in the superior court in any action of review, prosecute an appeal to the supreme court or the court of appeals of the state of Washington as in other cases. ((The appellant shall have fifty days after the entry of such judgment in which to serve and file his opening brief, and the respondent shall have thirty days after the service of such opening brief in which to answer the same. The appellant shall have twenty days after the service of respondent's brief in which to reply to the same. After the filing of such brief, or the expiration of the time for filing briefs, the cause shall be assigned for hearing at the earliest motion day of the court, or at such other time as the court shall fix, and the clerk of the court shall notify the attorneys for the respective parties of the date set for the hearing in time to permit the parties to participate in the hearing. Such appeal shall be taken by giving a notice of appeal in open court at the time of the rendition of judgment, or by the service and filing of a notice of appeal within twenty days from and after the entry of judgment.

The original transcript of the record and testimony filed in the superior court in any action to review an order of the commission, together with a transcript of the proceedings in the superior court, shall constitute the record on appeal to the supreme court.

No appeal shall be effective, when taken by a public service company or a complainant, unless a cost bond on appeal in the sum of two hundred dollars shall be filed within five days after the service of the notice of appeal.

The superior court may, in its discretion, suspend its judgment pending the hearing in the supreme court, upon the filing of

a bond, with good and sufficient surety, conditioned as provided for bonds upon actions for review, or upon such other or further terms and conditions as it may deem proper. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this title, apply to appeals taken under the provisions of this title.)

Sec. 5. Section 81.04.190, chapter 14, Laws of 1961 and RCW 81.04.190 are each amended to read as follows:

The commission, any public service company or any complainant may, ((within twenty days)) after the entry of judgment in the superior court in any action of review, prosecute an appeal to the supreme court or the court of appeals of the state of Washington as in other cases. ((The appellant shall have fifty days after the entry of such judgment in which to serve and file his opening brief, and the respondent shall have thirty days after the service of such opening brief in which to answer the same. The appellant shall have twenty days after the service of respondent's brief in which to reply to the same. After the filing of such brief, or the expiration of the time for filing briefs, the cause shall be assigned for hearing at the earliest motion day of the court, or at such other time as the court shall fix, and the clerk of the court shall notify the attorneys for the respective parties of the date set for the hearing in time to permit the parties to participate in the hearing. Such appeal shall be taken by giving a notice of appeal in open court at the time of the rendition of judgment, or by the service and filing of a notice of appeal within twenty days from and after the entry of the judgment.

The original transcript of the record and testimony filed in the superior court in any action to review an order of the commission, together with a transcript of the proceedings in the superior court, shall constitute the record on appeal to the supreme court.

No appeal shall be effective, when taken by a public service company or a complainant, unless a cost bond on appeal in the sum of two hundred dollars shall be filed within five days after the service of the notice of appeal.

The superior court may, in its discretion, suspend its judgment pending the hearing in the supreme court, upon the filing of a bond, with good and sufficient surety, conditioned as provided for bonds upon actions for review, or upon such other or further terms and conditions as it may deem proper. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this title, apply to appeals taken under the provisions of this title.)

NEW SECTION. Sec. 6. There is added to chapter 2.06 RCW a

new section to read as follows:

Court of appeal judges shall, on or before the first day of November in each year, report in writing to the justices of the supreme court, such defects and omissions in the laws as their experience may suggest.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 108

[Senate Bill No. 525]

MEAT, POULTRY AND POULTRY PRODUCT INSPECTION

AN ACT Relating to meat, poultry and poultry product inspection; amending section 54, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.560; amending section 60, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.570; amending section 68, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.600; amending section 58, chapter 146, Laws of 1969 ex. sess. and RCW 16.74.610; and adding a new section to chapter 146, Laws of 1969 ex. sess. and to chapter 16.74 RCW.

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

Section 1. Section 54, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.560 are each amended to read as follows:

The regulations promulgated under the provisions of the federal meat inspection act (21 USC ((74)) 601 et seq.) and not in conflict with the provisions of this chapter are hereby adopted as regulations applicable under the provisions of this chapter (~~PROVIDED, That the director may adopt any subsequent changes promulgated under the provisions of 21 USC 74 et seq. not in conflict with the provisions of this chapter~~).

Sec. 2. Section 60, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.570 are each amended to read as follows:

((Since)) The purpose of this chapter is to promote uniformity of state legislation ((with the federal meat inspection act, the director is hereby authorized to adopt insofar as applicable, the regulations from time to time promulgated under the federal act, and to make the regulations promulgated under this chapter conform insofar as practicable with those promulgated under the federal act)) and regulations with the federal meat inspection act 21 USC 601 et. seq., and regulations adopted thereunder.

In accord with such purpose any regulations adopted under the

federal meat inspection act and published in the federal register shall be deemed to have been adopted under the provisions of this chapter in accord with chapter 34.04 RCW as enacted or hereafter amended. The director shall, however, within thirty days of the publication of the adoption of any such regulation under the federal meat inspection act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of this chapter. Such hearing shall be in accord with the requirements of chapter 34.04 RCW, as enacted or hereafter amended, concerning the adoption of regulations.

Sec. 3. Section 68, chapter 145, Laws of 1969 ex. sess. and RCW 16.49A.600 are each amended to read as follows:

The provisions of this chapter including licensing and those requiring inspection of the slaughter of meat food animals and the preparation of carcasses or parts thereof, meat or meat food products shall not apply to operations of the types traditionally and usually conducted by a retail meat dealer at retail stores and restaurants, when conducted at any retail store or restaurant or similar type establishment for sale in normal retail quantities or service of such articles to ultimate consumers at such establishment. (~~All other retail meat dealers not exempted under the provisions of this section shall be subject to the provisions of this chapter: PROVIDED, That any governmental unit may, when its inspection service is equivalent to that required under the provisions of this chapter as determined by the director and the comparable federal agency administering the federal meat inspection act, license and inspect any retail meat dealer's place of business subject to the provisions of this chapter when such retail meat dealer's place of business is situated within the jurisdiction of such governmental unit and such retail meat dealer sells at least fifty percent of the meat and meat food products at each such place of business to the ultimate consumer~~) Normal retail quantities or service of such articles to consumers shall be as defined in regulations adopted under the provisions of this chapter.

Sec. 4. Section 58, chapter 146, Laws of 1969 ex. sess. and RCW 16.74.610 are each amended to read as follows:

((Since the purpose of this chapter is to promote uniformity of state legislation with the federal poultry products inspection act, the director is hereby authorized to adopt insofar as applicable, the regulations from time to time promulgated under the federal act, and to make the regulations promulgated under this chapter conform insofar as practicable with those promulgated under the federal act)) The regulations which have been promulgated under the provisions of the federal poultry products inspection act, 21 USC 451 et. seq., and in effect on the effective date of this 1971

amendatory act, and not in conflict with the provisions of this chapter are adopted as regulations applicable under the provisions of this chapter.

NEW SECTION. Sec. 5. There is added to chapter 146, Laws of 1969 ex. sess. and to chapter 16.74 RCW a new section to read as follows:

The purpose of this chapter is to promote uniformity of state legislation and regulations with the federal poultry products inspection act, 21 USC 451 et. seq., and regulations adopted thereunder. In accord with such purpose any regulation adopted under the federal poultry products inspection act and published in the federal register shall be deemed to have been adopted under the provisions of this chapter in accord with chapter 34.04 RCW as enacted or hereafter amended. The director shall, however, within thirty days of the publication of the adoption of any such regulation under the federal poultry products inspection act give public notice that a hearing will be held to determine if such regulations shall not be applicable under the provisions of this chapter. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 109

[Senate Bill No. 545]

STATE ENVIRONMENTAL POLICY ACT OF 1971

AN ACT Relating to the environment; establishing state environmental policy; and creating new sections.

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

NEW SECTION. Section 1. The purposes of this act are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation.

NEW SECTION. Sec. 2. (1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the

interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (1) Foster and promote the general welfare; (2) to create and maintain conditions under which man and nature can exist in productive harmony; and (3) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this act, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

NEW SECTION. Sec. 3. The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this act,

and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

(a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;

(c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the worldwide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects.

NEW SECTION. Sec. 4. All branches of government of this state, including state agencies, municipal and public corporations, and counties shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this act and shall propose to the governor not later than January 1, 1972, such measures as may be necessary to bring their authority and policies in conformity with the intent, purposes, and procedures set forth in this act.

NEW SECTION. Sec. 5. Nothing in sections 3 or 4 of this act shall in any way affect the specific statutory obligations of any agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other public agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other public agency.

NEW SECTION. Sec. 6. The policies and goals set forth in this act are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties.

NEW SECTION. Sec. 7. This act shall be known and may be cited as the "State Environmental Policy Act of 1971".

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 110

[Engrossed Senate Bill No. 605]

MOTOR VEHICLES--

HULK HAULERS AND SCRAP PROCESSORS

AN ACT Relating to motor vehicles; providing for licensing and regulating hulk haulers and scrap processors; and creating a new chapter in Title 46 RCW.

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

NEW SECTION. Section 1. As used in this chapter and unless

the context indicates otherwise, words and phrases shall mean:

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts of mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a scrap processor.

(6) "Director" means the director of the department of motor vehicles.

NEW SECTION. Sec. 2. Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title and/or registration and/or any release of interest from the owner or custodian of such hulk. The scrap processor shall forward such document (s) to the department of motor vehicles, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Transport any vehicle upon obtaining ownership thereof as otherwise required by law.

NEW SECTION. Sec. 3. Application for a hulk hauler's license or a scrap processor's license or renewal of a hulk hauler's license or a scrap processor's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the applicant or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership,

association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town, wherever located, having a population of over five thousand persons and in all other instances a member of the state patrol certifying that the applicant can be found at the address shown on the application, and;

(4) Any other information that the director may require.

NEW SECTION. Sec. 4. Application for a hulk hauler's license, together with a fee of ten dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue the license applied for authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address shown in his application, where it may be inspected by an investigating officer at any time.

NEW SECTION. Sec. 5. A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to section 2 of this act and upon payment of a fee of ten dollars.

Whenever a hulk hauler or scrap processor shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director.

NEW SECTION. Sec. 6. The hulk hauler or scrap processor shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him and used in the conduct of his business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

NEW SECTION. Sec. 7. If for a good and sufficient cause the director has reason to believe that the application for issuance or renewal of a license as provided in this act should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a hulk hauler's or scrap processor's license whenever he shall have reason to believe that such hulk hauler has:

(1) Willfully misrepresented the physical condition of any motor vehicle transported;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title, registration, or document releasing any interest in a vehicle;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

(5) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director, after such hearing, decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay.

NEW SECTION. Sec. 8. The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

NEW SECTION. Sec. 9. It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state.

NEW SECTION. Sec. 10. Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of hulk haulers or scrap processors shall comply strictly with the provisions of this chapter.

NEW SECTION. Sec. 11. Nothing contained in this chapter shall be construed to prohibit any individual from towing any vehicle owned by him to any junk yard or scrap processor.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 46 RCW.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 111

[Engrossed Senate Bill No. 606]

MOTOR VEHICLES--

ABANDONED JUNK MOTOR VEHICLES

AN ACT Relating to motor vehicles; providing for the removal of abandoned junk motor vehicles; creating new sections; and providing penalties.

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

NEW SECTION. Section 1. For the purposes of this act, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than seventy-two hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) Without a valid, current registration plate;

(f) Having a fair market value of fifty dollars or less.

(2) "Motor vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be

licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage.

NEW SECTION. Sec. 2. Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of motor vehicles shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number if available, and shall also detail the damage or missing equipment to substantiate the value at fifty dollars or less.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund.

NEW SECTION. Sec. 3. No person shall wilfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway, for forty-eight hours or longer without notification to the sheriff of the county or to the chief of police of a city or town of the reasons for leaving the motor vehicle in such a place.

For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

Any person convicted of abandoning a motor vehicle shall be fined not less than fifty nor more than one hundred dollars and shall also be assessed any costs incurred by the county in disposing of such abandoned junk motor vehicles, less any moneys accruing to the county from such disposal.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 112

[Engrossed Senate Bill No. 612]

ELECTION DAY LIQUOR PRACTICES

AN ACT Relating to elections; amending section 29.18.120, chapter 9, Laws of 1965 and RCW 29.18.120; adding a new section to chapter 29.18 RCW; and repealing sections 907 and 908, Code of 1881, section 18, chapter 69, Laws of 1891, section 1, chapter 59, Laws of 1965 ex. sess. and RCW 66.44.260.

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

Section 1. Section 29.18.120, chapter 9, Laws of 1965 and RCW 29.18.120 are each amended to read as follows:

So far as applicable, the provisions in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns and canvass thereof, and all other kindred subjects((~~7 including the sale of intoxicating liquors during the hours the polls are open~~)) shall apply to all primaries and the election officers shall have the same powers for primary elections as they have for general elections.

NEW SECTION. Sec. 2. It shall be unlawful for a candidate for office or for nomination thereto whose name appears upon the ballot at any election to give to or purchase for another person, not a member of his or her family, any liquor in or upon any premises licensed by the state for the sale of any such liquor by the drink during the hours that the polls are open on the day of such election.

NEW SECTION. Sec. 3. Sections 907 and 908, Code of 1881, section 18, chapter 69, Laws of 1891, section 1, chapter 59, Laws of 1965 ex. sess. and RCW 66.44.260 are each hereby repealed.

Passed the Senate April 16, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 113

[Engrossed Senate Bill No. 658]

RECORDINGS OR TAPES--

LABELING

AN ACT Relating to retail sales; providing for the identification of the manufacturer of certain recordings and tapes; providing penalties; and creating new sections.

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

NEW SECTION. Section 1. It shall be unlawful and a misdemeanor for any retailer in this state to sell or offer to sell any prerecorded sound or audio recording tape or any prerecorded video recording or tape unless such recording or tape bears the actual name and address of the recorder on its face or package: PROVIDED, That this act shall not be applicable to any said recording or tape that is intended to be used for broadcast by commercial or educational radio or television stations. Each and every sale of such recording or tape which does not bear the actual name and address of the recorder shall constitute a separate violation of this act.

NEW SECTION. Sec. 2. Each and every violation of section 1 of this act shall constitute a separate offense and be subject to a fine not to exceed one hundred dollars.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 114

[Engrossed Senate Bill No. 720]

MOTOR VEHICLES--

SPECIAL AND PERSONALIZED LICENSE PLATES

AN ACT Relating to motor vehicles; authorizing special plates for vehicles of historic value; authorizing personalized plates; amending section 46.16.310, chapter 12, Laws of 1961 and RCW 46.16.310; creating new sections; and making an appropriation.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 46.16.310, chapter 12, Laws of 1961 and RCW 46.16.310 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, any motor vehicle, (~~more than thirty years old~~) manufactured during or prior to the year 1931, and owned and operated primarily as a collector's item shall, upon application and acceptance in the manner and at the time prescribed by the department, be issued a special commemorative license plate in lieu of the regular license plates. Any vehicles to be so licensed must be in good running order. In addition to paying all other initial fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to one permanent license plate valid for the life of the vehicle.

The registration numbers and special license plates assigned

to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1." The plates shall be of a distinguishing color.

In the event of defacement, loss or destruction of such special plate, the owner shall apply for a replacement plate in the same manner as prescribed by law for the replacement of regular plates.

All fees collected under this section shall be deposited in the state treasury and credited to the motor vehicle fund.

NEW SECTION. Sec. 2. The provisions of section 1 shall not, invalidate or make unlawful the use of "Horseless Carriage" license plates presently used on motor vehicles manufactured and built after 1931, except that in the event of the defacement, loss, or destruction of any commemorative plate issued to a vehicle manufactured after 1931, no replacement commemorative plate shall be issued to such vehicle.

NEW SECTION. Sec. 3. Notwithstanding any other provisions of law, any motor vehicle, more than thirty years old, and owned and operated primarily as a collector's item, shall, upon application and acceptance in the manner and at the time prescribed by the department, be authorized in lieu of the regular license plates to carry as the correct license for that vehicle a Washington state license plate or pair of duplicate plates designated for use in the year of the manufacturing of said vehicle, and bearing the date thereof. Any vehicles to be so licensed must be in good running order. In addition to paying all other fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to have said plate or plates certified as the permanent plate or plates of that vehicle, valid for the life of that vehicle.

All fees collected under this section shall be deposited in the state treasury, and credited to the motor vehicle fund.

NEW SECTION. Sec. 4. There is added to 46.16 RCW a new section to read as follows:

Every person who desires a license plate containing his initials or any other combination of letters or numbers, that is consistent with the existing format of three letters and three numbers as prescribed by the director of motor vehicles, may apply to the director for such license plates, and if the director is satisfied that such license plates as requested would be reasonable and proper and would not be a duplication of any other valid license plates, may receive in lieu of regular motor vehicle license plates similar plates bearing the letters or numbers, or combination thereof requested. No combination shall be issued with fewer than six letters and numbers.

Original applicants shall be issued temporary license plates

which will serve until such a time as the "personalized plates" can be manufactured by the Washington state prison industries, and processed by the department of motor vehicles. The temporary license plates shall be surrendered to the department at the time the "personalized plates" are issued. Any previously issued license plates assigned to the vehicle involved must be surrendered to the department at the time of issuance of the "personalized plates".

Each time that "personalized plates" are transferred from one vehicle to another, by the owner, a special transfer fee of five dollars shall be collected by the department from that owner. Such special fee shall be deposited in the motor vehicle fund.

In addition to the annual license fee collected under chapter 46.16 and chapter 82.44, there shall be collected from each applicant for such special license plates an additional license fee of thirty dollars in the case of personalized plates.

NEW SECTION. Sec. 5. There is hereby appropriated from the motor vehicle fund to the department of motor vehicles the sum of five thousand dollars to carry out the provisions of this act.

NEW SECTION. Sec. 6. If any provision of this 1971 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 May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 115

[Engrossed Senate Bill No. 861]

HIGHWAY COMMISSION--

DELEGATION OF POWERS

CONCERNING DEPARTMENT OF HIGHWAYS PERSONNEL

AN ACT Relating to the authority to employ, appoint, discipline, or discharge employees of the department of highways; and amending section 47.01.160, chapter 13, Laws of 1961 as amended by section 29, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.160.

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

Section 1. Section 47.01.160, chapter 13, Laws of 1961 as amended by section 29, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.160 are each amended to read as follows:

The state highway commission shall have the power and it shall

be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: PROVIDED, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it, and to prepare and submit to the governor thirty days before each regular session of the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts

and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(8) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(9) To exercise all other powers and perform all other duties now or hereafter provided by law.

Passed the Senate April 27, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 116

[Engrossed Senate Bill No. 863]

LOCAL IMPROVEMENT DISTRICTS

AN ACT Relating to local improvement districts; amending section 1, chapter 205, Laws of 1947 as amended by section 6, chapter 20, Laws of 1963, and RCW 79.44.060; amending section 35.44.220, chapter 7, Laws of 1965 as amended by section 8, chapter 258,

Laws of 1969 ex.sess., and RCW 35.44.220; amending section 35.43.030, chapter 7, Laws of 1965 as amended by section 2, chapter 52, Laws of 1967, and RCW 35.43.030; amending section 35.43.190, chapter 7, Laws of 1965 and RCW 35.43.190; amending section 35.49.030, chapter 7, Laws of 1965 as amended by section 15, chapter 258, Laws of 1969 ex.sess., and RCW 35.49.030; amending section 35.54.010, chapter 7, Laws of 1965 and RCW 35.54.010; amending section 35.44.020, chapter 7, Laws of 1965 as amended by section 6, chapter 258, Laws of 1969 ex.sess., and RCW 35.44.020; amending section 35.44.140, chapter 7, Laws of 1965 as amended by section 11, chapter 52, Laws of 1967, and RCW 35.44.140; amending section 35.45.020, chapter 7, Laws of 1965 as last amended by section 35, chapter 56, Laws of 1970 ex.sess., and RCW 35.45.020; amending section 35.45.050, chapter 7, Laws of 1965 and RCW 35.45.050; creating a new section; repealing section 35.43.160, chapter 7, Laws of 1965, section 7, chapter 52, Laws of 1967, and RCW 35.43.160; and repealing section 35.43.170, chapter 7, Laws of 1965, section 1, chapter 58, Laws of 1965, and RCW 35.43.170.

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

NEW SECTION. Section 1. When real property subject to an unpaid special assessment for a local improvement levied by any political subdivision of the state authorized to form local improvement or utility local improvement districts is acquired by purchase or condemnation by the state or any political subdivision thereof, including but not limited to any special purpose district, the property so acquired shall continue to be subject to the assessment lien.

An assessment lien or installment thereof, delinquent at the time of such acquisition shall be paid at the time of acquisition, and the amount thereof, including any accrued interest and delinquent penalties, shall be withheld from the purchase price or condemnation award by the public body acquiring the property and shall be paid immediately to the county, city, or town treasurer, whichever is applicable, in payment of and discharge of such delinquent installment lien.

Any installment or installments not delinquent at the time of acquisition shall become due and payable in such year and at such date as said installment would have become due if such property had not been so acquired: PROVIDED, That where such property is acquired by the state of Washington, the balance of the assessment shall be paid in full at the time of acquisition.

For the purpose of this section, the "time of acquisition" shall mean the date of completion of the sale, date of condemnation verdict, date of the order of immediate possession and use pursuant

to RCW 8.04.090, or the date of judgment, if not tried to a jury.

Sec. 2. Section 1, chapter 205, Laws of 1947 as amended by section 6, chapter 20, Laws of 1963, and RCW 79.44.060 are each amended to read as follows:

When the chief administrative officer of an agency of state government is satisfied that an assessing district has complied with all the conditions precedent to the levy of assessments for district purposes, pursuant to this chapter against state lands occupied, used, or under the jurisdiction of his agency, he shall pay them, together with any interest thereon from any funds specifically appropriated to his agency therefor or from any funds of his agency which under existing law have been or are required to be expended to pay assessments on a current basis. In all other cases, the chief administrative officer shall certify to the budget director that the assessment is one properly chargeable to the state. The budget director shall pay such assessments from funds available or appropriated to him for this purpose.

Except as provided in section 1 of this 1971 amendatory act no lands of the state shall be subject to a lien for unpaid assessments, nor shall the interest of the state in any land be sold for unpaid assessments where assessment liens attached to the lands prior to state ownership.

Sec. 3. Section 35.44.220, chapter 7, Laws of 1965 as amended by section 8, chapter 258, Laws of 1969 ex.sess., and RCW 35.44.220 are each amended to read as follows:

At the time of filing the notice of appeal with the clerk of the superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of two hundred dollars, with at least two sureties to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all ~~((costs to which the city or town is put))~~ reasonable costs and expenses which the city or town incurs by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require.

Sec. 4. Section 35.43.030, chapter 7, Laws of 1965 as amended by section 2, chapter 52, Laws of 1967, and RCW 35.43.030 are each amended to read as follows:

This and the following chapters relating to municipal local improvements shall supersede the provisions of the charter of any city of the first class ~~((inconsistent herewith))~~.

They shall apply to all incorporated cities and towns, including unclassified cities and towns operating under special charters.

The council of each city and town shall pass such general

ordinance or ordinances as may be necessary to carry out their provisions and thereafter all proceedings relating to local improvements shall be conducted in accordance with this and the following chapters relating to municipal local improvements and the ordinance or ordinances of such city or town.

Cities or towns may form local improvement districts or utility local improvement districts composed entirely or in part of unincorporated territory (~~adjacent to~~) outside of such city or town's corporate limits in the manner provided in this chapter.

Sec. 5. Section 35.49.030, chapter 7, Laws of 1965 as amended by section 15, chapter 258, Laws of 1969 ex.sess., and RCW 35.49.030 are each amended to read as follows:

Every city and town shall prescribe by ordinance within what time assessments or installments thereof shall be paid, and shall provide for the payment and collection of interest thereon at a rate (~~not to exceed eight and one-half percent per annum~~) as shall be fixed by the legislative body of the city or town. Assessments or installments thereof, when delinquent, in addition to such interest, shall bear such penalty not less than five percent as shall be by general ordinance prescribed.

Sec. 6. Section 35.43.190, chapter 7, Laws of 1965 and RCW 35.43.190 are each amended to read as follows:

All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited shall be made (~~either by the city or town itself or~~) by contract on competitive bids whenever the estimated cost of such improvement including the cost of materials, supplies, labor, and equipment will exceed the sum of five thousand dollars. The city or town may reject any and all bids. (~~The board, officer, or authority charged with the duty of letting contracts for local improvements shall determine whether the local improvements shall be done by contract or by the city or town itself.~~) The city or town itself may make the local improvements if all the bids received exceed by ten percent preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the city or town.

Sec. 7. Section 35.54.010, chapter 7, Laws of 1965 and RCW 35.54.010 are each amended to read as follows:

There is established in every city and town a fund to be designated the "local improvement guaranty fund" for the purpose of guaranteeing, to the extent of the fund, the payment of its local improvement bonds and warrants issued to pay for any local improvement ordered in the city or town or in any area wholly or partly outside its corporate boundaries: (1) In any city of the first class having a population of more than three hundred thousand,

subsequent to June 8, 1927; (2) in any city or town having created and maintained a guaranty fund under chapter 141, Laws of 1923, subsequent to the date of establishment of such fund; and (3) in any other city or town subsequent to April 7, 1926: PROVIDED, That this shall not apply to any city of the first class which maintains a local improvement guaranty fund under chapter 138, Laws of 1917, but any such city maintaining a guaranty fund under chapter 138, Laws of 1917 may by ordinance elect to operate under the provisions of this chapter and may transfer to the guaranty fund created hereunder all the assets of the former fund and, upon such election and transfer, all bonds guaranteed under the former fund shall be guaranteed under the provisions of this chapter.

Sec. 8. Section 35.44.020, chapter 7, Laws of 1965 as amended by section 6, chapter 258, Laws of 1969 ex.sess. and RCW 35.44.020 are each amended to read as follows:

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: PROVIDED, That any of the costs enumerated in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance at any time and may be paid from any other moneys available therefor.

(7) The cost for legal, financial, and appraisal services and any other expenses incurred by the city or town for the district or in the formation thereof, or by the city or town in connection with such construction or improvement and in the financing thereof,

including the issuance of any bonds.

Sec. 9. Section 35.44.140, chapter 7, Laws of 1965 as amended by section 11, chapter 52, Laws of 1967 and RCW 35.44.140 are each amended to read as follows:

All lands held or owned by any county in fee simple, in trust, or otherwise within the limits of a local improvement district or utility local improvement district (~~in~~) of a city or town shall be assessed and charged for their proportion of the cost of the local improvement in the same manner as other property in the district and the county commissioners are authorized to cause the assessments to be paid at the times and in the manner provided by law and the ordinances of the city or town. This section shall apply to all cities and towns, any charter or ordinance provision to the contrary notwithstanding.

Sec. 10. Section 35.45.020, chapter 7, Laws of 1965 as last amended by section 35, chapter 56, Laws of 1970 ex.sess., and RCW 35.45.020 are each amended to read as follows:

Local improvement bonds shall be issued pursuant to ordinance and shall be made payable on or before a date not to exceed thirty years from and after the date of issue, which latter date may be fixed by ordinance or resolution of the council, and bear interest at such rate or rates as authorized by the council. The council may, in addition to issuing bonds callable under the provisions of RCW 35.45.050 whenever sufficient moneys are available, issue bonds with a fixed maturity schedule or with a fixed maximum annual retirement schedule.

Sec. 11. Section 35.45.050, chapter 7, Laws of 1965 and RCW 35.45.050 are each amended to read as follows:

Except when bonds have been issued with a fixed maturity schedule or with a fixed maximum annual retirement schedule as authorized in RCW 35.45.020, the city or town treasurer shall call in and pay the principal of one or more bonds of any issue in their numerical order whenever there is sufficient money in any local improvement fund, against which the bonds have been issued, over and above sufficient for the payment of interest on all unpaid bonds of that issue. The call shall be made for publication in the city or town official newspaper in its first publication following the date of delinquency of any installment of the assessment or as soon thereafter as practicable. The call shall state that bonds No. ... (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on the bonds become due and that interest on those bonds will cease upon that date.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 35.43.160, chapter 7, Laws of 1965, section 7,

chapter 52, Laws of 1957, and RCW 35.43.160; and
(2) Section 35.43.170, chapter 7, Laws of 1965, section 1,
chapter 58, Laws of 1965, and RCW 35.43.170.

Passed the Senate April 30, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 117

[Engrossed Senate Bill No. 865]

"COUNTY COMMISSIONERS"--

TERM AS APPLIED TO CHARTER COUNTIES--
POWERS AS TO LAWMAKING IN CERTAIN FIELDS

AN ACT Relating to counties; adding a new section to chapter 36.32
RCW; 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 term "county commissioners" when used in this Title or any
other provision of law shall include the governmental authority
empowered to so act under the provisions of a charter adopted by any
county of the state.

NEW SECTION. Sec. 2. There is added to chapter 36.32 RCW as
new section to read as follows:

Nothing in this chapter shall permit the counties to adopt, by
reference or by ordinance, regulations relating to the subject matter
contained in chapters 19.28, 43.22, 70.79, or 70.87 RCW.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 118

[Engrossed Substitute Senate Bill No. 866]

STATE RESIDENTIAL SCHOOLS

AN ACT Relating to state institutions; amending section 72.33.180,
chapter 28, Laws of 1959 as last amended by section 2, chapter
75, Laws of 1970 ex. sess. and RCW 72.33.180; amending section
2, chapter 141, Laws of 1967 and RCW 72.33.655; amending

section 4, chapter 141, Laws of 1967 and RCW 72.33.665; creating a new section; and declaring an emergency.

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

Section 1. Section 72.33.180, chapter 28, Laws of 1959 as last amended by section 2, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.180 are each amended to read as follows:

The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

(1) Subject to specific instructions by a donor ((or payer)) of money to the superintendent for the benefit of a resident, the superintendent may disburse any of the funds belonging to a resident for such personal needs of such resident as the superintendent may deem proper and necessary.

(2) The superintendent may pay to the department of ((institutions)) social and health services for the costs of care, support ((and)) maintenance, treatment, hospitalization, medical care and rehabilitation of a resident from the resident's fund when such fund exceeds ((one thousand)) two hundred dollars, to the extent of any finding of financial responsibility served upon the superintendent after such findings shall have become final except, reduction of such funds to another amount may be made where necessary to qualify such person for eligibility in any public or private program for the care, treatment, hospitalization, support, training, or rehabilitation of such person, and to qualify such person for the payment of the liabilities from any public or private program providing benefits for the payment of all or a portion of the costs of care, treatment, hospitalization, support, training, or rehabilitation: PROVIDED, That if such resident does not have a guardian, parent, spouse, or other person acting in a representative capacity, upon whom notice and findings of financial responsibility have been served then the superintendent shall not make payments to the department of ((institutions)) social and health services as above provided, until a guardian has been appointed by the court, and the time for the appeal of findings of financial responsibility as provided in RCW 72.33.670 shall not commence to run until the appointment of such guardian and the service upon him of notice and findings of financial responsibility.

(3) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian, or agency legally responsible for the resident, all or such portion of the

funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time deem proper. When the conditions of placement have been fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person, or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

(4) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him: PROVIDED, That all interest accruing from, or as a result of the deposit of such moneys in a single fund shall be used by the superintendent for the general welfare of all the residents of such institution: PROVIDED, FURTHER, That when the personal accounts of residents exceed three hundred dollars, the interest accruing therefrom shall be credited to the personal accounts of such residents. All such expenditures shall be subject to the duty of accounting provided for in this section.

(5) The appointment of a guardian for the estate of such resident shall terminate the superintendent's authority as custodian of a resident's funds upon receipt by the superintendent of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall immediately forward to such guardian any funds or other property of the resident remaining in the superintendent's possession together with a full and final accounting of all receipts and expenditures made therefrom.

(6) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident has no legally appointed guardian of his estate, any person, bank, corporation, or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed (~~one thousand~~) two hundred dollars, deliver the same to the superintendent as custodian and mail written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly deposited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property

so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered as a result of such proceeding.

Sec. 2. Section 2, chapter 141, Laws of 1967 and RCW 72.33.655 are each amended to read as follows:

The estates of all mentally or physically deficient persons who have been admitted to the state residential schools listed in RCW 72.33.030 either by application of their parents or guardian or by commitment of court, or who may hereafter be admitted or committed to such institutions, shall be liable for their per capita costs of care, support and treatment: PROVIDED, That the estate funds may not be reduced as a result of such liability below an amount ~~((of one thousand dollars))~~ as set forth in section 1 of this 1971 amendatory act.

Sec. 3. Section 4, chapter 141, Laws of 1967 and RCW 72.33.665 are each amended to read as follows:

The department of ~~((institutions))~~ social and health services shall investigate and determine the assets of the estates of each resident of a state residential school and the ability of each such estate to pay all, or any portion of, the average monthly charge for care, support and treatment at a state residential school as determined by the procedure set forth in RCW 72.33.660: PROVIDED, That the sum ~~((of one thousand dollars))~~ as set forth in section 1 of this 1971 amendatory act shall be retained by the estate of the resident at all times for such personal needs as may arise: PROVIDED FURTHER, That where any person other than a resident or the guardian of his estate deposits funds so that the depositor and a resident become joint tenants with the right of survivorship, such funds shall not be considered part of the resident's estate so long as the resident is not the sole survivor among such joint tenants.

NEW SECTION. Sec. 4. The secretary of the department of social and health services or his designee may, upon the death of a resident, supplement such funds as were in the resident's account at the time of his death to provide funeral and burial expenses for such deceased resident: PROVIDED, That the total of the resident's account funds plus the state supplementation which may be used for funeral and burial purposes shall not exceed six hundred fifty dollars.

NEW SECTION. Sec. 5. This 1971 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 May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 119

[Senate Bill No. 883]

WEED DISTRICTS

AN ACT Relating to weed districts; and amending section 8, chapter 125, Laws of 1929 as amended by section 4, chapter 250, Laws of 1961, and RCW 17.04.180.

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

Section 1. Section 8, chapter 125, Laws of 1929 as amended by section 4, chapter 250, Laws of 1961, and RCW 17.04.180 are each amended to read as follows:

Whenever there shall be included within any weed district any lands belonging to the county, the boards of county commissioners shall determine the amount of the taxes for which such lands would be liable if the same were in private ownership, and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands shall be located within any weed district the county treasurer shall certify annually and forward to the commissioner of public lands, or, if the lands are occupied by or used in connection with any state institution, to the ~~((director of business control))~~ secretary of social and health services, or if the land is under use as state highway right of way, to the director of highways, a statement showing the amount of the tax to which such lands would be liable if the same were in private ownership, separately describing each lot or parcel, and the commissioner of public lands, or the ~~((director of business control))~~ secretary of social and health services, or the director of highways, as the case may be, shall cause a proper record to be made in their respective offices of the charges against such lands, and shall certify the same to the state auditor thirty days previous to the convening of the biennial session of the legislature, and the state auditor shall, at the next session of the legislature thereafter certify to the legislature the amount of such charges against such lands, and the legislature shall provide

for payment of such charges to the weed district by an appropriation out of the general fund of the state treasury or in the case of state highway right of way, the motor vehicle fund of the state treasury, with interest at six percent per annum on the amount of such charges, and without penalties.

Passed the Senate April 27, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 120

[Engrossed House Bill No. 44]

COUNTY WARRANTS NOT PRESENTED WITHIN ONE YEAR,
CANCELLATION

AN ACT Relating to county warrants; and amending section 36.22.100, chapter 4, Laws of 1963 and RCW 36.22.100.

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

Section 1. Section 36.22.100, chapter 4, Laws of 1963 and RCW 36.22.100 are each amended to read as follows:

((County warrants drawn but uncalled for one year after))
Registered or interest bearing county warrants not presented within one year of the date of their call, and all other county warrants not presented within one year of the date of their issue shall be canceled by the ((board of county commissioners)) legislative authority of the county and the auditor and treasurer of the county shall cancel all record of such warrants, so as to leave the funds as if such warrants had never been drawn.

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 121
[House Bill No. 171]
GAME AND GAMEFISH--
"WILDLIFE AGENT"--
"GAME PROTECTOR"

AN ACT Relating to wildlife; and adding a new section to chapter 77.08 RCW.

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

NEW SECTION. Section 1. There is added chapter 77.08 RCW a new section to read as follows:

As used in Title 77 RCW or in any rule or regulation of the commission, "wildlife agent" means any person heretofore referred to in the provisions of Title 77 RCW as a "game protector".

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 122
[Engrossed House Bill No. 221]
SECRETARY OF STATE'S REVOLVING FUND

AN ACT Relating to the office of the secretary of state; adding a new section to chapter 43.07 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.07 RCW a new section to read as follows:

There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of secretary of state.

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 123

[House Bill No. 237]

PUBLIC LANDS AND STATE FOREST LANDS

AN ACT Relating to public lands and state forest lands; amending section 33, chapter 255, Laws of 1927 as last amended by section 2, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.132; amending section 46, chapter 255, Laws of 1927, as last amended by section 3, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.184; amending section 50, chapter 255, Laws of 1927, as last amended by section 4, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.200; and amending section 7, chapter 154, Laws of 1923, as last amended by section 1, chapter 116, Laws of 1955 and RCW 76.12.120.

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

Section 1. Section 33, chapter 255, Laws of 1927, as last amended by section 2, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.132 are each amended to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, it may be sold as a lump sum sale or as a scale sale: PROVIDED, That upon the request of the purchaser, any lump sum sale over ~~((two))~~ five thousand dollars appraised value shall be on the installment plan. Lump sum sales under ~~((two))~~ five thousand dollars appraised value shall be paid for in cash. A total deposit of not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over ~~((two))~~ five thousand dollars not less than ~~((two))~~ five thousand dollars, shall be made on the day of the sale, as provided in RCW 79.01.204, and the operator shall notify the commissioner before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the commissioner may require additional payment. The amount of such additional payments shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed and said deposit shall be maintained until all valuable materials are removed: AND PROVIDED FURTHER, That said deposit may be applied as the final payment for said materials.

In all cases where timber, fallen timber, stone, gravel, or other valuable material is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: PROVIDED, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: PROVIDED FURTHER, That in all cases where, in the judgment of the

commissioner of public lands, the purchaser is acting in good faith and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum to be fixed by the commissioner, based on the estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The commissioner shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ~~((one))~~ five hundred dollars or less ~~((in which the purchaser is the user thereof))~~ may be sold directly to the applicant for cash at full appraised value without notice or advertising.

Sec. 2. Section 46, chapter 255, Laws of 1927, as last amended by section 3, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.184 are each amended to read as follows:

When the department of natural resources shall have decided to sell any public lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract or tracts of university lands, or the timber, fallen timber, stone, gravel or other valuable material thereon it shall be the duty of the department to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published once a week for four weeks next before the time it shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the district headquarters administering such sale and in

the office of the county auditor of such county, which notice shall specify the place and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and in case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the district headquarters and the department's Olympia office: PROVIDED, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ((one)) five hundred dollars or less ((in which the purchaser is the user thereof)) may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

Sec. 3. Section 50, chapter 255, Laws of 1927, as last amended by section 4, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.200 are each amended to read as follows:

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value: PROVIDED, That on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding ((two)) five thousand dollars, the commissioner of public lands, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the commissioner may prescribe, after said commissioner shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ((one)) five hundred dollars or less ((in which the purchaser is the user thereof)) may be sold directly to the applicant for cash without notice or advertising.

Sec. 4. Section 7, chapter 154, Laws of 1923 as last amended by section 1, chapter 116, Laws of 1955 and RCW 76.12.120 are each amended to read as follows:

All land, acquired or designated by the board as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the board finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof. ((The board may prescribe the manner in which timber and other products, valued at not more than two thousand dollars in any one

sale, shall be sold. However, if the timber or other products to be sold are reasonably valued at more than twenty-five dollars, then at least ten days' notice of the sale must be given by publication in a newspaper of general circulation located near the property.

The board may approve sales for Christmas trees and may approve leases for a period of ten years or less for the purposes of harvesting Christmas trees, huckleberry brush, salal, sword fern, cascara and other minor forest products.)

All money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:

(1) Fifty percent shall be placed in the forest development fund.

(2) Fifty percent shall be paid to the county in which the land is located to be paid, distributed, and prorated to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 124

[House Bill No. 242]

ELECTION OFFICERS--

INSTRUCTION AS TO VOTING MACHINES OR VOTING DEVICES--

FEEES

AN ACT Relating to elections; amending section 29.33.220, chapter 9, Laws of 1965 and RCW 29.33.220; and amending section 29.45.120, chapter 9, Laws of 1965 and RCW 29.45.120.

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

Section 1. Section 29.33.220, chapter 9, Laws of 1965 and RCW 29.33.220 are each amended to read as follows:

Before each election at which voting machines or voting devices are to be used, the custodian shall instruct all inspectors and judges of election who are to serve thereat in the use of the machine or voting device and their duties in connection therewith. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine or voting device a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the

inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive ~~((the sum of two dollars))~~ an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any election at which a voting machine or voting device is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine or voting device and has received a certificate to that effect, from the custodian of the machines or voting devices: PROVIDED, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

Sec. 2. Section 29.45.120, chapter 9, Laws of 1965 and RCW 29.45.120 are each amended to read as follows:

The fees of officers of election shall be as follows:

To the judges and clerks of an election not less than ~~((one dollar, nor more than one dollar and fifty cents))~~ the minimum hourly wage per hour ~~((for full time employed by each of them))~~ as provided under RCW 49.46.020 as now or hereafter amended, the exact amount to be fixed by the respective boards of county commissioners for each county. To inspectors, the rate paid to judges and clerks plus an additional two hours' compensation. The precinct election officer picking up the election supplies and returning the election returns to the county auditor shall be entitled to additional compensation, the exact amount to be determined by the respective boards of county commissioners for each county.

NEW SECTION. Sec. 3. If any provision of this 1971 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 March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 125

[Engrossed House Bill No. 337]

IRRIGATION DISTRICTS--
ABANDONED RIGHTS OF WAY, DISPOSITION

AN ACT Relating to irrigation and other districts; adding a new section to chapter 57.90 RCW; and adding a new section to chapter 87.03 RCW.

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

NEW SECTION. Section 1. There is added to chapter 57.90 RCW a new section to read as follows:

Whenever as the result of abandonment of an irrigation district right of way real property held by an irrigation district is to be sold or otherwise disposed of, notice shall be given to the owners of lands adjoining that real property and such owners shall have a right of first refusal to purchase at the appraised price all or any part of the real property to be sold or otherwise disposed of which adjoins or is adjacent to their land.

Real property to be sold or otherwise disposed of under this section shall have been first appraised by the county assessor or by a person designated by him.

Notice under this section shall be sufficient if sent by registered mail to the owner, and at the address, as shown in the tax records of the county in which the land is situated. Notice under this section shall be in addition to any other notice required by law.

After sixty days from the date of sending of notice, if no applications for purchase have been received by the irrigation district or other person or entity sending notice, the rights of first refusal of owners of adjoining lands shall be deemed to have been waived, and the real property may be sold or otherwise disposed of.

If two or more owners of adjoining lands apply to purchase the same real property, or apply to purchase overlapping parts of the real property, the respective rights of the applicants may be determined in the superior court of the county in which the real property is situated; and the court may divide the real property in question between some or all of the applicants or award the whole to one applicant, as justice may require.

NEW SECTION. Sec. 2. There is added to chapter 87.03 RCW a new section to read as follows:

Whenever real property held by an irrigation district is to be sold or otherwise disposed of, notice shall be given to the owners of lands adjoining that real property and such owners shall have a preference right to the purchase of all or any part of the real

property to be sold or otherwise disposed of which adjoins or is adjacent to their land.

Notice under this section shall be sufficient if sent by registered mail to the owner, and at the address, as shown in the tax records of the county in which the land is situated. Notice under this section shall be in addition to any other notice required by law.

After sixty days from the date of sending of notice, if no applications for purchase have been received by the irrigation district or other person or entity sending notice, the preference rights of owners of adjoining lands shall be deemed to have been waived, and the real property may be sold or otherwise disposed of.

If two or more owners of adjoining lands apply to purchase the same real property, or apply to purchase overlapping parts of the real property, the respective rights of the applicants may be determined in the superior court of the county in which the real property is situated; and the court may divide the real property in question between some or all of the applicants or award the whole to one applicant, as justice may required.

Any sale or other disposal of real property pursuant to chapters 87.52, 87.53, and 87.56 RCW shall be made in accordance with the requirements of this section.

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 126

[House Bill No. 53]

MOTOR VEHICLES--

CLASSIFIED DRIVERS' LICENSES

AN ACT Relating to classified drivers licenses; amending section 1, chapter 20, Laws of 1967 ex. sess. as last amended by section 4, chapter 100, Laws of 1970 ex. sess. and RCW 46.20.440; and amending section 3, chapter 20, Laws of 1967 ex. sess. as amended by section 2, chapter 63, Laws of 1969 ex. sess. and RCW 46.20.460.

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

Section 1. Section 1, chapter 20, Laws of 1967 ex. sess. as last amended by section 4, chapter 100, Laws of 1970 ex. sess. and RCW 46.20.440 are each amended to read as follows:

It shall be unlawful for a person to operate (~~for~~

compensation)) upon the public highway any motor-truck, truck-tractor, school bus, private carrier bus, auto stage or for-hire vehicle as defined by RCW 46.04.310, 46.04.650, 46.04.521, 46.04.050, 46.04.190 and 46.04.416 respectively, found by the director to require special operating skills as hereafter provided, unless the driver shall have successfully completed an examination, in addition to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: PROVIDED, That this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director may issue a temporary permit to an applicant for a period not to exceed ninety days. This temporary permit may be renewed for one additional ninety-day period. The director shall collect a two dollar fee for said temporary permit, or renewal, and the said fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met.

Sec. 2. Section 3, chapter 20, Laws of 1967 ex. sess. as amended by section 2, chapter 68, Laws of 1969 ex. sess. and RCW 46.20.460 are each amended to read as follows:

The director may in lieu of the special examination required in RCW 46.20.440 waive the requirement as to:

(1) Any person who is engaged in driving ((for compensation)) on the public highways a vehicle or vehicles classified pursuant to RCW 46.20.450; if

(a) His employer certifies that the applicant is well qualified by previous driving experience to operate the type of vehicle or vehicles covered by the special endorsement for which he has applied; or

(b) A self-employed driver who has been engaged in driving a vehicle or vehicles for a minimum of one year on the public highways and has passed a department approved driver training course or examination and/or his driving record on file with the department indicates that he is a safe and careful driver;

(c) Where by contract, written or implied, a labor union is required upon notice to furnish qualified and competent drivers, the department may accept the certification of the dispatching union official that the driver is qualified and competent to drive the particular equipment.

(2) Any driver who cannot qualify under subsection (1) of this section; if

(a) His employer certifies that he has satisfactorily completed a training course given by his employer which course has been approved by the director; or

(b) He is a self-employed person who furnishes a certificate that he has satisfactorily completed a course that may be given by a person or persons who have given a training course or examination approved by the director.

((c) Where by contract, written or implied, a labor union is required upon notice to furnish qualified and competent drivers, the department may accept the certification of the dispatching union official that the driver is qualified and competent to drive the particular equipment.))

The director may, however, notwithstanding subsections (1) and (2) of this section require the examination to be given by the department in any case where the applicant's driving record indicates that he has violated the traffic laws to an extent that it is in the public interest to require said examination.

Passed the House March 12, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 127

[Engrossed House Bill No. 133]

BOUNDARY REVIEW BOARDS--

NOTICES OF INTENTION--

EXTENSION OF WATER OR SEWER SERVICE

AN ACT Relating to boundary review boards; amending section 9, chapter 189, Laws of 1967 as amended by section 5, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.090; and adding a new section to chapter 36.93 RCW.

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

Section 1. Section 9, chapter 189, Laws of 1967 as amended by section 5, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065; or

(4) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

NEW SECTION. Sec. 2. There is added to chapter 36.93 RCW a new section to read as follows:

Whenever a sewer or water district files with the board a notice of intention as required by RCW 36.93.090, the board shall send a copy of such notice of intention to the legislative authority of the county wherein such action is proposed to be taken and one copy to the state department of ecology.

Passed the House May 3, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 128

[Engrossed House Bill No. 222]

NONPROFIT CORPORATIONS AND ASSOCIATIONS--
NOTICE TO COMPLY OR EXPIRE

AN ACT Relating to nonprofit corporations and associations; amending section 9, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.302.

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

Section 1. Section 9, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.302 are each amended to read as follows:

When a corporation:

(1) Has failed to file its annual report within the time required by this 1969 amendatory act; or

(2) Has failed for ninety days to appoint or maintain a registered agent in this state; or

(3) Has failed for ninety days, after change of its registered agent, to file in the office of the secretary of state a statement of such change; the secretary of state shall notify the corporation by ((certified)) first class mail that it shall cease to exist if it does not perform the required act within thirty days. If the corporation fails to perform within thirty days following receipt of

the letter, it shall automatically cease to exist.

A corporation which has ceased to exist by operation of this section may be reinstated within a period of three years following its dissolution by operation of law if it shall file its annual report or if it shall appoint or maintain a registered agent, or if it shall file with the secretary of state a required statement of change of registered agent and in addition, if it shall pay a reinstatement fee of five dollars plus any other fees that may be due and owing the secretary of state. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 24.03.300 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and members.

Passed the House March 12, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 129

[Substitute House Bill No. 562]

ELECTRICIANS AND ELECTRICAL INSTALLATIONS

AN ACT Relating to electrical inspections; amending section 1, chapter 30, Laws of 1969 as amended by section 2, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.120; amending section 8, chapter 169, Laws of 1935 as last amended by section 4, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.210; and declaring an effective date.

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

Section 1. Section 1, chapter 30, Laws of 1969 as amended by section 2, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.120 are each amended to read as follows:

It shall be unlawful for any person, firm, or corporation to engage in, conduct or carry on the business of installing wires or equipment to convey electric current, or installing apparatus or appliances to be operated by such current as it pertains to the electrical industry, without having an unrevoked, unsuspended and unexpired license so to do, issued by the director of labor and industries in accordance with the provisions of this chapter. All such licenses shall expire on the thirty-first day of December following the day of their issue (~~and the fee for such license shall be one hundred dollars~~). Application for such license shall be made

in writing to the department of labor and industries, accompanied by the required fee, and shall state the name and address of the applicant, and in case of firms, the names of the individuals composing the firm, and in case of corporations, the name of the managing officials thereof, and shall state the location of the place of business of the applicant and the name under which such business is conducted. Such a license shall grant to the holder thereof the right to engage in, conduct, or carry on, the business of installing wires or equipment to carry electric current, and installing apparatus or appliances, or install material to enclose, fasten, insulate, or support such wires or equipment, to be operated by such current, in any and all places in the state of Washington. The application for such license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee therein, with good and sufficient surety, to be approved by the attorney general. Said bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, shall ipso facto revoke and suspend the license issued to the principal until such time as a new bond of like tenor and effect shall have been filed and approved as herein provided. Upon approval of said bond by the attorney general, the director of labor and industries shall on the next business day thereafter deposit the fee accompanying said application in the fund to be known and designated as the "electrical license fund," and the department of labor and industries shall thereupon issue said license. Upon approval of said bond by the attorney general, he shall transmit the same to the state electrical inspection division, who shall file said bond in the office, and upon application furnish to any person, firm or corporation a certified copy thereof, under seal, upon the payment of a fee of two dollars. Said bond shall be conditioned that in any installation of wires or equipment to convey electrical current, and apparatus to be operated by such current, the principal therein will comply with the provisions of this chapter and in case such installation is in an incorporated city or town having an ordinance, building code, or regulations prescribing equal, a higher or better standard, manner or method of such installation that the principal will comply with the provisions of such ordinance, building code or regulations governing such installations as may be in effect at the time of entering into a contract for such installation. Said bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon such work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter,

or any ordinance, building code or regulation applicable thereto. In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: PROVIDED, HOWEVER, If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account. The provisions of this chapter relating to the 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 licenses or bonds nor charge any fee for the same or a similar purpose. Any person who immediately prior to August 11, 1969 held a valid license as an electrician issued by any city, town or county, shall be issued a state license as an electrician when he has met either the requirements of this act or the requirements which were in effect in the city, town or county which issued such license.

Sec. 2. Section 8, chapter 169, Laws of 1935 as last amended by section 4, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.210 are each amended to read as follows:

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect, all wiring, appliances, devices and equipment to which this chapter applies. Nothing contained in this chapter shall be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter 19.28 RCW except those pertaining to cities and towns. Upon request, electrical inspections will be made by the electrical inspection department within forty-eight hours, excluding holidays, Saturdays and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect thereto, providing the necessary electrical safe wiring label is displayed. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, or corporation owning, using or operating the same shall be notified by the director of labor and industries and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this chapter. The director of labor and industries through such

inspector, assistant inspector or any deputy inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the requirements of this chapter; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection. It shall be the responsibility of those persons making electrical installations to obtain inspection and approval from an authorized representative of the director of labor and industries as required by this chapter, prior to requesting the electric utility to connect to said installation. Electric utilities may connect such said installations if approval is clearly indicated by certification of the safe wiring label required to be affixed to each installation or by equivalent means, except that, increased or relocated services may be reconnected immediately, at the discretion of the utility, before approval, provided a safe wiring label is displayed. The labels shall be furnished upon payment to the department of labor and industries ((of a fee in accordance with the following schedule: for plug-in mobile homes, recreational vehicles or portable appliances, no fee; for single family residence, not more than one thousand square feet, ten dollars; for such wiring in excess of one thousand square feet but not more than two thousand square feet, twelve dollars; and for such wiring in excess of two thousand square feet, fourteen dollars. All other electrical installation fees will be as follows: Service installations of one hundred amperes or less, ten dollars; service installations in excess of one hundred amperes but not more than two hundred amperes, eighteen dollars; service installations in excess of two hundred amperes, but not more than three hundred amperes, thirty dollars; service

installations in excess of three hundred amperes, but not more than four hundred amperes, forty-five dollars; service installations in excess of four hundred amperes, fifty-five dollars. Each new feeder installation shall be twenty-five percent of the fee for new service installations of like ampacity. For temporary construction service for lighting and power, three dollars. Each sign and outline lighting circuit, three dollars. All new circuits, circuit alterations and circuit extensions where service and feeder installations are existing, except in such electrical installations used for manufacturing, fabricating, assembling, finishing, packaging, or processing operations which have at all times two or more regular employees engaged solely in electrical installations or electrical maintenance work, the fee shall be four dollars. PROVIDED, FURTHER, That where circuit extensions are installed for controls and meters for central heating plants such as oily gas, or electric furnaces the fee shall be two dollars. Fees for alterations requiring the increase or relocation for an existing service shall be as follows: Single family residence, four dollars; all other altered service installations, the fee shall be fifty percent of the fee for new service work. For yard pole meter loops, a fee of five dollars shall be charged. For each adjacent farm building other than the residence, a fee of three dollars shall be charged. Where a mobile home or a recreational vehicle service is installed in a mobile home or recreational park, the maximum fee shall be four dollars and fifty cents. Where the service is existing and a new or altered feeder is installed the fee shall be as per feeder schedule. Applications for labels shall be in writing and signed by the applicant, and labels when used by a licensed contractor shall bear the signature or seal of such contractor. The required label fees shall be paid within ten days after the completion of an electrical installation. In the event such fee is not paid in the time stated, the fees shall be double the amount specified in the above schedule). The director, subject to the recommendations and approval of the state electrical advisory board, shall set a schedule of license and safe wiring label fees which will cover the costs incurred by the department of labor and industries in the administration and enforcement of this chapter in accordance with the administrative procedures act, chapter 34.04 RCW. PROVIDED, That no fee shall be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

NEW SECTION. Sec. 3. The effective date of this 1971 amendatory act shall be December 1, 1971.

Passed the House May 3, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 130

[House Bill No. 1060]

HIGHWAYS--

CREATION, PRESERVATION, REESTABLISHMENT
OF RECREATIONAL TRAILS AND PATHS

AN ACT Relating to public highways; and creating new sections.

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

NEW SECTION. Section 1. (1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

(2) Where a highway other than a limited access highway crosses a recreational trail of substantial usage for pedestrians, equestrians, or bicyclists, signing sufficient to insure safety shall be provided.

(3) Where the construction or reconstruction of a highway other than a limited access highway would destroy the usefulness of an existing recreational trail of substantial usage for pedestrians, equestrians, or bicyclists or of a planned recreational trail for pedestrians, equestrians, or bicyclists incorporated into the comprehensive plans for trails of the state or any of its political subdivisions, replacement land, space, or facilities shall be

provided and where such recreational trails exist at the time of taking, reconstruction of said recreational trails shall be undertaken.

NEW SECTION. Sec. 2. Facilities for pedestrians, equestrians, or bicyclists shall be incorporated into the design of highways and freeways along corridors where such facilities do not exist upon a finding that such facilities would be of joint use and conform to the comprehensive plans of public agencies for the development of such facilities, will not duplicate existing or proposed routes, and that safety to both motorists and to pedestrians, equestrians, and bicyclists would be enhanced by the segregation of traffic.

In planning and design of all highways, every effort shall be made consistent with safety to promote joint usage of rights of way for trails and paths in accordance with the comprehensive plans of public agencies.

Passed the House May 3, 1971.

Passed the Senate April 30, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 131

[Engrossed House Bill No. 181]
STATUTE OF LIMITATIONS, TOLLING,
WHEN ACTION DEEMED COMMENCED

AN ACT Relating to civil procedure; and amending section 3, chapter 43, Laws of 1955 and RCW 4.16.170; and amending section 1, chapter 127, Laws of 1893 as amended by section 1, chapter 86, Laws of 1895 and RCW 4.28.010.

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

Section 1. Section 3, chapter 43, Laws of 1955 and RCW 4.16.170 are each amended to read as follows:

For the purpose of tolling any statute of limitations an action shall ~~((not))~~ be deemed commenced ~~((until))~~ when the complaint is filed or summons is served whichever occurs first. If service has not been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint. If the action is commenced by service on one or more of the defendants or by publication, the plaintiff shall file the summons and complaint within ninety days from the date of service. If following service, the complaint is not

so filed, or following filing, service is not so made, the action shall be deemed to not have been commenced for purposes of tolling the statute of limitations.

Sec. 2. Section 1, chapter 127, Laws of 1893 as amended by section 1, chapter 86, Laws of 1895 and RCW 4.28.010 are each amended to read as follows:

Civil actions in the several superior courts of this state shall be commenced by the service of a summons, as hereinafter provided, or by filing a complaint with the county clerk as clerk of the court: PROVIDED, That unless service has been had on the defendant prior to the filing of the complaint, the plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint; PROVIDED FURTHER, That an action shall not be commenced for the purpose of tolling any statute of limitations unless pursuant to the provisions of RCW 4.16.170.

Passed the House May 6, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 132

[Engrossed House Bill No. 213]

INHERITANCE TAX--

WHEN DUE, INTEREST--

FILING COPY OF FEDERAL RETURN

AN ACT Relating to revenue and taxation; amending section 20, chapter 292, Laws of 1961 and RCW 83.40.020; amending section 83.44.010, chapter 15, Laws of 1961, as amended by section 29, chapter 149, Laws of 1967 ex. sess., and RCW 83.44.010; adding a new section to chapter 83.44 RCW; and prescribing an effective date.

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

Section 1. Section 83.44.010, chapter 15, Laws of 1961, as amended by section 29, chapter 149, Laws of 1967 ex. sess., and RCW 83.44.010 are each amended to read as follows:

All taxes imposed by the inheritance tax provisions of this title shall take effect and accrue upon the death of the decedent or donor. ((~~and~~) On and after the effective date of this act, if such tax is not paid within ((~~fifteen~~) nine months from the accruing thereof, interest shall be charged and collected at the rate of eight percent per year computed from the expiration of such ((~~fifteen~~))

nine month period unless the amount of tax cannot be determined because of litigation pending in any court of competent jurisdiction or arbitration under the provisions of chapter 83.14 which involves, either directly or indirectly, the amount of tax payable, in which case interest shall not be charged during the time necessarily consumed by such litigation or arbitration: PROVIDED, That in no case shall interest be tolled for a period of more than three years from the expiration of the (~~fifteen~~) nine months after date of death. (~~The~~) On and after the effective date of this act, the minimum tax due in any event shall be paid within (~~fifteen~~) nine months from the accruing thereof. In all cases where a bond shall be given under the provisions of RCW 83.16.020 interest shall be charged at the rate of (~~six~~) eight percent per year from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

Sec. 2. Section 20, chapter 292, Laws of 1961 and RCW 83.40.020 are each amended to read as follows:

The executor or administrator of every decedent whose estate may be subject to the federal estate tax or to the inheritance tax laws of the state of Washington, shall file in the office of the supervisor of the inheritance tax division within (~~twelve~~) nine months after the death of such decedent, if such death occurred subsequent to December 31, 1970 and within fifteen months after the death of such decedent, if such death occurred on or prior to December 31, 1970, one copy of the federal estate tax return and inventory provided for in the federal estate tax act, and in like manner, one copy of all supplemental or amended returns and inventories filed with the federal government.

NEW SECTION. Sec. 3. There is added to chapter 83.44 a new section to read as follows:

The effective date of this 1971 amendatory act shall be September 1, 1971.

Passed the House May 6, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 133

[Engrossed House Bill No. 254]

BUSINESS CORPORATIONS--
SECRETARY OF STATE'S FEES

AN ACT Relating to corporations; amending section 51, chapter 53, Laws of 1965 as last amended by section 6, chapter 38, Laws of 1971 ex. sess. and RCW 23A.08.480; amending section 132, chapter 53, Laws of 1965 and RCW 23A.36.050; amending section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 83, Laws of 1969 ex. sess. and RCW 23A.40.020; and amending section 136, chapter 53, Laws of 1965 and RCW 23A.40.030.

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

Section 1. Section 51, chapter 53, Laws of 1965 as last amended by section 6, chapter 38, Laws of 1971 ex. sess. and RCW 23A.08.480 are each amended to read as follows:

Every corporation hereafter organized under this title, shall within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, and every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

(1) The name of the corporation and the state or county under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

(4) The names and respective addresses of the directors and officers of the corporation.

The secretary of state shall file such annual report in his office for the fee of ~~((one))~~ two dollars. If any corporation shall fail to comply with the foregoing provisions of this section and more

than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

For every violation of this section there shall become due and owing to the state of Washington the sum of twenty-five dollars which sum shall be collected by the secretary of state who shall call upon the attorney general to institute a civil action for the recovery thereof if necessary.

Sec. 2. Section 132, chapter 53, Laws of 1965 and RCW 23A.36.050 are each amended to read as follows:

Duplicate copies of legal process against said nonadmitted organizations shall be served upon the secretary of state by registered mail. At the time of service the plaintiff shall pay to the secretary of state ~~((two))~~ five dollars taxable as costs in the action and shall also furnish the secretary of state the home office address of said nonadmitted organization. The secretary of state shall forthwith send one of the copies of process by registered mail with return receipt requested to the said nonadmitted organization to its home office. The secretary of state shall keep a record of the day and the hour of service upon him of all legal process. No proceedings shall be had against the nonadmitted organization nor shall it be required to appear, plead or answer until the expiration of forty days after the date of service upon the secretary of state.

Sec. 3. Section 135, chapter 53, Laws of 1965 as last amended by section 3, chapter 83, Laws of 1969 ex. sess. and RCW 23A.40.020 are each amended to read as follows:

The secretary of state shall charge and collect for:

- (1) Filing articles of amendment and issuing a certificate of amendment, ten dollars;
- (2) Filing restated articles of incorporation, ten dollars;
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;
- (4) Filing an application to reserve a corporate name, ten dollars;
- (5) Filing a notice of transfer of a reserved corporate name, five dollars;
- (6) Filing a statement of change of address of registered office, revocation, resignation, change of registered agent, or any combination, of these, ~~((one))~~ two dollars;
- (7) Filing a statement of the establishment of a series of shares, ten dollars;

- (8) Filing a statement of cancellation of shares, ten dollars;
- (9) Filing a statement of reduction of stated capital, ten dollars;
- (10) Filing a statement of intent to dissolve, five dollars;
- (11) Filing a statement of revocation of voluntary dissolution proceedings, five dollars;
- (12) Filing articles of dissolution, five dollars;
- (13) Filing a certificate by a foreign corporation of the appointment of an agent residing in this state, or a certificate of the revocation of the appointment of such registered agent, or filing a notice of resignation by a registered agent, ~~((one))~~ two dollars;
- (14) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, five dollars;
- (15) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and issuing an amended certificate of authority, five dollars;
- (16) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, ten dollars;
- (17) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, fifteen dollars;
- (18) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;
- (19) Filing any other statement or report, five dollars;
- (20) Such other filings as are provided for by this title.

Sec. 4. Section 136, chapter 53, Laws of 1965 and RCW 23A.40.030 are each amended to read as follows:

The secretary of state shall charge and collect in advance from every domestic and foreign corporation, except corporations organized under the laws of this state for which existing law provides a different fee schedule:

(1) For furnishing a certified copy of any document, instrument or paper relating to a corporation, five dollars ~~((plus a further charge of twenty-five cents per page for each page in excess of ten pages))~~;

(2) At the time of any service of process on him as agent of a corporation, ~~((two))~~ five dollars, which amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

The secretary of state shall also charge and collect from every person, organization, or group for furnishing copies of any document, instrument or paper relating to a corporation, fifty cents each for the first ten pages, twenty-five cents per page thereafter.

Passed the House May 5, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 134

[Engrossed House Bill No. 303]

FOREST PROTECTION--

SPARK EMITTING ENGINES, PROTECTIVE EQUIPMENT--

SEALED TOOL BOX, UNAUTHORIZED ENTRY--

DUMPING MILL WASTE

AN ACT Relating to forests; providing for forest protection; amending section 2, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.251; adding new sections to chapter 76.04 RCW; and prescribing penalties.

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

Section 1. Section 2, chapter 12, Laws of 1965 ex. sess., and RCW 76.04.251 are each amended to read as follows:

It shall be unlawful for anyone to operate during the closed season as defined in RCW 76.04.252, any steam, internal combustion, or electric engines, or any other spark emitting equipment or devices on any forest land or in any place where, in the opinion of the (~~supervisor~~) department of natural resources, within reason, fire could be communicated to forest land, without first complying with the requirements for each situation and type of equipment listed in the following paragraphs:

(1) For operations employing more than five men:

(a) To be kept in a sealed tool box;

(i) Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles;

(ii) Six long handle round point shovels or "D" handle round point shovels;

(iii) Six adze eye forestry fire fighting hoes;

(b) To be kept adjacent to the tool box;

(i) One five gallon back pack pump can filled with water;

(ii) One hundred gallons of water in two fifty-gallon containers.

(2) For operations employing five men or less:

(a) To be kept in a sealed tool box;

(i) Two double bitted axes having heads weighing not less than three pounds and thirty-two inch handles;

(ii) Three long handle round point shovels or "D" handle round point shovels;

(iii) Three adze eye forestry fire fighting hoes;

(h) To be kept adjacent to the tool box;

(i) One five gallon back pack pump can filled with water;

(ii) Fifty gallons of water;

(iii) Option--in lieu of (i) and (ii) above, two buckets and one hundred gallons of water.

(3) Any steam, internal combustion, or electric engine used for yarding, skidding, loading, or land clearing from a fixed position unless equipped with:

(a) Two chemical fire extinguishers, each rated by the Underwriters' Laboratories as not less than one B.C.;

(b) ~~((It has))~~ A suitable exhaust pipe extending up vertically a minimum of eighteen inches above the manifold and projects at least four inches above the cab or hood and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the ~~((supervisor))~~ department of natural resources.

(4) Any tractor or other mobile yarding machine, unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B.C.;

(b) A suitable exhaust pipe extending up vertically a minimum of eighteen inches in length above the manifold and projects at least four inches above the hood or is equipped with an adequate spark arrester of a type approved by the ~~((supervisor))~~ department of natural resources.

(5) Any truck or vehicle used for hauling forest products, rock, or minerals for commercial purposes in any forest area unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B.C.;

(b) One long handle round point shovel or a "D" handle round point shovel;

(c) An exhaust pipe turned up vertically or equipped with an adequate spark arrester or muffler of a type approved by the ~~((supervisor))~~ department of natural resources.

(6) Any portable power saw unless the power saw is equipped with:

(a) A suitable chemical fire extinguisher of at least eight ounce capacity and a type approved by the ~~((supervisor))~~ department of natural resources, kept in the immediate possession of the operator;

(b) One long handle or "D" handle round point shovel, which shall be kept in the immediate proximity of the operator;

(c) A spark arrester having fire prevention features as to spark arresting efficiency, temperature, configuration, and placement

on the machine, as approved by the ((supervisor)) department of natural resources.

(7) Any steam, internal combustion, or electric engine used in a mill or other fixed position for uses not specifically mentioned above and any road construction or mining machines, or other devices used in a fixed position for any other purpose which, in the opinion of the ((supervisor)) department of natural resources, may cause a forest fire to start unless equipped with:

(a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B.C.;

(b) An exhaust turned up vertically and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the ((supervisor)) department of natural resources;

(c) One hundred gallons of water and two buckets at the site of each fixed position engine.

(8) Any motorcycle or other motorized vehicle used on unsurfaced forest roads, range roads, trails, or across country where there is no trail or road, unless it is equipped with a spark arrester approved by the department of natural resources.

NEW SECTION. Sec. 2. There is added to chapter 76.04 RCW a new section to read as follows:

Any unauthorized entry into a sealed tool box shall constitute a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 76.04 RCW a new section to read as follows:

No person shall dump mill waste from forest products or forest debris of any kind, in quantities that the department of natural resources declares to constitute a forest fire hazard, on or threatening forest lands located in this state, without first obtaining a written permit issued by the department of natural resources on such terms and conditions determined by the department pursuant to rules and regulations enacted to protect forest lands from fire. Said permit must be obtained in addition to any and all other permits required by law. Any person who dumps such mill waste, or forest debris without a required permit, or in violation of a permit shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not less than two hundred fifty dollars and not more than one thousand dollars, and may further be required to remove all materials dumped in violation of this act.

Passed the House May 6, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 135

[Engrossed House Bill No. 727]

LIVESTOCK IDENTIFICATION

AN ACT Relating to livestock identification; amending section 2, chapter 54, Laws of 1959 as amended by section 1, chapter 56, Laws of 1965 and RCW 16.57.020; amending section 8, chapter 54, Laws of 1959 as last amended by section 3, chapter 66, Laws of 1965 and RCW 16.57.080; amending section 10, chapter 54, Laws of 1959 and RCW 16.57.100; amending section 16, chapter 54, Laws of 1959 and RCW 16.57.160; amending section 22, chapter 54, Laws of 1959 as amended by section 35, chapter 240, Laws of 1967 and RCW 16.57.220; adding a new section to chapter 54, Laws of 1959 and to chapter 16.57 RCW; repealing section 19, chapter 54, Laws of 1959 and RCW 16.57.190; and repealing section 25, chapter 54, Laws of 1959 and RCW 16.57.250.

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

Section 1. Section 2, chapter 54, Laws of 1959 as amended by section 1, chapter 66, Laws of 1965 and RCW 16.57.020 are each amended to read as follows:

The director shall be the recorder of livestock brands and such brands shall not be recorded elsewhere in this state. Any person desiring to register a livestock brand shall apply on a form prescribed by the director. Such application shall be accompanied by a facsimile of the brand applied for and ~~((an eight))~~ a twenty-five dollar recording fee. The director shall, upon his satisfaction that the application meets the requirements of this chapter and/or rules and regulations adopted hereunder, record such brand.

Sec. 2. Section 8, chapter 54, Laws of 1959 as last amended by section 3, chapter 66, Laws of 1965 and RCW 16.57.080 are each amended to read as follows:

The director shall, on or before the first day of September 1960, and every five years thereafter, notify by letter the owners of brands then of record, that on the payment of ~~((five))~~ ten dollars and application of renewal, the director shall issue a renewal receipt granting the brand owner exclusive ownership and use of such brand for another five year period. ~~((Failure of the registered owner to pay the renewal fee within six months shall cause the~~

director to notify the registered owner by certified mail at his last known address:)) The failure of the registered owner to pay the renewal fee ((within three months after notification by certified mail)) by December 31st of the renewal year shall cause such owner's brand to become a part of the public domain: PROVIDED, That for a period of ((three years)) one year following such reversion to the public domain, the brand shall not be reissued to any person other than the registered owner.

Sec. 3. Section 10, chapter 54, Laws of 1959 and RCW 16.57.100 are each amended to read as follows:

The right to use a brand shall be evidenced by the original certificate issued by the director showing that the brand is of present record or a certified copy of the record of such brand showing that it is of present record. A healed brand of record on livestock shall be prima facie evidence that the recorded owner of such brand has legal title to such livestock and is entitled to its possession: PROVIDED, That the director may require additional proof of ownership of any animal showing more than one healed brand.

Sec. 4. Section 16, chapter 54, Laws of 1959 and RCW 16.57.160 are each amended to read as follows:

((1)) The director shall provide for brand inspection at public stockyards, public livestock markets and wherever necessary to enforce the provisions of this chapter:

((2)) The director may provide for brand inspection at all slaughterhouses and brand inspect livestock being slaughtered therein:

((3)) The director may designate points where he will carry on brand inspection and such livestock as shall require brand inspection shall be made available for inspection at such designated points:))

Brand inspection of cattle shall be mandatory at the following points:

(1) Prior to being moved out of state to any point where brand inspection is not maintained by the director, directly or in agreement with another state.

(2) Subsequent to delivery to a public livestock market and prior to sale at such public livestock market unless such cattle are exempt from brand inspection by law or regulations adopted by the director because of prior brand inspection or if such cattle are shipped directly to a public livestock market from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof.

(3) Prior to slaughter at any point of slaughter unless such cattle are exempt from such brand inspection by law or regulations adopted by the director because of prior brand inspection or if such

cattle are immediate slaughter cattle shipped directly to a point of slaughter from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof.

(4) Prior to the branding of any cattle except as otherwise provided by law or regulation.

(5) Prior to the sale of any cattle except as otherwise provided by law or regulation.

The director may by regulation adopted subsequent to a public hearing designate any other point for mandatory brand inspection of cattle or the furnishing of proof that cattle passing or being transported through such points have been brand inspected and are lawfully being moved. Further, the director may stop vehicles carrying cattle to determine if such cattle are identified or branded as immediate slaughter cattle, and if so that such cattle are not being diverted for other purposes to points other than the specified point of slaughter.

Sec. 5. Section 22, chapter 54, Laws of 1959 as amended by section 35, chapter 24C, Laws of 1967 and RCW 16.57.220 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection required under this chapter and ((for)) rules and regulations adopted hereunder. Such charges shall be paid to the department by the owner or person in possession ((of such livestock at the time of brand inspection)) unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Such inspection charges shall be due and payable at the time brand inspection is performed and if not shall ((be)) constitute a prior lien on the livestock or livestock hides brand inspected until such charge is paid. ((Such charge)) The director in order to best utilize the services of the department in performing brand inspection shall establish schedules by days and hours when a brand inspector will be on duty or perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be not less than twenty cents ((7)) nor more than thirty cents ((per head of livestock or livestock hides brand inspected and shall be set at the discretion of)) as prescribed by the director ((7)) subsequent to a hearing ((and satisfying the requirements of chapter 34.04 RCW (Administrative Procedure Act) for adopting rules and regulations)). Fees for brand inspection performed by the director at points other than those designated by the director or not in accord with the schedules established by him shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. Such schedule

of fees shall be established subsequent to a hearing and all regulations concerning fees shall be adopted in accord with the provisions of chapter 34.04 RCW, the Administrative Procedure Act, concerning the adoption of rules as enacted or hereafter amended.

NEW SECTION. Sec. 6. There is added to chapter 54, Laws of 1959 and to chapter 16.57 RCW a new section to read as follows:

The director may, in order to reduce the cost of brand inspection to livestock owners, enter into agreements with any qualified county, municipal, or other local law enforcement agency, or qualified individuals for the purpose of performing brand inspection in areas where department brand inspection may not readily be available.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 19, chapter 54, Laws of 1959 and RCW 16.57.190; and
- (2) Section 25, chapter 54, Laws of 1959 and RCW 16.57.250.

Passed the House May 5, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 136
[House Bill No. 765]
COUNTIES--
BUDGET PROCESS, DATES

AN ACT Relating to counties; providing an alternative date for a budget hearing, adding a new section to chapter 4, Laws of 1963 and to chapter 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:

Notwithstanding any provision of law to the contrary, the board of county commissioners may meet for the purpose of holding a budget hearing, provided for in 36.40.070, on the first Monday in December. The board of county commissioners may also set other dates relating to the budget process, including but not limited to the dates set in 36.40.010, 36.40.050, and 36.81.130 to conform to the alternate date for the budget hearing.

Passed the House March 19, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 137

[House Bill No. 860]

PROPERTY TAXES--

HOPS IN STORAGE OR TRANSIT

AN ACT Relating to property taxes; amending section 84.36.160, chapter 15, Laws of 1961 and RCW 84.36.160; 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 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 ~~((and))~~, berries and hops; and all processed products of fruits ~~((or))~~, 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, 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.

NEW SECTION. Sec. 2. This 1971 act shall take effect July 1, 1971.

Passed the House March 30, 1971.
Passed the Senate May 5, 1971.
Approved by the Governor May 18, 1971.
Filed in Office of Secretary of State May 20, 1971.

CHAPTER 138
[House Bill No. 115]
INTOXICATING LIQUOR--
AGENT'S LICENSE--FEE--
AUTHORIZED ACTIVITIES

AN ACT Relating to intoxicating liquor; and amending section 23I added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 5, chapter 21, Laws of 1969 ex. sess and RCW 66.24.310.

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

Section 1. Section 23I added to chapter 62, Laws of 1933 ex. sess., by section 1, chapter 217, Laws of 1937 as last amended by section 5, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.310 are each amended to read as follows:

(1) No person shall canvass for, solicit, receive, or take orders for the purchase or sale of beer or wine at wholesale, nor contact any retail licensees of the board in goodwill activities, unless such person shall be the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270, a beer wholesaler's license, a brewer's license, ~~((or))~~ a beer importer's license, ~~((or))~~ a domestic winery license, ~~((or))~~ a wine importer's license, or a wine wholesaler's license within the state of Washington, and shall have applied for and received an agent's license: PROVIDED, HOWEVER, that the provisions of this section shall not apply to drivers who deliver beer or wine;

(2) Every agent's license issued under this title shall be subject to all conditions and restrictions imposed by this title or by the rules and regulations of the board;

(3) Every application for an agent's license must be approved by a holder of a certificate of approval issued pursuant to RCW 66.24.270, a licensed beer wholesaler, ~~((or))~~ a licensed brewer, ~~((or))~~ a licensed beer importer, ~~((or))~~ a licensed domestic winery, ~~((or))~~ a licensed wine importer, or a licensed wine wholesaler, as the rules and regulations of the board shall require;

(4) The fee for an agent's license shall be ~~((five))~~ fifteen dollars per annum;

(5) No holder of an agent's license shall contact any retail

licensee of the board in goodwill activities relative to the promotion of any liquor other than beer or wine.

Passed the House March 19, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 139

[Engrossed Substitute House Bill No. 142]

SEWER DISTRICTS--

WATER DISTRICTS--

FORMATION, REORGANIZATION--

PRIOR APPROVAL

AN ACT Relating to sewer and water districts; adding a new section to chapter 56.02 RCW; adding a new section to chapter 57.02 RCW; and creating a new section.

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

NEW SECTION. Section 1. There is added to chapter 56.02 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, no sewer district shall be formed or reorganized under chapter 56.04 RCW, nor shall any sewer district annex territory under chapter 56.24 RCW, nor shall any sewer district withdraw territory under chapter 56.28 RCW, nor shall any sewer district consolidate or be merged under chapter 56.32 RCW, nor shall any water district be merged into a sewer district under chapter 56.36 RCW, unless such proposed action shall be approved as provided for in section 3 of this act.

The county legislative authority shall within thirty days after receiving notice of the proposed action, approve such action or hold a hearing on such action. In addition, a copy of such proposed action shall be mailed to the state department of ecology and to the state department of social and health services.

The county legislative authority shall decide within sixty days of a hearing whether to approve or not approve such proposed action. In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

(1) Whether the proposed action in the area under consideration is in compliance with the development program which is outlined in the county comprehensive plan and its supporting documents; and/or

(2) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage

plan as approved by the state department of ecology and the state department of social and health services; and/or

(3) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

If the proposed action is inconsistent with subsections (1), (2), or (3) of this section, the county legislative authority shall not approve it. If such action is consistent with all such subsections, the county legislative authority shall approve it unless it finds that utility service in the area under consideration will be most appropriately served by the county itself under the provisions of chapter 36.94 RCW, by a city, town, or municipality, or by another existing special purpose district rather than by the proposed action under consideration. If there has not been adopted for the area under consideration a plan under any one of subsections (1), (2) or (3) of this section, the proposed action shall not be found inconsistent with such subsection.

NEW SECTION. Sec. 2. There is added to chapter 57.02 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, no water district shall be formed or reorganized under chapter 57.04 RCW, nor shall any water district annex territory under chapter 57.24 RCW, nor shall any water district withdraw territory under chapter 57.28 RCW, nor shall any water district consolidate under chapter 57.32 RCW, nor shall any water district be merged under chapter 57.36 RCW, nor shall any sewer district be merged into a water district under chapter 57.40 RCW, unless such proposed action shall be approved as provided for in section 3 of this act.

The county legislative authority shall within thirty days of the date after receiving notice of the proposed action, approve such action or hold a hearing on such action. In addition, a copy of such proposed action shall be mailed to the state department of ecology and to the state department of social and health services.

The county legislative authority shall decide within sixty days of a hearing whether to approve or not approve such proposed action. In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

(1) Whether the proposed action in the area under consideration is in compliance with the development program which is outlined in the county comprehensive plan and its supporting documents; and/or

(2) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and/or

(3) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

If the proposed action is inconsistent with subsections (1), (2), or (3) of this section, the county legislative authority shall not approve it. If such action is consistent with all such subsections, the county legislative authority shall approve it unless it finds that utility service in the area under consideration will be most appropriately served by the county itself under the provisions of chapter 36.94 RCW, by a city, town, or municipality, or by another existing special purpose district rather than by the proposed action under consideration. If there has not been adopted for the area under consideration a plan under any one of subsections (1), (2) or (3) of this section, the proposed action shall not be found inconsistent with such subsection.

NEW SECTION. Sec. 3. In any county where a boundary review board, as provided in chapter 36.93 RCW, has not been established, the approval of the proposed action shall be by the county legislative authority pursuant to sections 1 and 2 of this act, and shall be final and the procedures required to adopt such proposed action shall be followed as provided by law.

In any county where a boundary review board, as provided in chapter 36.93 RCW, has been established, notice of intention of the proposed action shall be filed with the board as required by RCW 36.93.090 and a copy thereof with the legislative authority. The latter shall transmit to the board a report of its approval or disapproval of the proposed action together with its findings and recommendations thereon under the provisions of sections 1 and 2 of this act. If the county legislative authority has approved of the proposed action, such approval shall be final and the procedures required to adopt such proposal shall be followed as provided by law, unless the board reviews the action under the provisions of RCW 36.93.100 through 36.93.180. If the county legislative authority has not approved the proposed action, the board shall review the action under the provisions of RCW 36.93.150 through 36.93.180. Action of the board after review of the proposed action shall supersede approval or disapproval by the county legislative authority.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 140

[House Bill No. 212]

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION--
OUTDOOR RECREATION ACCOUNT--
DISTRIBUTION--USES

AN ACT Relating to outdoor recreation areas; amending section 8, chapter 5, Laws of 1965 as amended by section 1, chapter 136, Laws of 1965 ex .sess. and RCW 43.99.080; amending section 9, chapter 5, Laws of 1965 and RCW 43.99.090; repealing section 14, chapter 5, Laws of 1965 and RCW 43.99.140; and repealing section 16, chapter 5, Laws of 1965 and RCW 43.99.160.

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

Section 1. Section 8, chapter 5, Laws of 1965 as amended by section 1, chapter 136, Laws of 1965 ex. sess. and RCW 43.99.080 are each amended to read as follows:

Moneys transferred to the outdoor recreation account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share by the state for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement of marine recreation land, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b);

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement of marine recreation land. ((The total granted for any project shall not exceed forty percent of the cost of the project.)) A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b). The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter.

Sec. 2. Section 9, chapter 5, Laws of 1965 and RCW 43.99.090 are each amended to read as follows:

Not more than ((twenty)) fifty percent of the moneys transferred to the outdoor recreation account from the marine fuel tax refund account shall be used for capital improvement of marine recreation land.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) Section 14, chapter 5, Laws of 1965 and RCW 43.99.140; and
- (2) Section 16, chapter 5, Laws of 1965 and RCW 43.99.160.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 141
[House Bill No. 218]
REGIONAL LAW LIBRARIES

AN ACT Relating to law libraries; permitting the establishment of regional law libraries; amending section 1, chapter 94, Laws of 1925 ex. sess. as last amended by section 1, chapter 195, Laws of 1943, and RCW 27.24.062; amending section 3, chapter 167, Laws of 1933 and RCW 27.24.063; amending section 1, chapter 249, Laws of 1953 as last amended by section 2, chapter 25, Laws of 1969, and RCW 27.24.070; and declaring an emergency.

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

Section 1. Section 1, chapter 94, Laws of 1925 ex. sess. as last amended by section 1, chapter 195, Laws of 1943, and RCW 27.24.062 are each amended to read as follows:

In each county of the first, second, third, fourth, fifth, and sixth classes there shall be a county law library which shall be governed and maintained as hereinafter provided.

Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

Sec. 2. Section 3, chapter 167, Laws of 1933 and RCW 27.24.063 are each amended to read as follows:

There shall be in every such county a board of law library trustees consisting of five members to be constituted, as follows: Chairman of the board of county commissioners shall be ex officio trustee and the judges of the superior court of the county shall choose one of their number, and the members of the county bar

association (or if there be no bar association, then the lawyers of said county) shall choose three of their number to be trustees; PROVIDED, HOWEVER, That in the case of regional law libraries the board of trustees shall be one board of trustees which shall be selected in the above manner and constituted as follows: One superior court judge, one county commissioner from each county and one lawyer from the county seat of each county. The term of office of a member of the board who is a judge, shall be for as long as he continues to be a judge, and the term of a member who is from the bar shall be four years. Vacancies shall be filled as they occur and in the manner above directed. The office of trustee shall be without salary or other compensation. The board shall elect one of their number president, and one as secretary, or if a librarian is appointed the librarian shall act as secretary. Meetings shall be held at least once a year and as much oftener and at such times as may be prescribed by rule.

Sec. 3. Section 1, chapter 249, Laws of 1953 as last amended by section 2, chapter 25, Laws of 1969, and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the clerk of the superior court shall pay from each fee collected for the filing in his office of every new probate or civil matter, including appeals, abstracts or transcripts of judgments, the sum of three dollars for the support of the law library in that county or the regional law library to which the county belongs, which shall be paid to the county treasurer to be credited to the county or regional law library fund; PROVIDED, That upon a showing of need the three dollar fee may be increased up to five dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies. There shall be paid from the filing fee paid by each person instituting an action, when the first paper is filed, to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is one hundred dollars or more, in addition to the other fees required by law the sum of one dollar and fifty cents as fees for the support of the law library in that county or for the regional law library which are to be taxed as part of costs in each case.

The justice of the peace shall pay such fees so collected to the county treasurer to be credited to the county or regional law library fund.

NEW SECTION. Sec. 4. This 1971 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 May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 142

[Engrossed House Bill No. 225]

BUSINESS CORPORATIONS--

NOTICE BY SECRETARY OF STATE

OF LOSS OF BUSINESS PRIVILEGE, MAILING

AN ACT Relating to corporations; amending section 4, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.075.

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

Section 1. Section 4, chapter 92, Laws of 1969 ex. sess. and RCW 23A.40.075 are each amended to read as follows:

The annual license fee required by RCW 23A.40.060, as now or hereafter amended, and RCW 23A.40.140 is a tax on the privilege of doing business as a corporation in the state of Washington, but is not a tax on the privilege of existing as a corporation. No corporation shall do business in this state without first having paid its annual license fee, except as provided in RCW 23A.36.010 and 23A.36.020.

Failure of the corporation to pay its annual license fees shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

Every domestic corporation which shall fail for three consecutive years to acquire an annual license for the privilege of doing business in this state shall cease to exist as a corporation on the third anniversary of the date it was last licensed to do business in this state or in the case of a corporation which has never been licensed, on the third anniversary of the date of filing its articles of incorporation. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided in RCW 23A.28.250 and the directors of the corporation shall hold the title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

A domestic corporation which has not ceased to exist by operation of law may restore its privilege to do business by paying the current annual license fee and a restoration fee which shall include a sum equivalent to the amount of annual license fees the

corporation would have paid had it continuously maintained its privilege to do business plus an additional fee equivalent to one percent per month or fraction thereof computed upon each annual license fee from the time it would have been paid had the corporation maintained its privilege to do business to the date when the corporation restored its privilege to do business: PROVIDED, That the minimum additional license fee due under this section shall be two dollars and fifty cents. Upon payment of the above fees, restoration shall be effective, and the corporation shall have all the rights and privileges it would have possessed had it continually maintained its privilege to do business.

When any domestic corporation loses its privilege to do business for failure to pay its annual license fee when due, the secretary of state shall mail to the corporation at its registered office, ~~((by certified mail, return receipt requested;))~~ by first class mail, a notice that the corporation no longer has the privilege of doing business in this state, and that the corporation's privilege may be restored as provided in this section, and a notice that, if the privilege is not restored for three consecutive years, the existence of the corporation shall cease without further notice.

Passed the House March 12, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 143

[Engrossed House Bill No. 229]

PUBLIC SERVICE COMPANIES

AN ACT Relating to public service companies; amending section 81.48.030, chapter 14, Laws of 1961 and RCW 81.48.030; amending section 81.48.040, chapter 14, Laws of 1961 and RCW 81.48.040; amending section 9, chapter 295, Laws of 1961 as last amended by section 11, chapter 210, Laws of 1969 ex. sess. and RCW 81.77.080; amending section 81.80.300, chapter 14, Laws of 1961 as last amended by section 13, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.300; amending section 81.80.320, chapter 14, Laws of 1961 as last amended by section 14, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.320; amending section 80.20.060, chapter 14, Laws of 1961 and RCW 80.20.060; adding a new section to chapter 14, Laws of 1961 and to chapter 81.80 RCW; adding a new section to chapter 94, Laws of 1967 ex. sess. and to chapter 46.86 RCW; prescribing

penalties: and providing an effective date.

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

Section 1. Section 81.48.030, chapter 14, Laws of 1961 and RCW 81.48.030 are each amended to read as follows:

The right to fix and regulate the speed of railway trains within the limits of cities of the second class, third class, ~~((and))~~ towns, and at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns, is vested exclusively in the commission: PROVIDED, That RCW 81.48.030 and 81.48.040 shall not apply to street railways which may be operating or hereafter operated within the limits of said cities and towns.

Sec. 2. Section 81.48.040, chapter 14, Laws of 1961 and RCW 81.48.040 are each amended to read as follows:

After due investigation and within a reasonable time after June 9, 1943, the commission shall make and issue an order fixing and regulating the speed of railway trains within the limits of cities of the second class, cities of the third class, and towns. The speed limit to be fixed by the commission shall be discretionary, and it may fix different rates of speed for different cities and towns, which rates of speed shall be commensurate with the hazard presented and the practical operation of the trains. The commission shall also fix and regulate the speed of railway trains at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns when in the judgment of the commission the public safety so requires; such speed limit to be fixed shall be discretionary with the commission and may be different for different grade crossings and shall be commensurate with the hazard presented and the practical operation of trains. The commission shall have the right from time to time, as conditions change, to either increase or decrease speed limits established under RCW 81.48.030 and 81.48.040.

Sec. 3. Section 9, chapter 295, Laws of 1961 as last amended by section 11, chapter 210, Laws of 1969 ex. sess. and RCW 81.77.080 are each amended to read as follows:

Every garbage and refuse collection company shall, on or before the 1st day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to ~~((five-tenths))~~ eight-tenths of one percent of the amount of gross operating revenue: PROVIDED, That the fee shall in no case be less than one dollar.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section

by general order entered before March 1st of any year in which it determines that the moneys then in the garbage and refuse collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

Sec. 4. Section 81.80.300, chapter 14, Laws of 1961 as last amended by section 13, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.300 are each amended to read as follows:

The commission shall prescribe an identification cab card and identification decal or stamp or number which must be carried within the cab of each motive power vehicle of each motor carrier required to have a permit under this chapter.

The identification cab card and the decal or stamp or number provided for herein may be in such form and contain such information as required by the commission.

It shall be unlawful for any "common carrier" or "contract carrier" to operate any motor vehicle within this state unless there is carried within the cab of the motive power vehicle, either operating as a solo vehicle or in combination with trailers, the identification cab card and decal or stamp or number required by this section and the payment by such carrier of a total fee of three dollars for each such decal or stamp or number plus the applicable gross weight fee prescribed by RCW 81.80.320; PROVIDED, That as to equipment operated between points in this state and points outside the state exclusively in interstate commerce, the commission may adopt rules and regulations specifying an alternative schedule of fees to that specified in RCW 81.80.320 as it may find to be reasonable and specifying the method of evidencing payment of such fees.

((Equipment of carriers operated between points in this state and points outside the state exclusively in interstate commerce, may be operated with cab cards and decals or stamps or numbers not assigned to specific motive power vehicles upon application therefor and payment for each such decal or stamp or number a total fee of three dollars plus two times the applicable gross weight fee prescribed by RCW 81.80.320-1))

The commission may adopt rules and regulations imposing a reduced schedule of fees for short term operations, requiring reports of carriers, and imposing such conditions as the public interest may require with respect to the operation of such vehicles.

The commission shall not be required to collect the excise tax

prescribed by RCW 82.44.070 for any fees collected under this chapter.

The decal or stamp or number required herein shall be issued annually under the rules and regulations of the commission, and shall be affixed to the identification cab card required by this section not later than ~~((January))~~ February 1st of each year: PROVIDED, That such decal or stamp or number may be issued for the ensuing calendar year on and after the first day of ~~((December))~~ November preceding and may be used from the date of issue until ~~((December 31st))~~ February 1st of the succeeding calendar year for which the same was issued. ~~((In case an applicant receives a permit after January 1st of any year such decal or stamp or number shall be obtained and attached to the identification cab card and carried within the cab of the motive power vehicle subject to this chapter before operation of any such vehicle is commenced:))~~

It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display any identification cab card and decal or stamp or number, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification cab card and decal or stamp or number.

The commission shall collect all fees provided in this section and all such fees shall be deposited in the state treasury to the credit of the public service revolving fund.

Sec. 5. Section 81.80.320, chapter 14, Laws of 1961 as last amended by section 14, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.320 are each amended to read as follows:

In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year ~~((at the time of, in connection with, and before))~~ prior to receiving his identification decal or stamp or number for each motive power vehicle operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, plus any additional tonnage or log tolerance permits, the following fees:

Less than 4,000 pounds.....	\$ 7.00
4,000 pounds or more and less than 8,000 pounds.....	9.00
8,000 pounds or more and less than 12,000 pounds.....	11.00
12,000 pounds or more and less than 16,000 pounds.....	13.00
16,000 pounds or more and less than 20,000 pounds.....	15.00
20,000 pounds or more and less than 24,000 pounds.....	17.00
24,000 pounds or more and less than 28,000 pounds.....	19.00
28,000 pounds or more and less than 32,000 pounds.....	21.00
32,000 pounds or more and less than 36,000 pounds.....	23.00

36,000 pounds or more and less than 40,000 pounds.....	30.00
40,000 pounds or more and less than 44,000 pounds.....	32.00
44,000 pounds or more and less than 48,000 pounds.....	34.00
48,000 pounds or more and less than 52,000 pounds.....	36.00
52,000 pounds or more and less than 56,000 pounds.....	38.00
56,000 pounds or more and less than 60,000 pounds.....	40.00
60,000 pounds or more and less than 64,000 pounds.....	42.00
64,000 pounds or more and less than 68,000 pounds.....	44.00
68,000 pounds or more and less than 72,000 pounds.....	46.00
72,000 pounds or more and less than 76,000 pounds.....	48.00

In the event that trailers or semitrailers are separately licensed for gross weight and not included within the licensed gross weight of the motive power vehicle as prescribed above, the fees provided herein shall be computed on the basis of the licensed gross weight of the trailer or semitrailer, plus any additional tonnage or log tolerance, and a separate identification cab card will be issued in the same manner as for a motive power vehicle under RCW 81.80.300.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

NEW SECTION. Sec. 6. There is added to chapter 14, Laws of 1961 and to chapter 81.80 RCW a new section to read as follows:

Where by virtue of federal requirements uniform forms are to be utilized to evidence lawfulness of interstate operations, the commission shall charge a fee for such forms equal to the cost to the commission.

NEW SECTION. Sec. 7. There is added to chapter 94, Laws of

1967 ex. sess. and to chapter 46.86 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, qualified carriers shall comply with requirements of the Washington utilities and transportation commission as to forms and procedures specified by that agency to evidence the lawfulness of interstate operations in the state where such forms and procedures are in accordance with those promulgated by federal authority.

Sec. 8. Section 80.20.060, chapter 14. Laws of 1961 and RCW 80.20.060 are each amended to read as follows:

Expenses of a complete valuation, rate and service investigation shall not be assessed against a public service company under this chapter if such company shall have been subjected to and paid the expenses of a complete valuation, rate and service investigation during the preceding five years, unless the properties or operations of the company have materially changed or there has been a substantial change in its value for rate making purposes or in any other circumstances and conditions affecting rates and services: PROVIDED, That the provisions of this section shall not be a limitation on the frequency of assessment of costs of investigation where such investigation results from a tariff filing or tariff filings by a public service company to increase rates.

NEW SECTION. Sec. 9. Sections 4, 5, 6 and 7 of this 1971 amendatory act shall take effect on October 31, 1971.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 144

[Engrossed House Bill No. 351]

PHYSICIANS AND DENTISTS--

PROCEEDINGS AGAINST FELLOWS--

CIVIL IMMUNITIES

AN ACT Relating to medical review committees and boards; granting immunity from suit to professionals bringing charges against fellow professionals; and adding new sections to chapter 4.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

Physicians licensed under chapter 18.71 RCW or chapter 16.57

RCW, and dentists licensed under chapter 18.32 RCW who, in good faith, file charges or present evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before a regularly constituted review committee or board of a medical or dental society or hospital whose duty it is to evaluate the competency and qualifications of members of the profession, including limiting the extent of practice of such person in a hospital or similar institution, shall be immune from civil action for damages arising out of such activities. The written records of such committees or boards shall not be subject to subpoena or discovery proceedings in any civil action, except actions arising out of the recommendations of such committees.

NEW SECTION. Sec. 2. There is added to chapter 4.24 RCW a new section to read as follows:

Physicians licensed under chapter 18.71 RCW who, in good faith, file charges or present evidence against another member of their profession based on the claimed incompetency or gross misconduct of such person before the medical disciplinary board established under 18.72 RCW shall be immune from civil action for damages arising out of such activities.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 145
[House Bill No. 364]

ELECTIONS--
CANDIDATE AND VOTER PAMPHLETS

AN ACT Relating to elections; providing for candidates' and voters' pamphlets; amending sections 29.80.020, chapter 9, Laws of 1965 as amended by section 78, chapter 81, Laws of 1971; amending sections 29.80.040, 29.80.050, 29.81.040, 29.81.100, 29.81.120 and 29.81.140, chapter 9, Laws of 1965 and RCW 29.80.040, 29.80.050, 29.81.040, 29.81.100, 29.81.120 and 29.81.140; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.81 RCW.

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

Section 1. Section 29.80.020, chapter 9, Laws of 1965 as amended by section 78, chapter 81, Laws of 1971 and RCW 29.80.020 are each amended to read as follows:

At a time to be determined by the secretary of state but in

any event, not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, and judge of the superior court may file with the secretary of state a ((typewritten)) written statement advocating his candidacy ((not to exceed three hundred fifty words per printed page)) accompanied by a photograph not more than five years old and of a size and quality which the secretary of state determines suitable for reproduction in the voters' pamphlet. The maximum number of words for such statements shall be determined according to the offices sought as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, judge of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; United States senator, United States representative and governor, three hundred words. No such statement or photograph shall be ((filed by)) printed in the candidates' pamphlet for any person who is the sole nominee for any nonpartisan or judicial office.

Sec. 2. Section 29.80.040, chapter 9, Laws of 1965 and RCW 29.80.040 are each amended to read as follows:

Said nominees' statements and photographs as set forth in RCW 29.80.010 and 29.80.020 shall be published by the secretary of state as a candidates' pamphlet, the printing of which shall be completed ((no later than twenty days)) as soon as possible prior to the state general election concerned. The overall dimensions of such pamphlet shall be ((the same as the voters' pamphlet containing the text of state measures to be voted upon as set forth in RCW 29.84.420)) determined by the secretary of state as those which in his judgment best serve the voters and whenever possible the candidates' pamphlet shall be combined with the voters' pamphlet as a single publication. ((Whenever such consolidation is possible, the candidates' portion of the text shall follow the text relating to the state measures.));

Sec. 3. Section 29.80.050, chapter 9, Laws of 1965 and RCW 29.80.050 are each amended to read as follows:

Nominees shall pay for ((one page of)) their prorated space in the candidates' pamphlet allocated according to the respective offices sought as follows:

(1) For United States senator, United States representative and ((all nominees for state offices voted upon throughout the state)) governor, each shall pay two hundred dollars. The nominees for each position shall equally share no less than two full pages.

(2) For all state offices voted upon throughout the state, except for that of governor, each shall pay one hundred dollars. The nominees for each position shall equally share no less than one full page.

(3) For state senator, judge of the court of appeals and ((state representative)) judge of the superior court, each ((seventy-five)) shall pay fifty dollars. The nominees for each position shall equally share no less than one full page.

(4) For state representative, each shall pay twenty-five dollars. The nominees for each position shall equally share no less than one-half page.

All such payments shall be made to the secretary of state when the statement is offered to him for filing and be transmitted by him to the ((state treasurer for deposit in the general fund)) public printer to be used as a credit offset to the cost of printing the candidates' and voters' pamphlet.

Nominees for president and vice president of each political party certified by the secretary of state shall ((each)) together be entitled to one page without charge ((and each political party nominating a presidential candidate shall be entitled to one page without charge. Said nominees and political parties may each purchase additional pages at the rate of one hundred dollars per page not to exceed three additional pages)). Each such page so allocated shall not contain more than five hundred words in addition to the pictures of the nominees concerned.

Sec. 4. Section 29.81.040, chapter 9, Laws of 1965 and RCW 29.81.040 are each amended to read as follows:

Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator and the presiding officer of the house of representatives shall appoint one state representative. Whenever possible, the two persons so appointed shall be known to have opposed the measure and they shall appoint a third member to the committee who may or may not be a member of the legislature. If no member of the legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the house and the presiding officer of the senate shall be empowered to appoint any persons who are, in their judgment, qualified to serve in such capacity.

Sec. 5. Section 29.81.100, chapter 9, Laws of 1965 and RCW 29.81.100 are each amended to read as follows:

((At least sixty days)) As soon as possible prior to any

election at which any initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the serial designation and number, the ballot title, the legislative title, the full text of and the arguments for and arguments against each such measure (including amendments to the Constitution proposed by the legislature) to be submitted to the people, and such other information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

Sec. 6. Section 29.81.120, chapter 9, Laws of 1965 and RCW 29.81.120 are each amended to read as follows:

All measures and arguments shall be printed and bound in a single pamphlet according to the following specifications:

(1) ~~((The pages of the pamphlet shall be not larger than eight and one-half by eleven inches in size;~~

~~{2} The outside measurement of the printed matter of each page shall be not less than six by nine inches, including running head;~~

~~{3}) It shall be printed in clear readable type;~~

~~((4))~~ (2) The pamphlet shall be of such size and be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters.

It shall be the duty of the secretary of state to publish in such pamphlets a table of contents and a brief alphabetical index of subjects.

Sec. 7. Section 29.81.140, chapter 9, Laws of 1965 and RCW 29.81.140 are each amended to read as follows:

~~((Not less than fifty five days))~~ As soon as possible before any election at which initiative or referendum measures, referendum bills, proposed constitutional amendments, or any other state measures are to be submitted to the people, the secretary of state shall transmit, by mail with postage fully prepaid, one copy of the pamphlet to ~~((every voter in the state whose address he can with reasonable diligence ascertain; one copy of the pamphlet))~~ each individual place of residence in the state and shall make such additional distribution as he shall deem necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election.

NEW SECTION. Sec. 8. If any provision of this 1971 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 May 8, 1971.
Passed the Senate May 5, 1971.
Approved by the Governor May 18, 1971.
Filed in Office of Secretary of State May 20, 1971.

CHAPTER 146
[Engrossed House Bill No. 567]
WATER AND SEWER DISTRICTS--
MERGERS

AN ACT Relating to water and sewer districts; providing for the merger of sewer districts into water districts and water districts into sewer districts; amending section 3, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.030; and adding new sections to chapter 57.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 57.40 RCW a new section to read as follows:

Any sewer district, acting alone or in conjunction with any other sewer district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to, and in the same county with, a water district, may merge into the water district, and the water district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

NEW SECTION. Sec. 2. There is added to chapter 57.40 RCW a new section to read as follows:

A merger of one or more sewer districts into a water district may be initiated in any one of the following ways:

(1) Whenever the board of commissioners of the water district, on the one hand, and the board of commissioners of the sewer district or of the respective sewer districts seeking to merge into the water district, on the other hand, each determine by resolution that the merger of such sewer district or sewer districts into the water district shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such district so desiring to merge.

(2) Whenever ten percent of the qualified electors residing within each of the water districts and the sewer district or districts involved petition the board of commissioners of their respective districts for a merger of such district into the water district.

(3) Whenever ten percent of the qualified electors residing within the water district petition the board of water commissioners for such a merger, and the board of sewer commissioners of the district or each sewer district to be merged determines by resolution that the merger of such district into the water district will be conducive to the public health, welfare and convenience of the two districts.

NEW SECTION. Sec. 3. There is added to chapter 57.40 RCW a new section to read as follows:

Whenever a merger is initiated in any of the three ways provided in section 2 of this 1971 act, the boards of the water and sewer commissioners of the respective districts involved shall enter into an agreement providing for the merger. The agreement must be entered into within ninety days following completion of the last act required for initiation of the merger by any one of the means above specified, as provided in section 2 of this 1971 act. Where two or more sewer districts seek to merge into a water district at or about the same time, there need be but one agreement of merger signed by the water district and such two or more sewer districts if the parties so agree.

Upon entry of such agreement, the boards of the water and sewer commissioners shall file a notice of intention to merge together with a copy of said agreement with the boundary review board, if any, of the county and the board shall review the proposed merger under the provisions of RCW 36.93.150 through 36.93.180.

The respective boards of water and sewer commissioners of such districts shall certify such agreement to the county auditor of the county in which the districts are located within twenty days from date of execution of such agreement, with a certified copy thereof filed with the clerk of the board of county commissioners of such county. Thereupon, unless the boundary review board has disapproved the proposed merger the county auditor shall call a special election for the purpose of submitting to the voters of the sewer district or of each of the two or more sewer districts involved the proposition of whether the sewer district shall be merged into the water district. Notice of the election shall be given, and the election conducted, in accordance with the general election laws.

NEW SECTION. Sec. 4. There is added to chapter 57.40 RCW a new section to read as follows:

If at such election a majority of the voters in the sewer district or all or either of the sewer districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the water district and

each sewer district in which the majority of voters voted in favor of the merger, and each such sewer district shall cease to exist and shall become a part of the water district. The sewer commissioners of any sewer district so merged shall cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of water commissioners of the water district.

NEW SECTION. Sec. 5. There is added to chapter 57.40 RCW a new section to read as follows:

All funds, rights and property, real and personal, of any sewer district merging into a water district shall vest in and become the property of the water district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owned by the sewer district, shall remain the obligation of and, as applicable, a lien upon the land, assets and/or revenue of the original district. The board of commissioners of the water district shall make such levies, assessments or charges upon said land or the sewer or water users therein as are necessary to pay any indebtednesses of the merged sewer districts as and when the same mature.

NEW SECTION. Sec. 6. There is added to chapter 57.40 RCW a new section to read as follows:

Following merger, the water district and the board of commissioners thereof shall have all powers granted sewer districts by Title 56 RCW. The water district shall have the power to issue revenue bonds to which are pledged sewer revenue, water revenue, or both sewer and water revenue, as well as the power to levy assessments against property specially benefited in the manner levied by utility local improvement districts, for improvements to the sewer system or the water system or both.

Sec. 7. Section 3, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.030 are each amended to read as follows:

Whenever a merger is initiated in any of the three ways provided in RCW 56.36.020, the boards of the sewer and water commissioners of the respective districts involved shall enter into an agreement providing for the merger. The agreement must be entered into within ninety days following completion of the last act required for initiation of the merger by any one of the means above specified, as provided in RCW 56.36.020. Where two or more water districts seek to merge into a sewer district at or about the same time, there need be but one agreement of merger signed by the sewer district and such two or more water districts if the parties so agree.

Upon entry of such agreement, the boards of the water and sewer commissioners shall file a notice of intention to merge together with a copy of said agreement with the boundary review board, if any, of the county and the board shall review the proposed

merger under the provisions of RCW 36.93.150 through 36.93.180.

The respective boards of sewer and water commissioners of such districts shall certify such agreement to the county auditor of the county in which the districts are located within twenty days from date of execution of such agreement, with a certified copy thereof filed with the clerk of the board of county commissioners of such county. Thereupon, unless the boundary review board has disapproved the proposed merger, the county auditor shall call a special election for the purpose of submitting to the voters of the water district or of each of the two or more water districts involved the proposition of whether the water district shall be merged into the sewer district. Notice of the election shall be given, and the election conducted, in accordance with the general election laws.

Passed the House March 31, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 147

[Engrossed House Bill No. 620]

JUSTICES OF THE PEACE

AN ACT Relating to justices of the peace; amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.010; and amending section 13, chapter 299, Laws of 1961 and RCW 3.34.040.

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

Section 1. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, ~~((two))~~ one; Ferry, two; Franklin, one; Garfield, one; Grant, ~~((three))~~ one; Grays Harbor, ~~((four))~~ two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, one; Lincoln, two; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six.

Sec. 2. Section 13, chapter 299, Laws of 1961 and RCW

3.34.040 are hereby amended to read as follows:

Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary (~~equal to or~~) greater than ~~((eight))~~ nine thousand dollars for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business nor shall he use the services of any clerk or secretary paid for by the county for his private business.

Passed the House May 8, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 13, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 148
[Encrossed House Bill No. 644]
MOTOR VEHICLES--
LIABILITY FOR OVERLOADING--
EXEMPTIONS FROM LIGHTENING REQUIREMENT

AN ACT Relating to motor vehicles; extending liability for penalties for overloading to a person controlling the loading; exempting certain persons from lightening requirement; amending section 1, chapter 69, Laws of 1969 ex. sess. and RCW 46.44.120; and amending section 46.44.100, chapter 12, Laws of 1961, as amended by section 52, chapter 32, Laws of 1967 and RCW 46.44.100.

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

Section 1. Section 1, chapter 69, Laws of 1969 ex. sess. and RCW 46.44.120 are each amended to read as follows:

Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, ~~((if the operator of the vehicle is not the owner of such vehicle; but is so operating or moving the same with the express or implied permission of the owner; then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner))~~ the owner of any motor vehicle involved in such act or omission shall be responsible therefor. Any person operating such vehicle, and any persons knowingly and intentionally participating in creating an unlawful

condition of use, shall also be subject to the penalties provided in this chapter for such unlawful act or omission.

Sec. 2. Section 46.44.100, chapter 12, Laws of 1961, as amended by section 52, chapter 32, Laws of 1967, and RCW 46.44.100 are each amended to read as follows:

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale.

Whenever a police officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter: PROVIDED, That in the event such vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of such load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section.

Passed the House March 30, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 149

[Engrossed House Bill No. 659]

CROSS SOUND TRANSPORTATION--

EVALUATION--PLAN

PROGRESS REPORT

AN ACT Relating to cross sound transportation; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature recognizes that transportation across Puget Sound provides a vital geographic link

necessary for the welfare of the people as well as the growth and development of the state of Washington. The legislature further recognizes that ferry transportation has become a financial burden to the state and to the users of the ferry system. In order to effect immediate and long-term relief of these financial problems, the Washington state highway commission and the joint committee on highways are hereby authorized and directed to evaluate alternative methods of providing greater efficiencies and economies in ferry transportation service across Puget Sound and adjacent waters. Such evaluation shall include, but not necessarily be limited to the following factors:

(1) A system of roads and bridges connecting Vashon Island and Bainbridge Island with the Kitsap Peninsula mainland.

(2) Relocation of terminals and ferry routes to improve the economics of the ferry system operation.

(3) Supplemental facilities for the movement of foot passengers.

(4) The relative economic benefits to the state, the ferry patrons, and the residents of the areas served by the ferry system.

(5) The cost of construction and a time schedule for implementing a consolidated ferry system.

In making its evaluation, the state highway commission shall solicit and give full consideration to the views of local community groups as provided in RCW 47.60.300 and 47.60.310.

The highway commission and the joint committee on highways shall also, at the time that such evaluation is made, inquire into the extent to which motor vehicle funds might be made available to offset the operating and maintenance costs of the ferry system and the eligibility of the ferry system for federal money participation on the basis that ferries are extensions of federal aid routes and/or are mass public transportation carriers; such inquiry shall give full consideration to the importance of the Puget Sound Naval Shipyard on a regional and national scope by reason of the vital work done in the defense of the nation and the fact that said shipyard is the second largest employer in the state of Washington.

NEW SECTION. Sec. 2. The state highway commission and the joint committee on highways shall prepare a cross sound transportation plan which shall include cost estimates and alternative means for financing the entire project. The plan shall specify the portion of the total cost which can be financed by issuance of toll bridge authority revenue bonds and that portion of the total cost which would be contributed from the motor vehicle fund. A preliminary progress report shall be submitted to the next session of the legislature, and a final report incorporating the findings and recommendations of the state highway commission and the

joint committee on highways formulated pursuant to the provisions of this act shall be presented to the 1973 regular session of the legislature.

NEW SECTION. Sec. 3. This 1971 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 March 30, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 150

[House Bill No. 572]

MOTOR VEHICLES--

MOTOR CYCLES OR MOTOR-DRIVEN CYCLES--

GLASSES, GOGGLES, OR FACE SHIELDS REQUIRED--

REGULATIONS AUTHORIZED

AN ACT Relating to motor vehicles; and amending section 4, chapter 232, Laws of 1967 as amended by section 1, chapter 42, Laws of 1969 and RCW 46.37.530.

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

Section 1. Section 4, chapter 232, Laws of 1967 as amended by section 1, chapter 42, Laws of 1969 and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

~~((1))~~ (a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars ~~(; the mirror)~~ which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

~~((2))~~ (b) For any person to operate a motorcycle or motor-driven cycle ~~((in excess of thirty-five miles per hour))~~ which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment. ~~((The commission is hereby authorized and empowered to adopt and amend regulations covering the types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications of the established list hereunder.))~~

~~((3))~~ (c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a

protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. ((The commission is hereby authorized and empowered to adopt and amend regulations covering the types of helmet and the special specifications therefor and to establish, maintain, and distribute to law enforcement agencies throughout the state a list of approved helmets which meet the specifications to be established by the commission on equipment)).

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedures act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets required in this section. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Passed the House May 6, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 151

[Engrossed House Bill No. 694]

FAMILY COURTS

AN ACT Relating to family courts; amending section 14, chapter 50, Laws of 1949 and RCW 26.12.140; and amending section 17, chapter 50, Laws of 1949 and RCW 26.12.170.

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

Section 1. Section 14, chapter 50, Laws of 1949 and RCW 26.12.140 are each amended to read as follows:

No fee shall be charged by the county clerk for filing the petition ((nor shall a fee be charged by any officer for the performance of a duty pursuant to this chapter)).

Sec. 2. Section 17, chapter 50, Laws of 1949 and RCW 26.12.170 are each amended to read as follows:

The hearing shall be conducted informally as a conference or series of conferences to effect the reconciliation of the spouses or an amicable adjustment or settlement of the issues of the controversy. To facilitate and promote the purposes of this chapter, the court may((, with the consent of both the parties to the proceeding, recommend or invoke)) order or recommend the aid of physicians, psychiatrists, or other specialists or the pastor or

director of any religious denomination to which the parties may belong. Such aid, however, shall be at the expense of the parties involved and shall not be at the expense of the court or of the county unless the board of county commissioners shall specifically authorize such aid.

Passed the House April 2, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 152

[Engrossed House Bill No. 697]

CRIMES--

PENALTIES FOR INJURY OR DESTRUCTION
OF PROPERTY

AN ACT Relating to crimes; amending section 415, chapter 249, Laws of 1909 and RCW 9.61.070; amending section 1, chapter 111, Laws of 1899 as last amended by section 404, chapter 249, Laws of 1909 and RCW 9.61.010; amending section 1, chapter 64, Laws of 1893 as last amended by section 405, chapter 249, Laws of 1909 and RCW 9.61.020; amending section 16, chapter 69, Laws of 1891 as amended by section 406, chapter 249, Laws of 1909 and RCW 9.61.030; amending section 1, page 30, Laws of 1862 as last amended by section 407, chapter 249, Laws of 1909 and RCW 9.61.040; amending section 408, chapter 249, Laws of 1909 and RCW 9.61.050; amending section 1, chapter 114, Laws of 1899 and RCW 9.61.090; and amending section 41, chapter 117, Laws of 1917 as amended by section 2, chapter 103, Laws of 1921 and RCW 90.03.410.

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

Section 1. Section 415, chapter 249, Laws of 1909 and RCW 9.61.070 are each amended to read as follows:

Every person who shall wilfully or maliciously destroy or injure any real or personal property of another, for the destruction or injury of which no special punishment is otherwise specially prescribed, shall--

(1) If the value of the property destroyed, or the diminution in value by the injury, shall be less than twenty dollars, be guilty of a misdemeanor.

(2) If the value of the property destroyed, or the diminution in value by the injury, shall be twenty dollars or more but less than two hundred fifty dollars, be guilty of a gross misdemeanor.

(3) If the value of the property destroyed, or the diminution in value by the injury, shall be two hundred fifty dollars or more, be guilty of a felony.

Sec. 2. Section 1, chapter 111, Laws of 1899 as last amended by section 404, chapter 249, Laws of 1909 and RCW 9.61.010 are each amended to read as follows:

Every person who shall wilfully or maliciously remove, damage or destroy:

(1) A highway or a private way laid out by authority of law, or a bridge upon such public or private road, or wilfully or maliciously cause to be placed thereon any substance or thing dangerous to any person or animal traveling thereon or which might injure or puncture the tire of any vehicle; or,

(2) A pile or other material fixed in the ground and used for securing any bank or dam of any river or other water, or any dike, dock, quay, jetty or lock; or,

(3) A buoy or beacon lawfully placed in any waters within this state; or,

(4) A tree, rock, post or other monument erected or marked for the purpose of designating a point on the boundary of the state, of a county, city, town or of a farm, tract or lot of land, or any mark or inscription thereon; or,

(5) A mile board, milestone or guidepost erected upon a highway, or any inscription thereon; or,

(6) A telegraph, telephone or electric transmission line or any part thereof, or any appurtenance thereto, or apparatus connected with the operation thereof; or,

(7) A fence, gate, cattle guard, bridge, water tank, milepost, car, engine, motor or other useful structure on the line of any railway; or,

(8) A pipe or main for conducting gas, water or oil, or any works erected for the purpose of supplying buildings therewith, or any appurtenance or appendage thereto; or,

(9) A sewer or drain, or a pipe or main connected therewith or forming a part thereof; or,

(10) A ditch or flume lawfully erected for carrying water or draining land; or,

(11) Any engine, hose, hose-cart, truck, ladder, extinguisher or other apparatus used by any fire company or fire department, or any rope, wire, bell, signal, instrument or apparatus for the communication of alarms of fire or police calls; or,

(12) Any public building, or building used for educational, scientific, charitable or religious purpose, or any useful or ornamental thing therein; or,

(13) Any work of literature or art or copy thereof, object of

curiosity or scientific interest, statue, picture or engraving, displayed, kept or erected in any public building, street, park or other public place or in any collection, exhibition, museum, fair, gallery or library, or in any building devoted to educational, scientific, charitable or religious purposes; or,

(14) A monument erected in any cemetery, street, park or other public place; or,

(15) A sign or notice erected or posted by any officer under lawful authority, or by the owner or occupant of the premises where posted; or,

(16) A legal notice or other legal paper posted in compliance with the requirement of any statute of this state, or under the direction or order of a court; and,

Every person--

(17) Who shall moor any vessel, scow, barge, raft or boom to any bridge or to any buoy or beacon lawfully in any waters within this state; or,

(18) Who shall intercept, read or in any manner interrupt or delay the sending of a message over any telegraph or telephone line; or,

(19) Who shall erect or maintain any unlawful structure in any stream or river;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 3. Section 1, chapter 64, Laws of 1893 as last amended by section 405, chapter 249, Laws of 1909 and RCW 9.61.020 are each amended to read as follows:

Every person who, with intent to injure or defraud, shall--

(1) Break or deface the seal of any gas, electric, steam or water meter; or,

(2) Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof; or,

(3) Make any connections by means of a wire, pipe, conduit or otherwise with any wire, main or pipe used for the delivery of gas, electricity, steam or water to a consumer thereof, in such manner as to take gas, electricity, steam or water from said wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained; or,

(4) Make any connection or reconnection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stop-cock or other appliances connected therewith; or,

(5) Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or water consumed, or interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by the person, company or corporation owning the same; or,

(6) Take or use any water from any irrigation flume, ditch or lateral, without the consent of the owner thereof, or open, close or interfere with any gate connected therewith;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 4. Section 16, chapter 69, Laws of 1891 as amended by section 406, chapter 249, Laws of 1909 and RCW 9.61.030 are each amended to read as follows:

Every person who shall wilfully or maliciously displace, remove, injure or destroy any pier, boom, or dam lawfully erected or maintained upon, in or across any water in this state, or any dam or reservoir lawfully maintained for impounding water; or hoist any gate in or about such dam or reservoir, shall be guilty of a ((gross)) misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 5. Section 1, page 30, Laws of 1862 as last amended by section 407, chapter 249, Laws of 1909 and RCW 9.61.040 are each amended to read as follows:

Every person who shall wilfully--

(1) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state; or,

(2) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another or of the state, or in any road or street; or,

(3) Dig, take or carry away without lawful authority or consent, from any lot or land in any city, or town, or from any lands included within the limits of a street or avenue in such city or town, any earth, soil or stone; or,

(4) Enter without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or,

(5) Cut down, destroy or in any way injure any shrub, tree, vine or garden produce grown or growing within any such orchard, garden or vineyard, or any framework or erection therein; or,

(6) Damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or,

(7) Destroy or damage, with intent to prevent or delay the use thereof, any engine, machine, tool or implement intended for use in trade or husbandry; or,

(8) Untie, unfasten or liberate, without authority, the horse or team of another; or lead, ride or drive away, without authority, the horse, team, automobile or other vehicle of another from the place where left by the owner or person in charge thereof; or,

(9) Kill, maim or disfigure any animal belonging to another, or expose any poisons or noxious substance with intent that it should be taken by such animal; or,

(10) Take, carry away, interfere with or disturb any oysters or other shellfish of another in any river, bay, or other water of this state, or remove, pull up or destroy any stake or buoy used for designating any oyster bed; or,

(11) Intrude or place any hovel, shanty or building upon or within the limits of any lot or piece of land within any city or town, without the consent of the owner, or within the boundaries of any street in such city or town; or,

(12) Kill, wound or trap any animal or bird within the limits of any cemetery, park or pleasure ground, or remove therefrom or destroy the young of any such animal or the egg of any such bird; or,

(13) Injure, destroy or tamper with any rope, line, cable or chain with which any vessel, scow, boom, beacon or buoy shall be anchored or moored, or the steering gear, bell gear, engine, machinery, lights or other equipment of any vessel; or,

(14) Place upon or affix to any real property or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event; or,

(15) Suffer any animal to go upon the enclosed right-of-way of any railway company, or leave open any gate or bars so that an animal might stray upon such right-of-way;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 6. Section 408, chapter 249, Laws of 1909 and RCW 9.61.050 are each amended to read as follows:

Every person who shall wilfully or maliciously destroy, alter, erase, obliterate or conceal any letter, telegraph message, book or record of account, or any writing or instrument by which any claim, privilege, right, obligation or authority, or any right or title to

property, real or personal, is, or purports to be, or upon the happening of some future event may be, evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, shall be guilty of a gross misdemeanor.

Sec. 7. Section 1, chapter 114, Laws of 1899 and RCW 9.61.090 are each amended to read as follows:

If any person shall maliciously or wantonly destroy or deface any cabin or other building or place of shelter or any of the contents of such cabin, building or shelter constructed by any person or persons or society of persons upon any public land of the state of Washington, or of the United States within the state of Washington, or upon any land not owned by such person so destroying or defacing the same, he shall be deemed guilty of ~~((a misdemeanor: PROVIDED, That the provisions of RCW 9-64-090 through 9-64-440 shall not apply to bona fide settlers on government lands))~~ property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

Sec. 8. Section 41, chapter 117, Laws of 1917 as amended by section 2, chapter 103, Laws of 1921 and RCW 90.03.410 are each amended to read as follows:

(1) Any person or persons who shall wilfully interfere with, or injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume or other structure or appliance for the diversion, carriage, storage, apportionment or measurement of water for irrigation, reclamation, power or other beneficial uses, or who shall wilfully use or conduct water into or through his ditch, which has been lawfully denied him by the water master or other competent authority, or shall wilfully injure or destroy any telegraph, telephone or electric transmission line, or any other property owned, occupied or controlled by any person, association, or corporation, or by the United States and used in connection with said beneficial use of water, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

(2) Any person or persons who shall wilfully or unlawfully take or use water, or conduct the same into his ditch or to his land, or land occupied by him, and for such purpose shall cut, dig, break down or open any headgate, bank, embankment, canal or reservoir, flume or conduit, or interfere with, injure or destroy any weir, measuring box or other appliance for the apportionment and measurement of water, or unlawfully take or cause to run or pour out of such structure or appliance any water, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction

of any real or personal property, of property destruction and shall incur the penalties set forth in section 1 of this 1971 amendatory act.

(3) The use of water through such structure or structures, appliance or appliances hereinbefore named after its or their having been interfered with, injured or destroyed, shall be prima facie evidence of the guilt of the person using it.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 153

[Engrossed House Bill No. 766]

FIRE PROTECTION DISTRICTS--

ABSENT FIRE COMMISSIONERS

AN ACT Relating to fire protection districts; and amending section 26, chapter 34, Laws of 1939 and RCW 52.12.050.

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

Section 1. Section 26, chapter 34, Laws of 1939 and RCW 52.12.050 are each amended to read as follows:

In case of vacancy occurring in the office of fire commissioner, such vacancy shall be filled by appointment of a resident elector of the district by the board of county commissioners and the person appointed shall serve until his successor has been elected or appointed and has qualified. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner as hereir provided, after the filling of any vacancy in such office as aforesaid, there shall be elected a fire commissioner to serve for the remainder of the unexpired term. If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board his office shall be declared vacant by the board of county commissioners and such vacancy shall be filled as provided for in this section but provided that no such action shall be taken unless he is notified by mail after two consecutive unexcused absences that his position will be declared vacant if he is absent without being excused from the next regularly scheduled meeting.

Passed the House May 9, 1971.
Passed the Senate May 8, 1971.
Approved by the Governor May 18, 1971.
Filed in Office of Secretary of State May 20, 1971.

CHAPTER 154

[Engrossed House Bill No. 817]
WASHINGTON STATE BUILDING AUTHORITY--
FUNDING OR REFUNDING INDEBTEDNESS--
CONSTITUTIONAL AMENDMENT REQUIRED

AN ACT Relating to funding or refunding indebtedness of the Washington state building authority.

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

NEW SECTION. Section 1. The state finance committee shall issue general obligation bonds or bond anticipation notes in the amount necessary to fund or refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority. The state finance committee shall by resolution determine the amount, date, form, terms, conditions, denominations, maximum interest rate, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, and covenants of such funding or refunding bonds or bond anticipation notes. Such funding or refunding bonds or bond anticipation notes shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session.

NEW SECTION. Sec. 2. This act shall become effective coincident with the effective date of the constitutional amendment to Article VIII, section 1 and to Article VIII, section 3 of the Washington state Constitution as presented to the people by HJR 52, 1971 regular session. Unless such constitutional amendment shall be approved by the people at the next general election, this act shall be null and void.

Passed the House March 29, 1971.
Passed the Senate May 8, 1971.
Approved by the Governor May 18, 1971.
Filed in Office of Secretary of State May 20, 1971.

CHAPTER 155
[Engrossed Substitute House Bill No. 1041]
TELEVISION RECEPTION IMPROVEMENT DISTRICTS--
CREATION--OPERATION--
TAX AUTHORIZED

AN ACT Relating to the creation and operation of television reception improvement districts; providing for a tax; creating new sections; and prescribing penalties.

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

NEW SECTION. Section 1. The purposes of a television reception improvement district, hereinafter referred to in this act as "district", shall be to serve the public interest, convenience, and necessity in the construction, maintenance, and operation of television translator stations, including appropriate electric or electronic devices for increasing television program distribution, but said purposes are not meant to include the construction or operation of television cable systems, commonly known and referred to as cable TV systems or CATV.

NEW SECTION. Sec. 2. A district's boundary may include any part or all of any class county and may include any part or all or any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on the effective date of this act there is a translator station retransmitting television signals to such territory.

NEW SECTION. Sec. 3. A petition to form a district may be presented to the board of county commissioners and such petition shall include: (1) A description of the purposes of the petition; (2) a description of the purposes and powers of the proposed district; (3) a description of the boundaries of the proposed district; and (4) the signatures of more than fifty percent of the registered voters residing within the boundaries of the proposed district.

NEW SECTION. Sec. 4. If the board of county commissioners, with the assistance of other appropriate county officers, finds the petition filed under section 3 of this act satisfies the requirements of that section, it shall cause the text of the petition to be published once a week for at least three consecutive weeks in a newspaper of general circulation within the county where the petition is presented. With the publication of the petition there shall be published a notice of the time, date, and place of the public meeting of the county commissioners when the petition will be considered, stating that persons interested may appear and be heard.

NEW SECTION. Sec. 5. If after the public meeting or meetings on the petition, the board of county commissioners finds that

creation of the proposed district would serve the public interest, the board shall adopt a resolution granting the petition and creating the district. Prior to adoption however, the board may amend the petition in the interest of carrying out the purposes of this act.

NEW SECTION. Sec. 6. The business of the district shall be conducted by the board of the television reception improvement district, hereinafter referred to as the "board". The board shall be constituted as provided under either subsection (1) or (2) of this section.

(1) The board of a district having boundaries different from the county's shall have either three, five, seven, or nine members, as determined by the board of county commissioners at the time the district is created. Each member shall be appointed by the board of county commissioners, shall reside within the boundaries of the district and each shall serve a three-year term, or until their successors are qualified, except that the board of county commissioners shall appoint one of the members of the first board to a one year term and two to two year terms. A majority of the members of the board shall constitute a quorum for the transaction of business, but the majority vote of the board members shall be necessary for any action taken by the board. The board shall elect from among its members a chairman and such other officers as may be necessary. In the event a seat on the board is vacated prior to the expiration of the term of the member appointed to such seat, the board of county commissioners shall appoint a person to complete such unexpired term.

(2) Upon the creation of a district having boundaries identical to those of the county (a county-wide district), the county commissioners shall be the members of the board of the district and shall have all the powers and duties of such board as provided under the other sections of this act. The county commissioners shall be reimbursed pursuant to the provisions of section 7 of this act, and shall conduct the business of the district according to the regular rules and procedures applicable to meetings of the board of county commissioners.

NEW SECTION. Sec. 7. Members of the board shall receive no compensation for their services, but shall be reimbursed from district funds for any actual and necessary expenses incurred by them in the performance of their official duties.

NEW SECTION. Sec. 8. With the assistance of the board, the county assessor shall, on or before the first day of July of any given year, ascertain and prepare a list of all persons he believes own television sets within the district and deliver a copy of such list to the board.

NEW SECTION. Sec. 9. The provisions of chapter 36.40 RCW,

relating to budgets, shall apply to the district. The budget of the district shall be financed by an excise tax imposed by the board, and described in section 10 of this act.

NEW SECTION. Sec. 10. The tax provided for in sections 9 and 10 of this act shall not exceed fifteen dollars per year per television set, and no person shall be taxed for more than one television set, except that a motel or hotel or any person owning in excess of five television sets shall pay at a rate of one-fifth of the annual tax rate imposed for each of the first five television sets and one-tenth of such rate for each additional set thereafter. An owner of a television set within the district shall be exempt from paying any tax on such set under this act: (1) If either (a) his television set does not receive at least a class grade E contour signal retransmitted by the television translator station or other similar device operated by the district, as such class is defined under regulations of the Federal Communications Commission as of the effective date of this act, or (b) he is currently subscribing to and receiving the services of a community antenna system (CATV) to which his television set is connected; and (2) if he filed a statement with the board claiming his grounds for exemption. Space for such statement shall be provided for in the tax notice which the treasurer shall send to taxpayers in behalf of the district.

NEW SECTION. Sec. 11. Any person owing the excise tax provided for under this act and who fails to pay the same within sixty days after the county treasurer has sent the tax bill to him, shall be deemed to be delinquent. Such person shall be liable for all costs to the county or district attributable to collecting the tax but no such excise tax or costs, nor any judgment based thereon, shall be deemed to create a lien against real property.

NEW SECTION. Sec. 12. The board may adopt rules providing for prorating of tax bills for persons who have not owned a television set within the district for a full tax year.

NEW SECTION. Sec. 13. In addition to other powers provided for under this act, the board shall have the following powers:

(1) To perform all acts necessary to assure that the purposes of this act will be carried out fairly and efficiently;

(2) To acquire, build, construct, repair, own, maintain, and operate any necessary stations re-transmitting simultaneous visual and aural signals intended to be received by the general public, relay stations, pick-up stations, or any other electrical or electronic system necessary: PROVIDED, That the board shall have no power to originate programs;

(3) To make contracts to compensate any owner of land or other property for the use of such property for the purposes of this act;

(4) To make contracts with the United States, or any state,

municipality or any department or agency of those entities for carrying out the general purposes for which the district is formed;

(5) To acquire by gift, devise, bequest, lease, or purchase real and personal property, tangible or intangible, including lands, rights of way and easements, necessary or convenient for its purposes;

(6) To make contracts of any lawful nature (including labor contracts or those for employees' benefits), employ engineers, laboratory personnel, attorneys, other technical or professional assistants, and any other assistants or employees necessary to carry out the provisions of this act;

(7) To contract indebtedness or borrow money and to issue warrants or bonds to be paid from district revenues, bearing interest at a rate not exceeding seven percent per annum;

(8) To prescribe tax rates for the providing of services throughout the area in accordance with the provisions of this act; and

(9) To apply for, accept, and be the holder of any permit or license issued by or required under federal or state law.

NEW SECTION. Sec. 14. A district may translate or retransmit only those signals which originate from commercial and educational television stations which directly provide, within some portion of the state of Washington, a class A grade or class B grade contour, as such classes are defined under regulations of the Federal Communications Commission as of the effective date of this act.

NEW SECTION. Sec. 15. Any claim against the district shall be presented to the board. Upon allowance of the claim, the board shall submit a voucher, signed by the chairman and one other member of the board, to the county auditor for the issuance of a warrant in payment of said claim. This procedure for payment of claims shall apply to the reimbursement of board members for their actual and necessary expenses incurred by them in the performance of their official duties.

NEW SECTION. Sec. 16. The treasurer of the county in which a district is located shall be ex officio treasurer of the district. He shall collect the excise tax provided for under this act and shall send notice of payment due to persons owing the tax. There shall be deposited with him all funds of the district. All district payments shall be made by him from such funds upon warrants issued by the county auditor, except the sums to be paid out of any bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of issuance. The treasurer shall report monthly to the board in writing, the amount in the district fund or funds.

NEW SECTION. Sec. 17. The board of county commissioners shall provide for the bonding of each member of the board. Such bond

shall be a fidelity bond conditioned on each board member honestly performing his duties and shall be paid for from district funds. The amount of the bond shall be prescribed by the board of county commissioners but shall not be less than twenty thousand dollars per board member.

NEW SECTION. Sec. 18. The board shall reimburse the county auditor, assessor, and treasurer for the actual costs of services performed by them in behalf of the district.

NEW SECTION. Sec. 19. Any person who shall knowingly make a false statement for exemption from the tax provided under this act shall be guilty of a misdemeanor.

NEW SECTION. Sec. 20. If the board of county commissioners finds, following a public hearing or hearings, that the continued existence of a district would no longer serve the purposes of this act, it may by resolution order the district dissolved. If there is any property owned by the district at the time of dissolution, the board of county commissioners shall have such property sold pursuant to the provisions of chapter 36.34 RCW, as now law or hereafter amended. The proceeds from such sale shall be applied to the county current expense fund.

NEW SECTION. Sec. 21. No television reception improvement district may be formed to operate and maintain any translator station presently or previously owned, operated or maintained by a television broadcaster.

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.

Passed the House May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 156

[Engrossed House Bill No. 56]

REVENUE AND TAXATION--

MOTOR VEHICLE FUEL--

AIRCPAFT FUEL

AN ACT Relating to revenue and taxation; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1967 and RCW 82.36.010; amending section 82.36.230, chapter 15, Laws of 1961 as last amended by section

3, chapter 153, Laws of 1967 and RCW 82.36.230; amending section 82.36.400, chapter 15, Laws of 1961 as amended by section 6, chapter 153, Laws of 1967 and RCW 82.36.400; amending section 7, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.070; and adding a new section to chapter 10, Laws of 1967 ex. sess. and to chapter 82.42 RCW.

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

Section 1. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 153, Laws of 1967 and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles ((~~r~~) or motorboats ((or airplanes: ~~PROVIDED~~, That the term "motor vehicle fuel" shall not include products specifically prepared and sold, as determined by the director, for use in turbo prop or jet type aircraft engines)));

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of motor vehicles;

(6) "Director" means the director of motor vehicles;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant

dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway.

Sec. 2. Section 82.36.23C, chapter 15, Laws of 1961 as last amended by section 3, chapter 153, Laws of 1967 and RCW 82.36.230 are each amended to read as follows:

The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel imported into the state in interstate or foreign commerce and intended to be sold while they are in interstate or foreign commerce, nor to motor vehicle fuel, exported from this state by a qualified distributor, nor to sales by a distributor of motor vehicle fuel in individual quantities of five hundred gallons or less for export to another state or country by the purchaser other than in the supply tank of a motor vehicle: PROVIDED, That such distributor is licensed in the state of destination to collect and remit the applicable destination state taxes thereon, nor to any motor vehicle fuel sold by a qualified distributor to the armed forces of the United States or to the national guard for use exclusively in ships ((or aircraft)) or for export from this state ((, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation fuel dealers and/or users as authorized by the director)). The distributor shall report such imports, exports and sales to the director as hereinafter provided and at such times, on such forms, and in such detail as he may require, otherwise the exemption granted in this section shall be null and void, and all fuel shall be considered distributed in this state fully subject to the provisions of this chapter. Each invoice covering such exempt sale shall have the statement "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

To claim any exemption from taxes under this section on account of the exportation of motor vehicle fuel by a distributor other than deliveries in his own equipment, such distributor shall execute an export certificate in such form as shall be furnished by the director, containing a statement, made by some person having actual knowledge of the fact of exportation, that the motor vehicle fuel has been exported from the state, and giving such details with reference to such shipment as the director may require. All export certificates must be completed and filed with the director within three months of the end of the calendar month in which the shipments to which they relate were made, unless the state, territory or country of destination would not be prejudiced with respect to its collection of taxes thereon if the certificate is not filed within such time. The director may, in cases where it is believed no useful purpose would be served by filing of an export certificate, waive the certificate: PROVIDED, That the director for good cause shall have the right to rescind the previous authorization for waiver of the export certificate. Failure to file the certificate within the time required by this section shall not preclude the distributor from filing a claim for refund on motor vehicle fuel exported as provided in RCW 82.36.310 or otherwise in chapter 82.36 RCW, with such information as the director may require to support the validity of such claim.

To claim any exemption from taxes under this section on account of sales of motor vehicle fuel to the armed forces of the United States or to the national guard, the distributor shall be required to execute an exemption certificate in such form as shall be furnished by the director, containing a certified statement by an authorized officer of the armed forces having actual knowledge of the purpose for which the exemption is claimed. Any claim for exemption based on such sales shall be made by the distributor within six months of the date of sale. The provisions of this section exempting motor vehicle fuel sold to the armed forces of the United States or to the national guard from the tax imposed hereunder shall not apply to any motor vehicle fuel sold to contractors purchasing such fuel either for their own account or as the agents of the United States or the national guard for use in the performance of contracts with the armed forces of the United States or the national guard.

In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the distributor shall retain in his files for a least three years an export certificate executed by the purchaser in such form and containing such information as shall be prescribed by the director. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it

applies only if accepted by the distributor in good faith.

The director may at any time require of any distributor any information he deems necessary to determine the validity of the claimed exemption, and failure to supply such data will constitute a waiver of all right to the exemption claimed. The director is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms to be used by distributors in reporting to the director so as to prevent evasion of the tax imposed by this chapter.

Upon request from the officials to whom are entrusted the enforcement of the motor fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces, or the Dominion of Canada, the director may forward to such officials any information which he may have relative to the import or export of any motor vehicle fuel by any distributor: PROVIDED, That such governmental unit furnish like information to this state.

Sec. 3. Section 82.36.400, chapter 15, Laws of 1961 as amended by section 6, chapter 153, Laws of 1967 and RCW 82.36.400 are each amended to read as follows:

It shall be unlawful for any person to commit any of the following acts:

(1) To display, or cause to permit to be displayed, or to have in possession, any motor vehicle fuel distributor's license knowing the same to be fictitious or to have been suspended, canceled, revoked or altered;

(2) To lend to, or knowingly permit the use of, by one not entitled thereto, any motor vehicle fuel distributor's license issued to the person lending it or permitting it to be used;

(3) To display or to represent as one's own any motor vehicle fuel distributor's license not issued to the person displaying the same;

(4) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this chapter, or otherwise commit a fraud in any application, record, or report;

(5) To refuse to permit the director, or any agent appointed by him in writing, to examine his books, records, papers, storage tanks, or other equipment pertaining to the use or sale and delivery of motor vehicle fuels within the state((;

(6) To receive, purchase or otherwise acquire motor vehicle fuel free of the tax for use in the operation of aircraft engines and thereafter use or permit such fuel to be used for other purposes, or to sell or otherwise distribute such fuel for purposes other than use in aircraft engines)).

Except as otherwise provided, any person violating any of the

provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.

Sec. 4. Section 7, chapter 10, Laws of 1967 ex. sess. and RCW 82.42.070 are each amended to read as follows:

The provisions of RCW 82.42.020 requiring the payment of a two cents per gallon aircraft fuel excise tax on aircraft fuel shall not apply to aircraft fuel imported into the state in interstate or foreign commerce and intended to be sold while in interstate or foreign commerce, nor to aircraft fuel exported from this state, nor to aircraft fuel sold to the ((armed forces of the)) United States ((for export from this state)) government or any agency thereof: PROVIDED, That exemptions granted under this section shall be null and void unless full conformance is made with the requisite administrative procedure set forth for procuring such exemptions under rules and regulations of the director promulgated under the provisions of this chapter. Except as provided in RCW 82.42.030, nothing in this chapter shall be construed to exempt the state or any political subdivision thereof from the payment of the two cents per gallon aircraft excise fuel tax provided in RCW 82.42.020. When setting up rules and regulations as provided for in RCW 82.42.040, the director shall provide for such refund procedure as deemed necessary to carry out the provisions of this chapter, and full compliance with such provisions shall be essential before receipt of any refund thereunder.

NEW SECTION. Sec. 5. There is added to chapter 10, Laws of 1967 ex. sess. and to chapter 82.42 RCW a new section to read as follows:

Every person other than a distributor who acquires any aircraft fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such aircraft fuel into this state and sells, delivers, or in any manner uses it in this state shall, if the tax has not been paid, be subject to the provisions of RCW 82.42.040 provided for distributors and shall pay a tax of two cents for each gallon thereof so sold, delivered, or used in the manner provided for distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the aircraft fuel tax in RCW 82.42.090. For failure to comply with the terms of this chapter, such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein

shall be construed as classifying such persons as distributors.

Passed the House March 12, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 157
[House Bill No. 88]
PORT DISTRICTS--
FORMATION--
ANNEXATION

AN ACT Relating to port districts; amending section 2, chapter 92, Laws of 1911 as amended by section 1, chapter 62, Laws of 1913 and RCW 53.04.020; repealing section 1, chapter 39, Laws of 1921 and RCW 53.04.050; and providing an effective date.

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

Section 1. Section 2, chapter 92, Laws of 1911 as amended by section 1, chapter 62, Laws of 1913 and RCW 53.04.020 are each amended to read as follows:

At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state may, or on petition of ten percent of the qualified electors of such county based on the total vote cast in the last general county election, shall, by resolution submit to the voters of such county the proposition of creating a port district which shall be coextensive with the limits of such county as now or hereafter established. Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners, who shall submit such proposition at the next

general election or, if such petition so requests, the board of county commissioners shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held not less than thirty days nor more than sixty days from the date of such certificate. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

"Port of, Yes." (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners).

"Port of, No." (giving the name of the principal seaport city within such port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners).

((Any petition for the formation of a port district may describe a district of less area than the county in which such petition is filed; and in such event the county commissioners shall fix a date for hearing on such petition and publish a notice of such hearing for two weeks in a newspaper of general circulation in such county, after which hearing the county commissioners may increase or diminish the boundaries of such proposed port district and thereafter the same procedure shall be followed as is prescribed in this act for the formation of the larger port district; except that the petition and election shall be confined solely to the lesser port district: AND PROVIDED, That whenever two or more petitions for the formation of a port district shall be filed as herein provided; the petition describing the greater area shall supersede all others and an election shall first be held thereunder; and no lesser port district shall ever be created within the limits; in whole or in part; of any port district:))

NEW SECTION. Sec. 2. If an area, not currently part of an existing port district desires to be annexed to a port district in the same county, upon receipt of a petition bearing the names of ten percent of the qualified electors residing within the proposed boundaries of the area desiring to be annexed, the commissioners of such port district shall petition the board of county commissioners to annex such territory, as provided in RCW 53.04.080.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 39, Laws of 1921 and RCW 53.04.050.

NEW SECTION. Sec. 4. The effective date of this act shall be May 1, 1972.

Passed the House May 10, 1971.
Passed the Senate May 9, 1971.
Approved by the Governor May 19, 1971.
Filed in Office of Secretary of State May 20, 1971.

CHAPTER 158
[House Bill No. 200]
HARBOR LINES--
KALAMA--BREMERTON

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified), as amended by section 1, chapter 24, Laws of 1967 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 amended by section 1, chapter 24, Laws of 1967 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; ((and)) 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.

Passed the House May 10, 1971.
Passed the Senate May 9, 1971.
Approved by the Governor May 19, 1971.
Filed in Office of Secretary of State May 20, 1971.

CHAPTER 159

[House Bill No. 429]

CHARGES AND FEES FOR STATE BUILDINGS,
STRUCTURES, FACILITIES, AND SERVICES--
DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES
REVOLVING FUND CREATED

AN ACT Relating to the department of general administration; amending section 43.01.090, chapter 8, Laws of 1965 and RCW 43.01.090; and creating a new section.

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

Section 1. Section 43.01.090, chapter 8, Laws of 1965 and RCW 43.01.090 are each amended to read as follows:

The director of general administration (at the close of each quarterly period ending March 31st, June 30th, September 30th, and December 31st, shall bill each office, department, and activity financed in whole or in part from funds other than the general fund, for payment of its proportion of housing cost for the preceding quarter, the amount so billed to be computed at rates established by the director of general administration for each square foot of usable floor space assigned to or occupied by it: PROVIDED, That this section shall not be construed to prevent the director from allotting available unused space to governmental agencies for temporary occupancy as deemed in the public interest.

Upon receipt of such bill, each office, department, and activity so financed shall cause a warrant or check in the amount thereof to be drawn upon its operating fund, or other special or local fund within its jurisdiction, in favor of the director, by whom the same shall be deposited in the state treasury to the credit of the general fund.

"Housing cost" means the expense of operating and maintaining capital buildings and grounds) may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of operating and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by billing either quarterly, semiannually, or annually or in any other manner authorized by law as determined by the director of the office of program planning and fiscal management, including but not limited to transfers upon accounts and advancements into the general

administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of the office of program planning and fiscal management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as may be equitable and if he deems it appropriate in the public interest: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in section 2 of this 1971 amendatory act unless the director of the office of program planning and fiscal management has authorized another method for payment of costs.

NEW SECTION. Sec. 2. There is hereby created a fund within the state treasury designated as the "department of general administration facilities and services revolving fund". Such revolving fund shall be used by the department of general administration for the payment of certain costs, expenses, and charges, as hereinafter specified, incurred by it in the operation and administration of the department in the rendering of services, the furnishing or supplying of equipment, supplies, and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in section 1 of this 1971 amendatory act.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director of general administration and the director of the office of program planning and fiscal management, in amounts which, together with any other income or appropriation, will provide the department of general administration with funds to meet its anticipated expenditures during any allotment period.

The director of general administration may promulgate rules and regulations governing the provisions of this act and the relationships and procedures between the department of general administration and such other entities.

Passed the House May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 160

[Substitute House Bill No. 595]

POLLUTION DISCLOSURE ACT OF 1971

AN ACT Relating to air and water pollution; enacting the pollution disclosure act; and creating new sections.

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

NEW SECTION. Section 1. Every person conducting a commercial or industrial operation within this state who discharges wastes, other than sanitary sewage, into waters of the state or into any sewer system which discharges into waters of the state, and every person conducting a commercial or industrial operation within the state who discharges wastes into the air of the state, shall file, annually, during the month of January, reports, on forms provided by the department of ecology, setting forth:

- (1) The nature of the enterprise;
- (2) A list of materials used in, and incidental to, its manufacturing processes, including by-products and waste products;
- (3) The estimated annual total gallons or pounds (or other appropriate measurement) of wastes, including, but not limited to, process and cooling water to be discharged into the water or air, or into any sewer system.

The list of materials provided for in subsection (2) hereof shall relate to all materials designated by the director of the department of ecology, after consultation with a committee on environmental specialists of not less than five appointed by the director, as critical materials which have substantial potential to adversely affect the quality of waters or environment of the state, or the uses made thereof, if allowed to enter the same. Formal designation shall be adopted by the director as a rule and filed in a "critical materials" registry of the department of ecology. "Person" as used herein means an individual partnership, firm, corporation, association or other entity.

NEW SECTION. Sec. 2. The department of ecology shall provide proper and adequate procedures to safeguard the confidentiality of manufacturing processes: PROVIDED, That the confidentiality shall not extend to waste products discharged into the waters or air of the state.

NEW SECTION. Sec. 3. Operation of an industrial or

commercial operation in violation of section 1 of this 1971 amendatory act may be enjoined on petition of the attorney general to the superior court of Thurston county or of the county in which the operation is located.

Operation of an industrial or commercial operation in violation of this chapter shall provide the basis of a civil penalty under RCW 90.48.144 or 70.94.431 as now or are hereafter amended. No person may discharge wastes into the waters or air of the state who fails to satisfy the requirements of sections 1 and 4 of this 1971 act.

NEW SECTION. Sec. 4. In the administration of the provisions of chapter 90.48 RCW, the director of the department of ecology shall, regardless of the quality of the water of the state to which wastes are discharged or proposed for discharge, and regardless of the minimum water quality standards established by the director for said waters, require wastes to be provided with all known, available, and reasonable methods of treatment prior to their discharge or entry into waters of the state.

NEW SECTION. Sec. 5. This act shall be known and may be cited as the Pollution Disclosure Act of 1971.

Passed the House March 26, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 161

[Engrossed House Bill No. 863]

EDUCATION--

MEANING OF SCHOOL DAY

AN ACT Relating to education; and amending section 28A.01.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.010; and amending section 13, chapter 293, Laws of 1969 ex. sess. and RCW 28A.02.C61.

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

Section 1. Section 28A.01.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.01.010 are each amended to read as follows:

A school day shall ~~consist of six hours for all pupils above the third grade, exclusive of an intermission at noon; any board of directors however may fix as a school day for their district a less number of hours than six: PROVIDED, That for pupils in kindergarten the school day shall not be less than three hours, exclusive of an intermission at noon; for pupils in grades one through three the~~

school day shall not be less than four hours, exclusive of an intermission at noon, and for pupils belonging to grades above the third grade the minimum school day shall not be less than five hours, exclusive of an intermission at noon: PROVIDED FURTHER, That for kindergarten purposes an attendance of two hours shall be credited as one-half day. In the absence of any bylaw or order of the board of directors defining the school day for their district, any teacher may dismiss all pupils belonging to grades one through three after an attendance of four hours, exclusive of an intermission at noon) mean each day of the school year on which pupils enrolled in the common schools of a school district are engaged in educational activity planned by and under the direction of the school district staff, as directed by the administration and board of directors of the district.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 162

[Substitute House Bill No. 47]

PORT DISTRICTS--

INACTIVE--DISSOLUTION

AN ACT Relating to port districts; providing a method for the dissolution of inactive port districts; and creating new sections.

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

NEW SECTION. Section 1. This act shall provide an additional method by which inactive port districts may be dissolved.

NEW SECTION. Sec. 2. A port district shall be deemed inactive if, at the time of the filing of the petition for dissolution with the clerk of the superior court of the county in which such port district is situated, such port has failed to comply with subdivision (1), (2), or (3) of this section.

(1) The port district has failed to file its budget with the board of county commissioners or, in the case of home rule charters, the appropriate governing body for the two fiscal years immediately preceding the date of filing such petition, and the port district, having been in existence for two years or more, has failed to adopt its comprehensive plan of harbor improvement and/or industrial development as provided by statute, and does not presently own or has not leased within two years prior to the filing of such petition,

real property for use for port purposes.

(2) The port district does not presently own or has not leased or owned real property for use for port purposes within the four calendar years prior to the filing of such petition.

(3) The port district has not filed its budget with the board of county commissioners or, in the case of home rule charters, the appropriate governing body for the two fiscal years immediately preceding the filing of said petition has not adopted its comprehensive plan of harbor improvement and/or industrial development as provided by statute, and has not met with a legal quorum at least twice in the last two calendar years prior to the filing of such petition.

NEW SECTION. Sec. 3. The county prosecutor of the county in which such port district is located acting upon his own motion shall file such petition for dissolution with the clerk of the superior court of the county in which such inactive port district is located. Such petition shall:

(1) Describe with certainty the port district which is declared to be inactive and which is sought to be dissolved;

(2) Allege with particularity that the port district sought to be dissolved is inactive within the purview of any of the several particulars set forth in section 2 of this act; and

(3) Request that the court find the port district inactive and declare it dissolved upon such terms and conditions as the court may impose and declare.

NEW SECTION. Sec. 4. The superior court, upon the filing of such petition, shall set such petition for hearing not less than one hundred twenty days and not more than one hundred eighty days after the date of filing said petition. Further, the court shall order the clerk of said court to give notice of the time and place fixed for the hearing by publication of notice in a newspaper of general circulation within such district, such publication to be once each week for three consecutive weeks, the date of first publication to be not less than thirty nor more than seventy days prior to the date fixed for the hearing upon such petition. Said notice shall further provide that all creditors of said district, including holders of revenue or general obligation bonds issued by said district, if any, shall present their claims to the clerk of said court within ninety days from the date of first publication of said notice, and that upon failure to do so all such claims will be forever barred. The clerk shall also mail a copy by ordinary mail of such notice to all creditors of said district, including holders of revenue or general obligation bonds issued by said district, if any, such mailing to be mailed not later than thirty days after the hearing date has been set. No other or further notices shall be required at any stage of

the proceedings for dissolution of an inactive port district pursuant to this act.

The clerk, ten days prior to the date set for the hearing, shall deliver to the court the following:

(1) A list of the liabilities of the port district in detail with the names and addresses of creditors as then known; and

(2) A list of the assets of the port district in detail as then known.

The court upon hearing the petition shall fix and determine all such claims subject to proof being properly filed as provided in this section; shall fix and determine the financial condition of the district as to its assets and liabilities, and if it finds the port district to be inactive in respect of any standard of inactivity set forth by this act, shall order the port district to be dissolved upon the following terms and conditions:

(1) If there be no outstanding debts, or if the debts be less than the existing assets, the court shall appoint the auditor of the county in which the port district is located to be trustee of the port's assets and shall empower such person to wind up and liquidate the affairs of such district in such manner as the court shall provide and to file his accounting with the court within ninety days from the date of his appointment. Upon the filing of such account, the court shall fix a date for hearing upon the same and upon approval thereof, if such accounting be the final accounting, shall enter its order approving the same and declaring the port district dissolved.

At the request of the trustee the county sheriff may sell, at public auction, all real and personal property of the port district. The county sheriff shall cause a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale. Such notice shall contain a description of the property to be sold and shall be signed by the sheriff or his deputy. Such notice shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The sheriff or his deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. The moneys arising from such sales shall be turned over to the county auditor acting as trustee: PROVIDED, HOWEVER, That the sheriff shall first deduct the costs and expenses of the sale from the moneys and shall apply such moneys to pay said costs and expenses.

The court order shall provide that the assets remaining in the hands of the trustee shall be transferred to any school district,

districts, or portions of districts, lying within the dissolved port district boundaries. The transfer of assets shall be prorated to the districts based on the assessed valuation of said districts.

(2) If the debts exceed the assets of the port district, then the court shall appoint the auditor of the county in which a port district is located to be trustee of the port's assets for the purpose of conserving the same and of paying liability of the port district as funds become available therefor. The trustee shall be empowered to generally manage, wind up, and liquidate the affairs of such district in such manner as the court shall provide and to file his accounting with the court within ninety days from the date of his appointment and as often thereafter as the court shall provide. The board of county commissioners, acting as pro tempore port district commissioners under the authority of RCW 53.36.020 shall levy an annual tax not exceeding one mill or such lesser amount as may previously have been voted by the taxpayers within said district, together with an amount deemed necessary for payment of the costs and expenses attendant upon the dissolution of said district, upon all the taxable property within said district, the amount of such levy to be determined from time to time by the court. When, as shown by the final accounting of the trustee, all of the indebtedness of the district shall have been satisfied, the cost and expense of the proceeding paid or provided for, and the affairs of the district wound up, the court shall declare the district dissolved: PROVIDED, That if the indebtedness be composed in whole or in part of bonded debt for which a regular program of retirement has been provided, then the board of county commissioners shall be directed by the court to continue to make such annual levies as are required for the purpose of debt service upon said bonded debt.

NEW SECTION. Sec. 5. Upon the entry of the final order of dissolution declaring the port district dissolved all offices of the port district shall be deemed abolished, and no other or further levy shall be certified by the county commissioners except pursuant to the directive of the court as hereinabove provided.

NEW SECTION. Sec. 6. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Passed the House April 2, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 163

[House Bill No. 209]

STATE FISCAL AGENCY ABOLISHED

AN ACT Relating to the state fiscal agency; repealing section 43.80.030, chapter 8, Laws of 1965, section 1, chapter 120, Laws of 1969 and RCW 43.80.030; and declaring an emergency.

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

NEW SECTION. Section 1. Section 43.80.030, chapter 8, Laws of 1965, section 1, chapter 120, Laws of 1969, and RCW 43.80.030 are each repealed.

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 March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 164

[Substitute House Bill No. 257]

PUBLIC ASSISTANCE--

SUPPORT OF MINOR DEPENDENT CHILDREN

COLLECTION OF CHILD SUPPORT DEBTS

AN ACT Relating to public assistance; creating new sections; repealing section 17, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.292; and declaring an emergency.

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

NEW SECTION. Section 1. Common law and statutory procedures governing the remedies for enforcement of support for financially dependent minor children by responsible parents have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency. The increasing workload of courts, prosecuting attorneys, and the attorney general has made such remedies uncertain, slow and inadequate, thereby resulting in a growing burden on the financial resources of the state, which is constrained to provide public assistance grants for basic maintenance requirements when parents fail to meet their primary obligations. The state of Washington, therefore, exercising its police and sovereign power, declares that the common law and statutory remedies pertaining to family desertion and nonsupport of minor dependent

children shall be augmented by additional remedies directed to the real and personal property resources of the responsible parents. In order to render resources more immediately available to meet the needs of minor children, it is the legislative intent that the remedies herein provided are in addition to, and not in lieu of, existing law. It is declared to be the public policy of this state that this 1971 act be construed and administered to the end that children shall be maintained from the resources of responsible parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through welfare programs.

NEW SECTION. Sec. 2. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this 1971 act shall have the following meanings:

(1) "Department" means the state department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services, his designee or authorized representative.

(3) "Dependent child" means any person under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(4) "Superior court order" means any judgment or order of the superior court of the state of Washington or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

(5) "Responsible parent" means the natural or adoptive parent of a dependent child.

NEW SECTION. Sec. 3. Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid: PROVIDED, That where there has been a superior court order or final decree of divorce, the debt shall be limited to the amount of said court order or decree. The department shall have the right to petition the appropriate superior court for modification of a superior court order on the same grounds as either party to said cause.

The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys thus expended. If a superior court order or final decree of divorce enters judgment for an amount of support to be paid by an obligor parent, the

department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

NEW SECTION. Sec. 4. The secretary may issue a notice of a child support debt accrued and/or accruing based upon subrogation to or assignment of the judgment created by a superior court order or final decree of divorce. Said notice shall be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. Said notice of debt shall include a statement of the child support debt accrued and/or accruing, computable on the amount required to be paid under any superior court order or final decree of divorce to which the department is subrogated or has an assigned interest; a statement that the property of the debtor is subject to collection action; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the child support debt. Action to collect said subrogated or assigned child support debt by lien and foreclosure, or distraint, seizure and sale, or order to withhold and deliver shall be lawful after twenty days from the receipt or refusal by the debtor of said notice of debt.

NEW SECTION. Sec. 5. In the absence of a superior court order or final decree of divorce, the secretary may issue a notice of a child support debt accrued and/or accruing based upon payment of public assistance to or for the benefit of any dependent child or children. Said notice of debt shall be served upon the debtor in the manner prescribed for the service of summons in a civil action, including summons by publication where appropriate and necessary. The notice of debt shall include a statement of the child support debt accrued and/or accruing, computable on the basis of the amount of public assistance previously paid and to be paid in the future; a statement of the amount of the monthly public assistance payment; a statement of the name of the recipient and the name of the child or children for whom assistance is being paid; a demand for immediate payment of the child support debt or in the alternative, a demand that the debtor make answer within twenty days of the date of service to the secretary stating defenses to liability under section 3 of this 1971 act; a statement that if no answer is made on or before twenty days from the date of the service, the child support debt shall be assessed and determined subject to computation, and is subject to collection action; a statement that the property of the

debtor will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver. If no answer is had by the secretary to the notice of debt on or before twenty days of the date of service, the child support debt shall be assessed and determined subject to computation and the secretary shall issue a collection warrant authorizing collection action under this 1971 act. If the debtor, within twenty days of date of service of the notice of debt, makes answer to the secretary alleging defenses to liability under section 3 of this 1971 act, said debtor shall have the right to a fair hearing pursuant to RCW 74.08.070 and 74.08.090. The decision of the department in the fair hearing shall establish the liability of the debtor, if any, for repayment of public assistance moneys expended to date as an assessed and determined child support debt. Action by the secretary under the provisions of this 1971 act to collect said child support debt shall be lawful from the date of issuance of the decision in the fair hearing. If the secretary reasonably believes that the debtor is not a resident of this state, or is about to move from this state, or has concealed himself, absconded, absented himself or has removed or is about to remove, secrete, waste, or otherwise dispose of property which could be made subject to collection action to satisfy the child support debt, the secretary may file and serve liens pursuant to sections 6 and 7 of this 1971 act during pendency of the fair hearing or thereafter, whether or not appealed: PROVIDED, That no further action under sections 8, 13 and 14 of this 1971 act may be taken on such liens until final determination after fair hearing and/or appeal. The secretary shall in such cases, make and file in the record of the fair hearing an affidavit stating the reasons upon which said belief is founded: PROVIDED, That the debtor may furnish a good and sufficient bond satisfactory to the secretary during pendency of the fair hearing, or thereafter, and in such case liens filed shall be released. If the decision of the fair hearing is in favor of the debtor, all liens filed shall be released.

NEW SECTION. Sec. 6. Twenty-one days after receipt or refusal of notice of debt under provisions of section 4 of this 1971 act, or twenty-one days after service of notice of debt, or as otherwise appropriate under the provisions of section 5 of this 1971 act, a lien may be asserted by the secretary upon the real or personal property of the debtor. The claim of the department for a child support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in

which such property is located.

Whenever a child support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the child support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in sections 9 and 13 of this 1971 act, unless a written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state or unless a determination has been made in a fair hearing pursuant to section 5 of this 1971 act or by a superior court ordering release of said child support lien on the basis that no debt exists or that the debt has been satisfied.

NEW SECTION. Sec. 7. The secretary may at any time after filing of a child support lien serve a copy of said lien upon any person, firm, corporation, association, political subdivision or department of the state in possession of earnings, or deposits or balances held in any bank account of any nature which are due, owing, or belonging to said debtor. Said child support lien shall be served upon the person, firm, corporation, association, political subdivision or department of the state either in the manner prescribed for the service of summons in a civil action or by certified mail, return receipt requested. No lien filed under section 6 of this 1971 act shall have any effect against earnings or bank deposits or balances unless it states the amount of the child support debt accrued and unless service upon said person, firm, corporation, association, political subdivision or department of the state in possession of earnings or bank accounts, deposits or balances is accomplished pursuant to this section.

NEW SECTION. Sec. 8. After service of a notice of debt as provided for in section 4 of this 1971 act stating a child support debt accrued and/or accruing based upon subrogation to or assignment of the amount required to be paid under any superior court order or final decree of divorce, or whenever a child support lien has been filed pursuant to section 6 of this 1971 act, the secretary is hereby authorized to issue to any person, firm, corporation, association, political subdivision or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the state property which is due, owing, or belonging to said debtor. The order to withhold and deliver which shall also be served upon the debtor, shall state the amount of the

child support debt accrued, and shall state in summary the terms of sections 9 and 10 of this 1971 act. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision or department of the state upon whom service has been made is hereby required to answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the state any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall after the twenty day period, upon demand, be delivered forthwith to the secretary. The secretary shall hold said property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement of the order to withhold and deliver. Delivery to the secretary shall serve as full acquittance and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The foregoing is subject to the exemptions contained in sections 9 and 13 of this 1971 act.

NEW SECTION. Sec. 9. Whenever a child support lien or order to withhold and deliver is served upon any person, firm, corporation, association, political subdivision or department of the state asserting a child support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state, any such earnings, RCW 7.33.280 shall not apply, but fifty percent of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other regular intervals and whether there be due the debtor earnings for one week or for a longer period. The lien or order to withhold and deliver shall continue to operate and require said person, firm,

corporation, association, political subdivision, or department of the state to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the child support debt stated in the lien or order to withhold and deliver has been withheld. As used in this 1971 act, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments by any department or division of the state based upon inability to work or obtain employment. "Earnings" shall also mean that part of temporary total disability payments and permanent total disability compensation to a workman allocated by RCW 51.32.090 and 51.32.060 respectively to the spouse and children of a workman, and shall also include no more than forty percent of the net proceeds of payments to a workman for permanent partial disability under RCW 51.32.080. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount be required by law to be withheld.

NEW SECTION. Sec. 10. Should any person, firm, corporation, association, political subdivision or department of the state fail to make answer to an order to withhold and deliver within the time prescribed herein; or fail or refuse to deliver property pursuant to said order; or after actual notice of filing of a child support lien, pay over, release, sell, transfer, or convey real or personal property subject to a child support lien to or for the benefit of the debtor or any other person; or fail or refuse to surrender upon demand property distrained under section 13 of this 1971 act or fail or refuse to honor an assignment of wages presented by the secretary, said person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees.

NEW SECTION. Sec. 11. Whenever any person, firm, corporation, association, political subdivision or department of the state has in its possession earnings, deposits, accounts, or balances in excess of the amount of the debt claimed by the department plus one hundred dollars, such person, firm, corporation, association, political subdivision or department of the state may, without liability under this act, release said excess to the debtor.

NEW SECTION. Sec. 12. In the case of a bank, bank association, mutual savings bank, or savings and loan association maintaining branch offices, service of a lien or order to withhold

and deliver or any other notice or document authorized by this 1971 act shall only be effective as to the accounts, credits, or other personal property of the debtor in the particular branch upon which service is made.

NEW SECTION. Sec. 13. Whenever a child support lien has been filed pursuant to section 6 of this 1971 act, the secretary may collect the child support debt stated in said lien by the distraint, seizure, and sale of the property subject to said lien. The secretary shall give notice to the debtor and any person known to have or claim an interest therein of the general description of the property to be sold and the time and place of sale of said property. Said notice shall be given to such persons by certified mail, return receipt requested. A notice specifying the property to be sold shall be posted in at least two public places in the county wherein the distraint has been made. The time of sale shall not be less than ten nor more than twenty days from the date of posting of such notices. Said sale shall be conducted by the secretary, who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the secretary may declare such property to be purchased by the department for such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the department as herein prescribed may be sold by the secretary at public or private sale, and the amount realized shall be placed in the state general fund to the credit of the department of social and health services. In all cases of sale, as aforesaid, the secretary shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima facie evidence of the right of the secretary to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the debtor in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the department, shall be first applied by the secretary to reimbursement of the costs of distraint and sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the secretary shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the state or its political subdivisions or by the secretary for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this 1971 act, there shall be exempt from attachment,

distrain, seizure, execution and sale under this 1971 act such property as is exempt therefrom under the laws of this state.

NEW SECTION. Sec. 14. Whenever a child support lien has been filed, an action in foreclosure of lien upon real or personal property may be brought in the superior court of the county where real or personal property is or was located and the lien was filed and judgment shall be rendered in favor of the department for the amount due, with costs, and the court shall allow, as part of the costs, the moneys paid for making and filing the claim of lien, and a reasonable attorney's fee, and the court shall order any property upon which any lien provided for by this 1971 act is established, to be sold by the sheriff of the proper county to satisfy the lien and costs. The payment of the lien debt, costs and reasonable attorney fees, at any time before sale, shall satisfy the judgment of foreclosure. Where the net proceeds of sale upon application to the debt claimed do not satisfy the debt in full, the department shall have judgment over for any deficiency remaining unsatisfied and further levy and sales upon other property of the judgment debtor may be made under the same execution. In all sales contemplated under this section, advertising of notice shall only be necessary for two weeks in a newspaper published in the county where said property is located, and if there be no newspaper therein, then in the most convenient newspaper having a circulation in such county. Remedies provided for herein are alternatives to remedies provided for in other sections of this 1971 act.

NEW SECTION. Sec. 15. Any person owning real property, or any interest in real property, against which a child support lien has been filed and foreclosure instituted, shall have the right to pay the amount due, together with expenses of the proceedings and reasonable attorney fees to the secretary and upon such payment the secretary shall restore said property to him and all further proceedings in the said foreclosure action shall cease. Said person shall also have the right within two hundred forty days after sale of property foreclosed under section 14 of this 1971 act to redeem said property by making payment to the purchaser in the amount paid by the purchaser plus interest thereon at the rate of six percent per annum.

NEW SECTION. Sec. 16. The secretary may at any time consistent with the income, earning capacity and resources of the debtor, set or reset a level and schedule of payments to be paid upon the debt.

NEW SECTION. Sec. 17. The secretary may at any time release a child support lien, or order to withhold and deliver, on all or part of the property of the debtor, or return seized property without liability, if assurance of payment is deemed adequate by the secretary, or if said action will facilitate the collection of the

debt, but said release or return shall not operate to prevent future action to collect from the same or other property.

NEW SECTION. Sec. 18. If the secretary finds that the collection of any child support debt based upon subrogation to or assignment of the amount of support ordered by any superior court order or final decree of divorce is in jeopardy, he may make demand under section 4 of this 1971 act for immediate payment of the child support debt, and upon failure or refusal immediately to pay said child support debt, he may file and serve liens pursuant to sections 6 and 7 of this 1971 act, without regard to the twenty day period provided for in section 4 of this 1971 act: PROVIDED, That no further action under sections 8, 13 and 14 may be taken until the notice requirements of section 4 of this 1971 act are met.

NEW SECTION. Sec. 19. Interest of six percent per annum on any child support debt due and owing to the department under section 3 of this 1971 act may be collected by the secretary. No provision of this 1971 act shall be construed to require the secretary to maintain interest balance due accounts and said interest may be waived by the secretary, if said waiver would facilitate the collection of the debt.

NEW SECTION. Sec. 20. Any person against whose property a child support lien has been filed or an order to withhold and deliver has been served pursuant to this 1971 act may apply for relief to the superior court of the county wherein the property is located on the basis that no child support debt is due and owing: PROVIDED, That judicial relief shall not be granted except as provided for in RCW 74.08.080 whenever a fair hearing has been requested pursuant to section 5 of this 1971 act. Liens filed during pendency of fair hearing or court review shall be reviewed pursuant to RCW 74.08.080. It is the intent of this 1971 act that jurisdictional and constitutional issues, if any, shall be subject to review, but that administrative remedies be exhausted prior to judicial review.

NEW SECTION. Sec. 21. All moneys collected in fees, costs, attorney fees, interest payments, or other funds received by the secretary which are unidentifiable as to the child support account against which they should be credited, shall be held in a special fund from which the secretary may make disbursement for any costs or expenses incurred in the administration or enforcement of the provisions of this 1971 act.

NEW SECTION. Sec. 22. Any child support debt due the department from a responsible parent which the secretary deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset: PROVIDED, That at any time after six years from the date a child support debt was incurred, the secretary may charge off as uncollectible any child

support debt upon which the secretary finds there is no available, practical, or lawful means by which said debt may be collected: PROVIDED FURTHER, That no proceedings or action under the provisions of this 1971 act may be begun after expiration of said six year period to institute collection of a child support debt. Nothing herein shall be construed to render invalid or nonactionable a child support lien filed prior to the expiration of said six year period.

NEW SECTION. Sec. 23. No employer shall discharge an employee for reason that a child support lien or order to withhold and deliver has been served against said employee's earnings: PROVIDED, That this provision shall not apply if more than three child support liens or orders to withhold and deliver are served upon the same employer within any period of twelve consecutive months.

NEW SECTION. Sec. 24. Any person, firm, corporation, association, political subdivision or department of the state employing a person owing a child support debt or obligation, shall honor, according to its terms, a duly executed assignment of earnings presented by the secretary as a plan to satisfy or retire a child support debt or obligation. This requirement to honor the assignment of earnings and the assignment of earnings itself shall be applicable whether said earnings are to be paid presently or in the future and shall continue in force and effect until released in writing by the secretary. Payment of moneys pursuant to an assignment of earnings presented by the secretary shall serve as full acquittance under any contract of employment, and the state warrants and represents it shall defend and hold harmless such action taken pursuant to said assignment of earnings. The secretary shall be released from liability for improper receipt of moneys under an assignment of earnings upon return of any moneys so received.

NEW SECTION. Sec. 25. By accepting public assistance for or on behalf of a child or children, the recipient shall be deemed to have made assignment to the department of any and all right, title, and interest in any child support obligation owed to or for said child or children up to the amount of public assistance money paid for or on behalf of said child or children for such term of time as such public assistance moneys are paid. The recipient shall also be deemed, without the necessity of signing any document, to have appointed the secretary as his or her true and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing child support payments which are received on behalf of said child or children as reimbursement for the public assistance moneys previously paid to said recipient.

NEW SECTION. Sec. 26. This 1971 act is necessary for the

immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 27. If any provision of this 1971 act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this 1971 act which can be given effect without the invalid provision or application, and to this end the provisions of this 1971 act are severable.

If any method of notification provided for in this 1971 act is held invalid, service as provided for by the laws of the state of Washington for service of process in a civil action shall be substituted for the method held invalid.

NEW SECTION. Sec. 28. Section 17, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.292 are hereby repealed. Said repeal is not intended to affect any existing or accrued right or any action or proceeding already taken or instituted, or any rule, regulation or order already promulgated or administrative action already taken. Said repeal is not intended to revive any law heretofore repealed.

Passed the House March 29, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 165

[Engrossed House Bill No. 575]

JUVENILE PROBATION SERVICES--

BASE COMMITMENT RATE

AN ACT Relating to probation services; amending section 5, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.050; and declaring an emergency.

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

Section 1. Section 5, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of ~~((institutions))~~ social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of ~~((institutions))~~ social and health services. The base commitment rate shall be

determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the director: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the ((planning and community affairs agency; or such successor agency as shall be given responsibility by the 1969 legislature for the census functions of chapter 43-62 RCW)) office of program planning and fiscal management, such population figures to be provided to the ((director)) secretary of ((institutions)) social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1).

(3) The amount that may be paid to a county pursuant to this chapter shall be the actual cost of the operation of a special supervision program or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The ((director)) secretary of ((institutions)) social and health services will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous

((year)) payment period because of extremely unusual circumstances claimed by the county and verified by the ((director)) secretary of the department of ((institutions)) social and health services, the ((director)) secretary may pay to the county a sum ((equal to the prior year's payment)) not to exceed actual program expenditures, provided, however, that in subsequent ((years)) periods the county will be paid only the amount earned; PROVIDED, That the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to the effective date of this act.

(6) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(7) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer unless the total number of juveniles placed on probation annually is twenty or fewer in which case the county may receive from the state one-half the salary of a full time officer.

(8) In the event a county chooses the alternative proposal in subsection (7), it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and is paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by five percent its own base commitment rate.

(9) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the director may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

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 May 3, 1971.
Passed the Senate April 30, 1971.
Approved by the Governor May 20, 1971.
Filed in Office of Secretary of State May 21, 1971.

CHAPTER 166
[House Bill No. 106]
REGULATION OF ENDANGERED FISH AND WILDLIFE,
DELETERIOUS EXOTIC FISH AND WILDLIFE,
MANAGED MARINE MAMMALS, AND KILLER WHALES

AN ACT Relating to species of fish and wildlife; amending section 77.16.040, chapter 36, Laws of 1955 as amended by section 1, chapter 75, Laws of 1961 and RCW 77.16.040; adding new sections to chapter 77.08 RCW; adding a new section to 77.12 RCW; adding a new section to chapter 77.16 RCW; adding a new section to 77.32 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or in any rule or regulation of the commission "endangered species of fish and wildlife" shall mean those species of fish and wildlife designated by rule or regulation of the commission as seriously threatened with extinction. Such rules or regulations of the commission shall include, but not be limited to, endangered species as so designated by the secretary of the interior on the date this 1971 amendatory act shall take effect: PROVIDED, That the commission may amend such rules and regulations to exclude any species of fish and wildlife from designation as an endangered species if the commission determines that the species is no longer endangered.

NEW SECTION. Sec. 2. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or in any rule or regulation of the commission "deleterious exotic species of fish and wildlife" shall mean these species of fish and wildlife designated by rule or regulation of the commission as dangerous to the environment or native species of fish and wildlife of the state of Washington.

NEW SECTION. Sec. 3. There is added to chapter 77.16 RCW a new section to read as follows:

Except as authorized by permit or license lawfully issued by the director, or by rule or regulation of the commission, it shall be unlawful for any person to bring into the state, have in his possession within the state, have in his possession for sale or with

intent to sell or to expose or offer for sale, or to sell, or to barter for, or to exchange, or to buy, or to have in his possession with intent to ship, or to ship any deleterious exotic species of fish or wildlife. It shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment any such deleterious exotic species of fish or wildlife.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Sec. 4. Section 77.16.040, chapter 36, Laws of 1955 as amended by section 1, chapter 75, Laws of 1961 and RCW 77.16.040 are each amended to read as follows:

Except as authorized by permit or license lawfully issued by the director, or by rule or regulation of the commission, it shall be unlawful for any person to have in his possession for sale or with intent to sell, or to expose or offer for sale or to sell or to barter for, or to exchange, or to buy, or to have in his possession with intent to ship, or to ship, any game animal, game bird ((or)), game fish, or endangered species of fish or wildlife or any part thereof or any article made in whole or part from the skin, hide, or other parts of any endangered species of fish or wildlife. It shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment any such game animal, game bird, or fish, or endangered species of fish or wildlife or any part thereof or any article made in whole or part from the skin, hide, or other parts of any endangered species of fish or wildlife: PROVIDED, That nothing contained in this section shall prohibit any person from buying, selling, or shipping any lawfully tagged or sealed game animal, game bird, or game fish purchased from a licensed game farmer.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

NEW SECTION. Sec. 5. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or any rule or regulation of the commission "managed marine mammals" shall include all mammals of the order cetacea and the suborder pinnipedia including but not limited to whales, porpoises, dolphins, seals and sea lions.

NEW SECTION. Sec. 6. There is added to chapter 77.12 RCW a new section to read as follows:

The commission shall from time to time, adopt, promulgate, amend, or repeal, and enforce reasonable rules and regulations governing the time, place, and manner or prohibiting the capture or taking of managed marine mammals, the quantities, species, sex and size that may be captured or taken, and the transportation, sale, and confinement of managed marine mammals.

The commission may, acting through the director, issue permits for the taking or capture of managed marine mammals for scientific research, display, or propagation purposes: PROVIDED, That a managed marine mammal may be taken without permit when it constitutes a threat to human life or is causing substantial damage to private property.

NEW SECTION. Sec. 7. There is added to chapter 77.32 RCW a new section to read as follows:

It shall be unlawful for any person to attempt to capture or to capture killer whales, *Orcinus orca*, without first having procured from the commission a permit to be known as a killer whale permit. The fee for retaining a killer whale shall be one thousand dollars for each such whale: PROVIDED, That the commission may waive the permit for any organization capturing a killer whale for scientific purposes and not for profit. Said fees shall be credited to the general fund.

Passed the House May 6, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 167

[Engrossed House Bill No. 305]

CHILD ABUSE--

REPORTS REQUIRED

AN ACT Relating to child abuse; amending section 3, chapter 13, Laws of 1965 as amended by section 3, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as amended by section 4, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.040; adding a new section to chapter 26.44 RCW; and prescribing penalties.

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

Section 1. Section 3, chapter 13, Laws of 1965 as amended by section 3, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.030 are

each amended to read as follows:

(1) When any practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, or employee of the department of ~~((public assistance))~~ social and health services has reasonable cause to believe that a child has died or has had physical injury or injuries inflicted upon him, other than by accidental means, or is found to be suffering from physical neglect, or sexual abuse, he ~~((may))~~ shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department of ~~((public assistance))~~ social and health services as provided in RCW 26.44.040.

(2) When a practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, or employee of the department of ~~((public assistance))~~ social and health services is attending a child as part of his regular duties and has cause to believe that such child has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who is found to be suffering from physical neglect, or sexual abuse, he ~~((may))~~ shall notify the person in charge of the institution, organization, school, or the department or his designated representative, who ~~((may))~~ shall report the incident or cause such reporting to be made as provided in RCW 26.44.040.

Sec. 2. Section 4, chapter 13, Laws of 1965 as amended by section 4, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report ~~((may))~~ shall be made by telephone or otherwise to the proper law enforcement agency or the department of ~~((public assistance))~~ social and health services and ~~((may))~~ shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child;
- (2) The name and address of the child's parents ~~((†))~~ and stepparents ~~((†))~~ and guardians, or other persons having custody of the child;
- (3) The nature and extent of the child's injury or injuries;
- (4) The nature and extent of the child's physical neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the perpetrator or perpetrators.

NEW SECTION. Sec. 3. There is added to chapter 26.44 RCW a new section to read as follows:

Every person who is required to make, or to cause to be made,

a report pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a misdemeanor.

Passed the House April 2, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 168

[Engrossed House Bill No. 414]

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

AN ACT Relating to an interstate compact on the placement of children; adding a new chapter to Title 26 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. The interstate compact on the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE I. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee

thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public

authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

ARTICLE V. Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

ARTICLE VI. Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

(1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. Limitations

This compact shall not apply to:

(a) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

ARTICLE IX. Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. Construction and Severability

The provisions of this compact shall be liberally construed to

effectuate the purposes thereof. 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 state party thereto, 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. 2. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of RCW 26.16.205 and RCW 26.20.030 shall apply.

NEW SECTION. Sec. 3. The "appropriate public authorities" as used in Article III of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the department of social and health services, and said agency shall receive and act with reference to notices required by said Article III.

NEW SECTION. Sec. 4. As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the department of social and health services.

NEW SECTION. Sec. 5. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the director of the office of program planning and fiscal management in the case of the state and of the treasurer in the case of a subdivision of the state.

NEW SECTION. Sec. 6. Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

NEW SECTION. Sec. 7. As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the governor. The governor is hereby authorized to

appoint a compact administrator in accordance with the terms of said Article VII.

NEW SECTION. Sec. 8. Any person, firm, corporation, association or agency which places a child in the state of Washington without meeting the requirements set forth herein, or any person, firm, corporation, association or agency which receives a child in the state of Washington, where there has been no compliance with the requirements set forth herein, shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

NEW SECTION. Sec. 9. This 1971 act shall constitute a new chapter in Title 26 RCW.

Passed the House March 18, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 169

[House Bill No. 416]

PUBLIC ASSISTANCE--
ELIGIBILITY REQUIREMENTS--
CUSTODY OF FUNDS--
ALLOCATION OF STATE FUNDS

AN ACT Relating to public assistance; amending section 74.08.025, chapter 26, Laws of 1959 as amended by section 1, chapter 31, Laws of 1967 ex. sess. and RCW 74.08.025; amending section 74.08.030, chapter 26, Laws of 1959 as amended by section 1, chapter 248, Laws of 1961 and RCW 74.08.030; amending section 74.08.050, chapter 26, Laws of 1959 and RCW 74.08.050; amending section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 1, chapter 60, Laws of 1970 ex. sess. and RCW 74.09.510; amending section 74.10.020, chapter 26, Laws of 1959 and RCW 74.10.020; amending section 74.12.030, chapter 26, Laws of 1959 as amended by section 19, chapter 228, Laws of 1963 and RCW 74.12.030; amending section 74.16.030, chapter 26, Laws of 1959 as last amended by section 1, chapter 78, Laws of 1967 and RCW 74.16.030; adding new sections to chapter 30, Laws of 1965 and to chapter 74.13 RCW; and adding new sections to chapter 39, Laws of 1965 and to chapter 74.36 RCW.

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

Section 1. Section 74.08.025, chapter 26, Laws of 1959 as amended by section 1, chapter 31, Laws of 1967 ex. sess. and RCW 74.08.025 are each amended to read as follows:

Public assistance shall be awarded to any applicant:

- (1) Who is in need; and
- (2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and
- (3) Who is not an inmate of a public institution except as a patient in a medical institution ((and who is not a patient under sixty-five years of age in an institution for mental disease and who is not a patient in a medical institution because of a diagnosis of psychosis)) or except as an inmate in a public institution who could qualify for federal aid assistance: PROVIDED, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis.

Sec. 2. Section 74.08.030, chapter 26, Laws of 1959 as amended by section 1, chapter 248, Laws of 1961 and RCW 74.08.030 are each amended to read as follows:

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for old age assistance must be an applicant who:

- (1) Has attained the age of sixty-five: PROVIDED, That if an applicant for old age assistance is already on the assistance rolls in some other program or category of assistance, such applicant shall be considered eligible the first of the month immediately preceding the date on which such applicant will attain the age of sixty-five; and

- (2) ((Has resided within)) Is a resident of the state of Washington ((for at least five years during the nine years immediately preceding the application and has resided herein continuously for one year immediately preceding the application)).

Sec. 3. Section 74.08.050, chapter 26, Laws of 1959 and RCW 74.08.050 are each amended to read as follows:

Application for a grant in any category of public assistance shall be made to the county office by the applicant or by another on his behalf, and shall be reduced to writing upon standard forms prescribed by the department, and a ((copy of the application upon such standard form)) written acknowledgment of receipt of the application by the department shall be given to each applicant at the time of making application.

Sec. 4. Section 4, chapter 30, Laws of 1967 ex. sess. as amended by section 1, chapter 60, Laws of 1970 ex. sess. and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with

eligibility requirements established by the department of ((public assistance)) social and health services to an applicant: (1) who is in need; (2) who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; (3) who is not an inmate of a public institution except as a patient in a medical institution ((and) or except as an inmate in a county or city jail or juvenile detention facility, ((and who is not a patient under the age of sixty-five years in an institution for mental disease or tuberculosis and who is not a patient in a medical institution because of the diagnosis of psychosis or tuberculosis)) or except as an inmate in a public institution who could qualify for federal aid assistance; and (4) who is a resident of the state of Washington.

Sec. 5. Section 74.10.020, chapter 26, Laws of 1959 and RCW 74.10.020 are each amended to read as follows:

In addition to the eligibility requirements under RCW 74.08.025, as now or hereafter amended, disability assistance grants will be awarded on a uniform state-wide basis to an applicant who is:

(1) Permanently and totally disabled as defined by the state department of ((public assistance)) social and health services and such definition is approved by the federal security agency for federal matching funds, and

(2) Eighteen years of age or over, and

(3) ((Has been)) is a resident of the state of Washington ((for one year prior to the date of application)), and

(4) Willing to submit himself to such examinations as are deemed necessary by the state department of ((public assistance)) social and health services to establish the extent and nature of his disability.

Sec. 6. Section 74.12.030, chapter 26, Laws of 1959 as amended by section 19, chapter 228, Laws of 1963 and RCW 74.12.030 are each amended to read as follows:

In addition to meeting the eligibility requirements of RCW 74.08.025, as now or hereafter amended, an applicant for aid to families with dependent children must be a needy child ((+)) who is a resident of the state of Washington.

((1) Who has resided in the state for one year immediately preceding application; or

(2) Who was born within the last year, and whose parent, or other relative, with whom he lives has lived in this state for a year immediately preceding his birth; or

(3) Whose parent or other relative with whom he lives has been a resident of this state for one year immediately preceding application:))

NEW SECTION. Sec. 7. There is added to chapter 30, Laws of

1965 and to chapter 74.13 RCW a new section to read as follows:

The secretary or his designees or delegates shall be the custodian without compensation of such moneys and other funds of any person which may come into the possession of the secretary during the period such person is placed with the department of social and health services pursuant to chapter 74.13 RCW. As such custodian, the secretary shall have authority to disburse moneys from the person's funds for the following purposes only and subject to the following limitations:

(1) The secretary may disburse any of the funds belonging to such person for such personal needs of such person as the secretary may deem proper and necessary.

(2) The secretary may apply such funds against the amount of public assistance otherwise payable to such person. This includes applying, as reimbursement, any benefits, payments, funds, or accrual paid to or on behalf of said person from any source against the amount of public assistance expended on behalf of said person during the period for which the benefits, payments, funds or accruals were paid.

(3) All funds held by the secretary as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him on an individual basis. Whenever, the funds belonging to any one person exceed the sum of five hundred dollars, the secretary may deposit said funds in a savings and loan association account on behalf of that particular person.

(4) When the conditions of placement no longer exist and public assistance is no longer being provided for such person, upon a showing of legal competency and proper authority, the secretary shall deliver to such person, or the parent, person, or agency legally responsible for such person, all funds belonging to the person remaining in his possession as custodian, together with a full and final accounting of all receipts and expenditures made therefrom.

(5) The appointment of a guardian for the estate of such person shall terminate the secretary's authority as custodian of said funds upon receipt by the secretary of a certified copy of letters of guardianship. Upon the guardian's request, the secretary shall immediately forward to such guardian any funds of such person remaining in the secretary's possession together with full and final accounting of all receipts and expenditures made therefrom.

NEW SECTION. Sec. 8. There is added to chapter 30, Laws of 1965 and to chapter 74.13 RCW a new section to read as follows:

None of the moneys or other funds which come into the possession of the secretary under this 1971 amendatory act shall be subject to execution, levy, attachment, garnishment or other legal

process or other operation of any bankruptcy or insolvency law.

Sec. 9. Section 74.16.030, chapter 26, Laws of 1959 as last amended by section 1, chapter 78, Laws of 1967 and RCW 74.16.030, are each amended to read as follows:

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for aid to the blind assistance must be an applicant:

(1) ~~((The is twenty one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;~~

~~(2))~~ Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential; and

~~((3))~~ (2) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" means the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging: PROVIDED, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care.

~~((4))~~ (3) Who is a resident of the state of Washington.

NEW SECTION. Sec. 10. There is added to chapter 39, Laws of 1965 and to chapter 74.36 RCW a new section to read as follows:

The secretary of the department of social and health services or his designee is authorized to allot for such purposes all or a portion of whatever state funds the legislature appropriates or are otherwise made available for the purpose of matching local funds dedicated to community programs and projects for the aging. The purpose of this act is to stimulate and assist local communities to obtain federal funds made available under the Federal Older Americans Act of 1965 as amended.

NEW SECTION. Sec. 11. There is added to chapter 39, Laws of 1965 and to chapter 74.36 RCW a new section to read as follows:

(a) The secretary or his designee shall adopt and set forth standards for determining the eligibility and approval of community projects and priorities therefor, and shall have final authority to approve or deny such projects and funding requested under this 1971 amendatory act.

(b) Only community project proposals submitted by local public agencies, by private non-profit agencies or organizations, or by public or other nonprofit institutions of higher education, shall be

eligible for approval.

(c) Any community project applicant whose application for approval is denied will be afforded an opportunity for an informal hearing before the secretary or his designee, but the administrative procedure act, chapter 34.04 RCW, shall not apply.

NEW SECTION. Sec. 12. There is added to chapter 39, Laws of 1965 and to chapter 74.36 RCW a new section to read as follows:

(a) State funds made available under this 1971 amendatory act for any project shall not exceed fifty per centum of the nonfederal share of the costs. To the extent that federal law permits, and the secretary or his designee deems appropriate, the local community share and/or the state share may be in the form of cash or in-kind resources.

(b) Payments made under this 1971 amendatory act may be made in advance or by way of reimbursement, and in such installments and on such conditions as the secretary or his designee may determine, including provisions for adequate accounting systems, reasonable record retention periods and financial audits.

Passed the House March 30, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 170

[Substitute House Bill No. 545]

LEGISLATIVE BUDGET COMMITTEE--

MANAGEMENT SURVEYS AND PROGRAM REVIEWS

AN ACT Relating to state government; amending section 43.09.050, chapter 8, Laws of 1965 and RCW 43.09.050; amending section 43.09.310, chapter 8, Laws of 1965 and RCW 43.09.310; amending section 43.88.160, chapter 8, Laws of 1965 as amended by section 49, chapter 8, Laws of 1967 ex. sess. and RCW 43.88.160; and adding a new section to chapter 44.28 RCW.

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

Section 1. Section 43.09.050, chapter 8, Laws of 1965 and RCW 43.09.050 are each amended to read as follows:

The auditor shall:

(1) Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;

(2) Except as otherwise specifically provided by law, audit, settle, and adjust the accounts of all collectors of the revenue and

other holders of public money required by law to pay the same into the treasury;

(3) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(4) Direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

(6) Require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof;

(7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;

(8) Authenticate with his official seal papers issued from his office;

(9) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature.

Sec. 2. Section 43.09.310, chapter 8, Laws of 1965 and RCW 43.09.310 are each amended to read as follows:

The state auditor, through the division of departmental audits, shall make a post-audit of every state department at ~~((least once each year))~~ such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years. A report of each post-audit upon completion thereof, shall be made in ~~((quintuplicate))~~ sextuplet, and one copy shall be transmitted to the governor, one to the director of ~~((budget))~~ the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, and one shall be kept on file in the office of the state auditor.

NEW SECTION. Sec. 3. There is added to chapter 44.28 RCW a new section to read as follows:

The legislative budget committee may make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any officer, administrator, or employee of a state agency subject to RCW 43.09.290 through 43.09.340 has discharged his responsibilities to faithfully,

efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of agency programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in section 3 of this 1971 amendatory act shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 as amended by this 1971 amendatory act. The authority in this section conferred excludes a like authority in the state auditor.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

Sec. 4. Section 43.88.160, chapter 8, Laws of 1965 as amended by section 49, chapter 8, Laws of 1967 ex. sess. and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; ((budget)) director of program planning and fiscal management. The governor, through his ((budget)) director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the ((central budget agency)) office of program planning and fiscal management. The ((budget)) director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the ((budget)) director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of

manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized, professional education employees of the state board for community college education; and the various state community colleges;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received

and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the ~~((budget))~~ director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3) (c) of this section.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

~~((i))~~ Determinations as to whether agencies, in making expenditures, complied with the ~~((will of the legislature))~~ laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in section 3 of this act ~~((; and~~

~~((ii))~~ Such plans as he deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management)).

(d) Be empowered to take exception to specific expenditures

that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the ((budget)) director of program planning and fiscal management. It shall be the duty of the ((budget)) director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and management surveys and program reviews as provided for in section 3 of this 1971 amendatory act and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.

(b) Give information to the legislature ((and)) or any legislative ((council)) committee whenever required upon any subject relating to the financial affairs of the state.

(c) Make its official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government.

NEW SECTION. Sec. 5. If any provision of this 1971 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 May 6, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 171

[Substitute House Bill No. 561]
FUNDS FOR PRISONERS RELEASED FROM
STATE CORRECTIONAL FACILITIES

AN ACT Relating to release of prisoners; adding new sections to chapter 72.02 RCW; repealing section 72.08.343, chapter 28, Laws of 1959 and RCW 72.08.343; and repealing section 72.12.122, chapter 28, Laws of 1959 and RCW 72.12.122.

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

NEW SECTION. Section 1. There is added to chapter 72.02 RCW a new section to read as follows:

Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the state board of prison terms and paroles, or who is discharged from custody upon expiration of sentence, or who is ordered discharged from custody by a court of appropriate jurisdiction, shall be entitled to retain his earnings from labor or employment while in confinement and shall be supplied by the superintendent of the state correctional facility with suitable and presentable clothing, the sum of forty dollars for subsistence, and transportation by the least expensive method of public transportation not to exceed the cost of one hundred dollars to his place of residence or the place designated in his parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction: PROVIDED, That up to sixty additional dollars may be made available to the parolee for necessary personal and living expenses upon application to and approval by such person's parole officer. If in the opinion of the superintendent suitable arrangements have been made to provide the person to be released with suitable clothing and/or the expenses of transportation, the superintendent may consent to such arrangement. If the superintendent has reasonable cause to believe that the person to be released has ample funds, with the exception of earnings from labor or employment while in confinement, to assume the expenses of clothing, transportation, or the expenses for which payments made pursuant to sections 1 or 2 of this act or any one or more of such expenses, the person released shall be required to assume such expenses.

NEW SECTION. Sec. 2. There is added to chapter 72.02 RCW a new section to read as follows:

As state, federal or other funds are available, the secretary of the department of social and health services or his designee is authorized, in his discretion, not to provide the forty dollars

subsistence money or the optional sixty dollars to a person or persons released as described in section 1 of this act, and instead to utilize the authorization and procedure contained in this section relative to such person or persons.

Any person designated by the secretary serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the state board of prison terms and paroles, or is discharged from custody upon expiration of sentence, or is ordered discharged from custody by a court of appropriate jurisdiction, shall receive the sum of fifty-five dollars per week for a period of up to six weeks. The initial weekly payment shall be made to such person upon his release or parole by the superintendent of the institution. Subsequent weekly payments shall be made to such person by the probation and parole officer at the office of such probation or parole officer. In addition to the initial six weekly payments provided for in this section, a probation and parole officer and his district supervisor may, at their discretion, continue such payments up to a maximum of twenty additional weeks when they are satisfied that such person is actively seeking employment and that such payments are necessary to continue the efforts of such person to gain employment: PROVIDED, That if, at the time of release or parole, in the opinion of the superintendent funds are otherwise available to such person, with the exception of earnings from labor or employment while in confinement, such weekly sums of money or part thereof shall not be provided to such person.

When a person receiving such payments provided for in this section becomes employed, he may continue to receive payments for two weeks after the date he becomes employed but payments made after he becomes employed shall be discontinued as of the date he is first paid for such employment: PROVIDED, That no person shall receive payments for a period exceeding the twenty-six week maximum as established in this section.

The secretary of the department of social and health services may annually adjust the amount of weekly payment provided for in this section to reflect changes in the cost of living and the purchasing power of the sum set for the previous year.

NEW SECTION. Sec. 3. The following acts or parts of acts are hereby repealed:

(1) Section 72.08.343, chapter 28, Laws of 1959 and RCW 72.08.343; and

(2) Section 72.12.122, chapter 28, Laws of 1959 and RCW 72.12.122.

Passed the House March 26, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 172

[Substitute House Bill No. 762]

ADOPTIONS--

PREPLACEMENT STUDIES AND REPORTS--

DATA CARDS

AN ACT Relating to adoptions; providing for preplacement studies of prospective adoptive parents and requiring the filing of certain information; amending section 9, chapter 291, Laws of 1955 and RCW 26.32.090; and adding new sections to chapter 291, Laws of 1955 and to chapter 26.32 RCW.

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

Section 1. Section 9, chapter 291, Laws of 1955 and RCW 26.32.090 are each amended to read as follows:

Upon the filing of a petition for adoption, the court shall cause an investigation of the propriety of the adoption to be made. The court shall appoint an approved agency or any qualified salaried court employee or any other suitable and proper person as next friend of the child to make such investigation. The investigation shall be made without expense to the petitioner. The investigator appointed by the court shall make a report in writing to the court within sixty days from the time of the appointment unless further time be granted by the court. Such report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, the religion of the child, if any, and if unknown, then the report shall designate unknown, the parents of the child, and the ~~((physical, mental, moral, and financial condition))~~ home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. Any preplacement report on the petitioner required by this chapter to be filed with the court shall be made available to the next friend; the next friend may in his discretion rely on its contents and adopt its recommendations and may incorporate the same in the report of the next friend.

When the object of the adoption proceeding is the petition of a parent to adopt the child of the other spouse, the report of the next friend shall be made within ten days of the date of appointment, unless such time is extended by the court, and in such cases the

court may dispense with formal written report and require such information as the court deems necessary in the particular case as to the propriety of the adoption.

NEW SECTION. Sec. 2. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

As used in this 1971 amendatory act:

(1) "Minor" means any individual under the age of eighteen years;

(2) "Child" means a son or daughter, whether by birth or adoption;

(3) "Stepchild" means a child of the petitioner's spouse who is not the child of the petitioner;

(4) "Agency" means a licensed child-placing agency as provided in chapter 74.15 RCW or the state department of social and health services.

(5) "Petitioner" includes the prospective petitioner (any person contemplating the adoption of a child, whether the particular child has been identified or not).

NEW SECTION. Sec. 3. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

(1) No petition for the adoption of a minor shall be granted unless a preplacement report and petitioner's sworn statement that he has caused to be filed all reports known to him on preplacement studies made of petitioner are on file with the court except as provided in section 9(2) of this 1971 amendatory act.

(2) No order of relinquishment as to a minor whom petitioner seeks to adopt shall be granted unless:

(a) A preplacement report and petitioner's sworn statement that he has caused to be filed all reports known to him on preplacement studies made of petitioner are on file with the court prior to the hearing on the order of relinquishment; or

(b) The order of relinquishment provides that the minor is to be relinquished to the custody of an agency.

NEW SECTION. Sec. 4. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

(1) The preplacement report shall consist of a written report to the court setting forth all relevant information relating to the fitness of the petitioner as a prospective adoptive parent. The preplacement report shall be based upon a study which shall include an investigation of the home environment, family life, health, facilities, and resources of petitioner. The preplacement report shall provide the court with such other information as may be relevant to the placement of a child in the petitioner's home. The preplacement report shall include a list of the sources of information upon which the report is based. The preplacement report

shall include a recommendation to the court as to the fitness of the petitioner as a prospective adoptive parent and as to whether it would be in the best interest of a child to be placed in the home of the petitioner. The recommendation shall be advisory to the court. The preplacement report shall be dated and verified.

(2) A single preplacement report may be filed for a husband and wife who join as petitioners in an adoption proceeding.

NEW SECTION. Sec. 5. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

(1) The preplacement study shall be conducted by an agency or a qualified salaried court employee.

(2) An agency may charge the petitioner a fee for the preparation of a preplacement study and report. The fee may be waived or reduced in the discretion of the agency if a waiver or reduction is warranted by the financial condition of the petitioner. The court shall set a reasonable fee to be paid by petitioner where the study is conducted by a court employee, which fee may be likewise waived or reduced. All fees charged pursuant to this section shall be reasonable and based on time spent conducting the study and preparing the report, and in addition, shall be subject to review by the court upon request.

(3) The petitioner shall give written notice to any agency or court employee authorized by the petitioner to conduct a preplacement study requesting that the preplacement report be filed. The petitioner shall designate the county in which the report is to be filed. Upon completion of the preplacement study, the agency or court employee shall file the preplacement report with the clerk of the superior court, or with the family court or as the court of the respective county shall direct. No filing fee shall be charged for the filing of the report, and the clerk and court are directed to accept the report for filing without fee. The report shall be indexed in the name of the petitioner and a cause or file number shall be assigned. The filing system shall be such that the original or duplicate of any reports filed of preplacement studies of petitioner shall be placed in the file of the cause where any subsequent proceedings in respect to placement of a child with petitioner or any adoption petition filed by petitioner is filed.

NEW SECTION. Sec. 6. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

A petitioner may at any time request a preplacement study by one or more than one agency. The petitioner shall cause to be filed a report on every preplacement study requested. The petitioner may request that a preplacement study not be completed. An agency may charge a fee for value of work done on a study not completed at the request of the petitioner. An agency which has been authorized to

make a preplacement study and requested not to complete that study shall be notified of contemplated adoption proceedings and given an opportunity to file a partial report and participate in the hearing.

NEW SECTION. Sec. 7. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

The petitioner shall give not less than three days written notice to all agencies or any court employee authorized to make a preplacement study prior to a hearing where a preplacement report is required to be on file. The notice shall state the name of the petitioner, the cause number of the proceedings, the time and place of the hearing, and the object of the hearing. Proof of service on the agency in form satisfactory to the court shall be furnished. The agency may appear at the hearing and give testimony concerning any matters relevant to the relinquishment or the adoption and its recommendation as to the fitness of petitioners as parents. The agency may in writing acknowledge notice and state to the court that the agency does not desire to participate in the hearing or it may in writing waive notice of any hearing.

NEW SECTION. Sec. 8. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

(1) A copy of the preplacement report shall be made available to the petitioner upon his request after filing of the report. The report shall be filed not less than twenty days prior to any hearing where a preplacement report is required to be filed, except that for good cause shown, the court by appropriate order may shorten said period.

(2) The agency shall keep the preplacement study, the report, and all information upon which it is based confidential and closed to public inspection, except upon an order of the court for good cause shown.

NEW SECTION. Sec. 9. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

(1) An agency having the custody of a minor may make the preplacement study and report on a petitioner for the adoption of that minor.

(2) No preplacement study or report shall be required when the object of a petition is the adoption of a stepchild, unless otherwise directed by the court.

(3) No preplacement study or report shall be required in any adoption proceeding pending on the effective date of this 1971 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

The department of social and health services shall be a depository for statistical data concerning adoption. It shall

furnish to the clerk of each county a data card which shall be completed and filed with the clerk on behalf of each petitioner. The clerk shall forward the completed cards to the department which shall compile the data and publish an annual report summarizing said data. The form shall include: Birth date, sex, race, and legal status of the person to be adopted, birth date, race, and relationship, if any, of the adoptive mother and father to the child, date of placement of the minor in the prospective adoptive home, whether placement was by natural parent, relative, physician, attorney, hospital personnel, licensed child placing agency, department of social and health services or other, the action taken by the court on the petition and the date of the action. It shall include the cause number, but shall not include the name of the child, natural or adoptive parents. No birth certificate shall be issued showing petitioner as parent of any child adopted in the state of Washington until said card shall have been completed and filed.

Passed the House May 6, 1971.
Passed the Senate May 4, 1971.
Approved by the Governor May 20, 1971.
Filed in Office of Secretary of State May 21, 1971.

CHAPTER 173
[Engrossed House Bill No. 113]
GAME PROTECTORS--
POWERS AND DUTIES

AN ACT Relating to powers and duties of game protectors; amending section 77.12.070, chapter 36, Laws of 1955 as amended by section 2, chapter 68, Laws of 1961 and RCW 77.12.070; and amending section 77.12.080, chapter 36, Laws of 1955 as amended by section 3, chapter 68, Laws of 1961 and RCW 77.12.080.

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

Section 1. Section 77.12.070, chapter 36, Laws of 1955 as amended by section 2, chapter 68, Laws of 1961 and RCW 77.12.070 are each amended to read as follows:

Every game protector, deputy game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and rules and regulations adopted by the commission for the protection of game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and further shall enforce all laws or rules and regulations adopted by the commission pertaining in any manner to the

management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same, and may issue citations to persons failing to comply with any such law or rules and regulations, or with RCW 9.66.060 as now exist or are later amended. The police officers specified, and United States game wardens, any forest officer, appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy game protectors within their respective jurisdictions.

Sec. 2. Section 77.12.080, chapter 36, Laws of 1955 as amended by section 3, chapter 68, Laws of 1961 and RCW 77.12.080 are each amended to read as follows:

Any game protector, deputy game protector, or ex officio game protector may, without warrant, arrest any person found violating any law enacted, or any rule or regulation adopted and promulgated by the commission, pertaining to wild animals, wild birds and game fish or pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased, or controlled by the department or the conduct of persons in or on the same, or RCW 9.66.060 as now exist or are later amended.

Passed the House March 12, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 174

[Engrossed House Bill No. 140]

AUTOMOBILE INSURANCE-- CANCELLATION OR REFUSAL TO RENEW

AN ACT Relating to insurance; and adding a new section to Title 48 RCW.

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

NEW SECTION. Section 1. There is added to Title 48 RCW a new section to read as follows:

It shall be an unfair practice for an insurer to cancel or to refuse to renew the automobile insurance of any person when the basis of such a cancellation is the inclusion of such a person into a statistical category based solely on the sex and/or marital status of such a person.

NEW SECTION. Sec. 2. Pursuant to the authority granted under provisions of RCW 48.02.060 and 48.02.080 as now or hereafter

amended, the insurance commissioner shall make rules and regulations to carry out section 1 of this act and shall enforce section 1 of this act.

Passed the House March 12, 1971.
Passed the Senate May 8, 1971.
Approved by the Governor May 20, 1971.
Filed in Office of Secretary of State May 21, 1971.

CHAPTER 175
[Substitute House Bill No. 247]
SPECIAL FUEL TAX ACT

AN ACT Relating to the taxation and regulation of special fuel; enacting a "Special Fuel Tax Act"; creating new sections; repealing section 82.40.010, chapter 15, Laws of 1961, section 1, chapter 196, Laws of 1967, section 24, chapter 281, Laws of 1969 ex. sess., and RCW 82.40.010; repealing section 82.40.020, chapter 15, Laws of 1961, section 3, chapter 7, Laws of 1961 ex. sess., section 6, chapter 83, Laws of 1967 ex. sess., and RCW 82.40.020; repealing section 82.40.030, chapter 15, Laws of 1961 and RCW 82.40.030; repealing section 82.40.040, chapter 15, Laws of 1961, section 1, chapter 139, Laws of 1969, and RCW 82.40.040; repealing section 82.40.045, chapter 15, Laws of 1961 and RCW 82.40.045; repealing section 82.40.046, chapter 15, Laws of 1961, section 29, chapter 281, Laws of 1969 ex. sess., and RCW 82.40.046; repealing section 82.40.047, chapter 15, Laws of 1961, section 2, chapter 117, Laws of 1961, section 2, chapter 187, Laws of 1963, section 2, chapter 135, Laws of 1965, section 2, chapter 96, Laws of 1967, section 28, chapter 281, Laws of 1969 ex. sess., and RCW 82.40.047; repealing section 82.40.050, chapter 15, Laws of 1961, section 1, chapter 33, Laws of 1965 ex. sess., section 3, chapter 139, Laws of 1969, and RCW 82.40.050; repealing section 82.40.060, chapter 15, Laws of 1961, section 2, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.060; repealing section 82.40.070, chapter 15, Laws of 1961 and RCW 82.40.070; repealing section 82.40.080, chapter 15, Laws of 1961 and RCW 82.40.080; repealing section 82.40.090, chapter 15, Laws of 1961 and RCW 82.40.090; repealing section 82.40.100, chapter 15, Laws of 1961 and RCW 82.40.100; repealing section 82.40.110, chapter 15, Laws of 1961 and RCW 82.40.110; repealing section 82.40.115, chapter 15, Laws of 1961 and RCW 82.40.115; repealing section 82.40.120, chapter

15, Laws of 1961 and RCW 82.40.120; repealing section 82.40.130, chapter 15, Laws of 1961, section 3, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.130; repealing section 82.40.140, chapter 15, Laws of 1961 and RCW 82.40.140; repealing section 82.40.150, chapter 15, Laws of 1961 and RCW 82.40.150; repealing section 82.40.160, chapter 15, Laws of 1961 and RCW 82.40.160; repealing section 82.40.170, chapter 15, Laws of 1961 and RCW 82.40.170; repealing section 82.40.180, chapter 15, Laws of 1961 and RCW 82.40.180; repealing section 82.40.190, chapter 15, Laws of 1961 and RCW 82.40.190; repealing section 82.40.200, chapter 15, Laws of 1961 and RCW 82.40.200; repealing section 82.40.210, chapter 15, Laws of 1961 and RCW 82.40.210; repealing section 82.40.220, chapter 15, Laws of 1961, section 4, chapter 33, Laws of 1965 ex. sess. and RCW 82.40.220; repealing section 82.40.230, chapter 15, Laws of 1961 and RCW 82.40.230; repealing section 82.40.240, chapter 15, Laws of 1961, section 2, chapter 196, Laws of 1967 and RCW 82.40.240; repealing section 82.40.250, chapter 15, Laws of 1961, section 5, chapter 33, Laws of 1965 ex. sess., section 8, chapter 89, Laws of 1967 ex. sess., and RCW 82.40.250; repealing section 82.40.260, chapter 15, Laws of 1961 and RCW 82.40.260; repealing section 82.40.270, chapter 15, Laws of 1961, section 6, chapter 33, Laws of 1965 ex. sess., section 3, chapter 196, Laws of 1967, and RCW 82.40.270; repealing section 82.40.280, chapter 15, Laws of 1961 and RCW 82.40.280; repealing section 82.40.290, chapter 15, Laws of 1961, section 4, chapter 7, Laws of 1961 ex. sess., section 2, chapter 113, Laws of 1963, section 7, chapter 83, Laws of 1967 ex. sess., and RCW 82.40.290; repealing section 82.40.900, chapter 15, Laws of 1961 and RCW 82.40.900; prescribing penalties; and providing an effective date.

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

NEW SECTION. Section 1. SHORT TITLE. This act may be cited as the "Special Fuel Tax Act".

NEW SECTION. Sec. 2. STATEMENT OF PURPOSE. The purpose of this act is to supplement the Motor Vehicle Fuel Tax Act, chapter 82.36 RCW, by imposing a tax upon the use, within this state, of all fuels not taxed under said Motor Vehicle Fuel Tax Act, and to require the collection of the tax from the vendee in anticipation of a subsequent taxable incident when the fuel is delivered into the fuel supply tank of a motor vehicle or into the storage facilities used for the fueling of motor vehicles at an unbonded service station.

NEW SECTION. Sec. 3. DEFINITIONS. As hereinafter used in this act:

(1) "Person" means every natural person, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of motor vehicles.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle required to be licensed for operation upon the highways.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Use" means the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state.

(7) "Special fuel dealer" means any person engaged in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or places special fuel into the storage facilities used for the fueling of motor vehicles at an unbonded service station. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

(9) "Special fuel supplier" means any person engaged in the business of selling special fuel where delivery thereof is made other than, or in addition to, the manner prescribed under the definition of "special fuel dealer".

(10) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(11) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(12) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this act, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this act; or (b) a deposit with the state treasurer by the

special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department.

(13) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(14) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(15) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

NEW SECTION. Sec. 4. TAX IMPOSED--COLLECTION. (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.

NEW SECTION. Sec. 5. AUTHORIZATION OF PURCHASE WITHOUT PAYMENT TO DEALER. The department may issue written authorization to a special fuel user to purchase fuel from a special fuel dealer designated by the special fuel user without payment of the tax to the special fuel dealer when the department finds (1) that the special fuel user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state; (2) that to require collection of the tax from the special fuel user by the special fuel dealer would cause consistently recurring overpayments of the tax; and (3) that the revenue of the state with respect to the tax liability of such a special fuel user is adequately secured. Such authorization may be revoked when any one of the above conditions no longer obtains. The delivery of special fuel may be made without collecting the tax otherwise imposed when deliveries are made into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks, on invoices showing the vehicle unit or license number and such other information as may be prescribed by the department.

NEW SECTION. Sec. 6. TAX LIABILITY ON LEASED MOTOR VEHICLES. Except as otherwise provided in this act, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to him and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That a lessor who is engaged regularly in the business of leasing for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued a license as a special fuel user when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he is lessee from his reports and liabilities pursuant to this act, but only if the motor vehicles in question have been leased from a lessor holding a valid special fuel user's license.

Every such lessor shall file with his application for a special fuel user's license one copy of the lease form or service contract he enters into with the various lessees of his motor

vehicles. When the special fuel user's license has been secured, such lessor shall make and assign to each motor vehicle he leases for interstate operation a photocopy of such license to be carried in the cab compartment of said motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of said license issued and its return to him with the motor vehicle to which it is assigned.

NEW SECTION. Sec. 7. TAX COMPUTATION ON MILEAGE BASES. In the event the tax on special fuel imported into this state in the fuel supply tanks of motor vehicles for taxable use on Washington highways can be more accurately determined on a mileage basis the department is authorized to approve and adopt such basis. When a special fuel user imports special fuel into or exports special fuel from the state of Washington in the fuel supply tanks of motor vehicles, the amount of special fuel consumed in such vehicles on Washington highways shall be deemed to be such proportion of the total amount of such special fuel consumed in his entire operations within and without this state as the total number of miles traveled on the public highways within this state bears to the total number of miles traveled within and without the state. The department may also adopt such mileage basis for determining the taxable use of special fuel used in motor vehicles which travel regularly over prescribed courses on and off the highways within the state of Washington. In the absence of records showing the number of miles actually operated per gallon of special fuel consumed, it shall be prima facie presumed that not less than one gallon of special fuel was consumed for every four miles traveled.

NEW SECTION. Sec. 8. REFUNDS FOR WORTHLESS ACCOUNTS RECEIVABLE. A special fuel dealer shall be entitled, under rules and regulations prescribed by the department, to a credit of the tax paid over to the department on those sales of special fuel for which the dealer has received no consideration from or on behalf of the purchaser, which have been declared by the dealer to be worthless accounts receivable, and which have been claimed as bad debts for federal income tax purposes. The amount of the tax refunded shall not exceed the amount of tax imposed by this chapter on such sales, less an amount computed by applying the current state retail sales tax rate to the difference between the total purchase price of such sales and the amount of tax imposed on such sales by this chapter. If a refund has been granted under this section, any amounts collected for application against the accounts on which such a refund is based shall be reported with the first return filed after such collection, and the amount of refund received by the dealer based

upon the collected amount shall be returned to the department. In the event the refund has not been paid, the amount of the refund requested by the dealer shall be adjusted by the department to reflect the decrease in the amount on which the claim is based. The department may require the dealer to submit periodical reports listing accounts which are delinquent for ninety days or more.

NEW SECTION. Sec. 9. EXEMPTIONS. There is exempted from the tax imposed by this act, 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 act 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.

NEW SECTION. Sec. 10. SPECIAL FUEL DEALERS', SPECIAL FUEL SUPPLIERS' AND SPECIAL FUEL USERS' LICENSES. (1) It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an uncanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department, except for owners of privately operated passenger vehicles exempt from reporting requirements pursuant to section 16 of this act. Before issuing the certificate of registration of any motor vehicle under the provisions of Title 46 RCW, the department shall

ascertain from the applicant for such registration whether the motor vehicle sought to be registered is propelled by a fuel the use of which is subject to the tax hereby imposed. If it is ascertained that any motor vehicle is so propelled, the department shall not complete such registration until the applicant therefor has established to the satisfaction of the department that he is the holder of a valid special fuel license issued to him pursuant to this act.

NEW SECTION. Sec. 11. SINGLE TRIP SPECIAL FUEL TAX PERMIT. Any special fuel user operating a motor vehicle in this state in the course of interstate traffic may make application for a single trip special fuel tax permit authorizing operation of such vehicle for a single trip through the state or from a point on the Washington border to a point within the state and return to the border for a fee based on the number of miles to be traveled within the state as follows:

(1) Up to 333 miles	\$ 5.00
(2) From 334 miles to 555 miles	\$10.00
(3) From 556 miles to 777 miles	\$15.00
(4) From 778 miles to 1000 miles	\$20.00
(5) More than 1000 miles	\$25.00

In addition to the fee based on the miles to be traveled within the state, a fee of one dollar shall be paid for each single trip special fuel tax permit issued which shall be valid for a period of not more than ninety-six hours beginning and ending on the dates and time specified on the face of the permit issued. Such fees shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in motor vehicles on the public highways of this state and no reports of mileage shall be required with respect to such vehicles. All such fees collected by the department shall be allocated to the same fund to which the special fuel tax collected hereunder is allocated. The single trip special fuel tax permits may be issued in lieu of special fuel user licenses if the applicant therefor does not operate motor vehicles into or from the state of Washington more than six times during any calendar year.

NEW SECTION. Sec. 12. APPLICATION FOR LICENSE AND BOND. REQUIREMENTS. Application for a special fuel dealer's license, special fuel supplier's license or a special fuel user's license, shall be made to the department. The application shall be filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in section 3 of this act, in such form as the department may require, to secure his compliance

with this act, and the payment of any and all taxes, interest and penalties due and to become due hereunder. The requirement of furnishing a bond shall be waived provided all acquisitions of special fuel by the licensee are on a tax paid basis.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly license tax, determined in such manner as the department may deem proper: PROVIDED, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than fifty thousand dollars.

Any person who has filed with the department a bond as a motor vehicle fuel distributor under the terms and conditions provided for in RCW 82.36.060, may extend the terms and conditions of said distributor's bond, by an approved rider or bond form, to include coverage of all liabilities and conditions imposed by this act upon the special fuel dealer or to the special fuel user to whom said extension is made applicable. The amount of any new bond that may be required of a dealer or user shall not exceed the maximum amount provided by RCW 82.36.060 for a motor vehicle fuel distributor's license.

NEW SECTION. Sec. 13. ISSUANCE OF LICENSE. Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: PROVIDED, That the department may refuse to issue a special fuel dealer's license, special fuel supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to the time of filing for application, has been revoked for cause; or (3) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every special

fuel user and consumer of special fuel used to propel motor vehicles upon the highways of this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state. In the event a special fuel user license is not displayed, whether through loss, theft, or for any other reason, the operator of such vehicle may be required to purchase a single trip special fuel tax permit pursuant to section 11 of this act.

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable.

NEW SECTION. Sec. 14. REVOCATION, CANCELLATION, AND SURRENDER OF LICENSE AND BOND. The department may revoke the license of any special fuel dealer, special fuel supplier, or special fuel user for reasonable cause. Before revoking such license the department shall notify the licensee to show cause within ten days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any license to act as a special fuel dealer, a special fuel supplier, or a special fuel user immediately upon surrender thereof by the holder.

It shall be presumed that a special fuel dealer's bond is in effect until such time as the department notifies all licensed special fuel suppliers to the contrary by mailing to their current address of record.

Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five

day period. The department shall promptly, upon receiving any such request, notify the special fuel dealer or special fuel user who furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the forty-five day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in subsection (12) of section 3 of this act, the department forthwith shall cancel the special fuel dealer's or special fuel user's license.

The department may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in subsection (12) of section 3 of this act if, in its opinion, the security of the surety bond therefor filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate. Upon failure of the special fuel dealer or special fuel user to give such new or additional surety bond or to deposit additional securities within forty-five days after being requested to do so by the department, or after he shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his license.

NEW SECTION. Sec. 15. SPECIAL FUEL DEALERS', SPECIAL FUEL SUPPLIERS', AND SPECIAL FUEL USERS' RECORDS. (1) Every special fuel dealer, special fuel supplier, special fuel user, and every person importing, manufacturing, refining, dealing in, transporting, or storing special fuel in this state shall keep for a period of not less than three years open to inspection at all times during the business hours of the day to the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

- (a) The date of each receipt;
 - (b) The name and address of the person from whom purchased or received;
 - (c) The number of gallons received at each place of business or place of storage in the state of Washington;
 - (d) The date of each sale or delivery;
 - (e) The number of gallons sold or delivered for taxable purposes;
 - (f) The number of gallons sold or delivered for any purpose not subject to the tax imposed herein;
 - (g) The name and address of the purchaser;
 - (h) The inventories of special fuel on hand at each place of business at the end of each month.
- (2) Invoices shall be prepared for sales and deliveries of

special fuel in the manner and containing such information as may be prescribed by the department.

Any person purchasing and receiving a delivery of special fuel into the fuel supply tank of a motor vehicle in Washington shall carry within the vehicle the invoice or other acceptable document evidencing receipt of such special fuel until the fuel is consumed.

Every special fuel supplier, special fuel dealer or special fuel user making such sales or deliveries of special fuel and every person so receiving and purchasing special fuel must each retain one copy of each such invoice as part of his permanent records for the time and purposes above provided.

Every special fuel user shall keep, in addition to his records of deliveries into motor vehicles, a complete record of the total gallons of special fuel used for other purposes during each month and the purposes for which said special fuel was used.

NEW SECTION. Sec. 16. MONTHLY REPORTS. For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file with the department, on forms prescribed by the department, a monthly tax report. A report shall be filed with the department for each calendar month, even though no special fuel was used, or tax is due, for the calendar month. Such report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this act: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the monthly period to which it relates.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

Any person whose sole use of special fuel is for the propulsion of a privately operated passenger automobile is exempt from the filing of a special fuel tax report on the condition that all fuel used in this state, except fuel brought into this state in the fuel tank of the vehicle, is purchased from a special fuel dealer in this state who collects the tax from the user when delivering the fuel into the fuel tank of the user's automobile. For the purposes of this act, "privately operated passenger automobile" includes passenger cars as that term is defined in RCW 46.04.382, and such light trucks and other noncommercial vehicles as may be defined as such by rules and regulations adopted by the department. A special fuel user may be relieved of the filing of the tax report even though he operates more than one passenger automobile using special fuel, whether or not such automobiles are used for pleasure or in a business or profession, providing that the user is not also using such fuel in other motor vehicles which are not privately operated passenger automobiles. Notwithstanding that a special fuel user's sole use of such special fuel is in a privately operated automobile, he shall continue to file the tax report if he is using such special fuels from bulk storage of special fuel on which the tax has not been paid at the time of purchase or acquisition.

The department may relieve any holder of a valid special fuel users license from the requirement of filing returns under this section when he has established to its satisfaction (1) that such user's vehicles are operated exclusively within the boundaries of this state; (2) that his purchases of special fuel are made exclusively from special fuel dealers holding valid licenses under this act; (3) that he does not acquire special fuel in any manner or for any purpose whereby payment of tax or undertaking therefor is not made to a special fuel dealer at time of purchase; and (4) that he maintains adequate records subject to audit.

A vehicle identification card to be carried in the motor vehicle shall be issued in such cases and the privilege shall be subject to revocation by the department whenever the vehicle of any licensee so identified is found to be operated in violation of any of the conditions in this section.

The department, if it deems it necessary in order to insure payment of the tax imposed by this act, or to facilitate the administration of this act, shall have the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

NEW SECTION. Sec. 17. COMPUTATION AND PAYMENT OF TAX. The tax imposed by this act shall be computed as follows: (1) With respect to special fuel upon which the tax has been collected by the seller thereof as a special fuel dealer, by multiplying the tax rate

per gallon provided in this act by the number of gallons of special fuel delivered or placed by him into the supply tank or tanks of a motor vehicle or into the storage facilities used in the fueling of motor vehicles at an unbonded service station or in all other transactions where the purchaser has indicated in writing to the special fuel dealer that the quantity of special fuel covered by the delivery is for use as a fuel in a motor vehicle; (2) with respect to special fuel on which the tax has not been paid to a special fuel dealer in this state and which has been consumed by the purchaser thereof as a special fuel user, by multiplying the tax rate per gallon provided in this act by the number of gallons of special fuel consumed by him in the propulsion of a motor vehicle on the highways of this state.

The monthly tax return shall be accompanied by a remittance payable to the state treasurer covering the tax moneys collected by the special fuel dealer or the amount determined to be due hereunder on account of the use (as defined in section 3 of this act) of special fuels during the preceding month.

NEW SECTION. Sec. 18. CIVIL AND STATUTORY PENALTIES. (1) If any person affected by this act shall fail or refuse to comply with any provision of this act 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 act within the time prescribed by section 16 of this act, 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 act, 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.

NEW SECTION. Sec. 19. REFUNDS AND CREDITS. 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.

NEW SECTION. Sec. 20. PROCEDURES FOR CLAIMING REFUNDS OR CREDITS. (1) Claims under section 19 of this act 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 section 19 of this act 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 act.

(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 section 19, subsections (1) and (2) of this 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 section 19 (3) of this act.

(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 section 18 (4) and (5) of this act.

(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 section 19 (3) of this act 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 act of any tax or any amount of tax required to be collected.

NEW SECTION. Sec. 21. SUITS FOR RECOVERY OF TAXES ILLEGALLY OR ERRONEOUSLY COLLECTED. (1) No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been overpaid under section 19 of this act unless a claim for refund or credit has been duly filed pursuant to section 20 of this act.

(2) Within ninety days after the mailing of the notice of the department's action upon a claim filed pursuant to section 20 of this act, the claimant may bring an action against the department on the grounds set forth in the claim in a court of competent jurisdiction in Thurston county for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed. Failure to bring action within the time specified constitutes a waiver of any demand against the state on account of the alleged overpayments.

(3) If the department fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the department of its intention on the claim, consider the claim disallowed and bring an action against the department, on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

(4) If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any special fuel tax due and payable from the plaintiff. The balance of the judgment shall be refunded to the plaintiff.

(5) In any judgment, interest shall be allowed at the rate of twelve percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of

allowance of credit on account of the judgement or to a date preceding the date of the refund warrant, but not more than thirty days, the date to be determined by the department.

NEW SECTION. Sec. 22. TAX LIEN ON PROPERTY. The tax, including any penalty and interest hereby imposed, shall constitute a lien upon any motor vehicle in connection with which the taxable use is made, attaching at the time of such use. Such lien shall not be removed until such tax has been paid or the motor vehicle subject to such lien has been sold in payment of the tax, and shall be paramount to all private liens or encumbrances upon such motor vehicle and to the rights of any conditional vendor or any other holder of the legal title to such motor vehicle. In the event the ownership of a motor vehicle subject to the lien is transferred, whether by operation of law or otherwise, no registration card or certificate of title with respect to such motor vehicle shall be issued by the department to the transferee or person otherwise entitled thereto until after the department has determined that such lien has been removed.

If any special fuel dealer liable for the remittance of tax imposed by this act fails to pay the same, the amount thereof, including any interest, penalty, or addition to such tax, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by such person, located or situated in the county wherein such lien arises, whether such property is employed by such person in the prosecution of business or is in the hands of a trustee, or receiver, or assignee for the benefit of creditors, from the date the taxes were due and payable, until the amount of the lien is paid or the property sold in payment thereof. The lien shall have priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the time the department has filed and recorded notice of such lien in the office of the county auditor of the county in which the principal place of business of the taxpayer is located.

NEW SECTION. Sec. 23. NOTICE OF DELINQUENCY. In the event any special fuel user or special fuel dealer is delinquent in the payment of any obligation imposed hereunder, the department may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such user or dealer or owing any debts to such user or dealer, at the time of the receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, personal

property, or debts until the department consents to a transfer or other disposition or until twenty days have lapsed from and after the receipt of the notice. All persons so notified must, within five days after receipt of the notice, advise the department of any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be.

NEW SECTION. Sec. 24. DELINQUENCY--SEIZURE AND SALE OF VEHICLE. Whenever any special fuel user is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the department, the department shall proceed to collect the amount due from the user in the following manner: The department shall seize any motor vehicle subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent user and to all persons appearing of record to have an interest in such motor vehicle. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to such user at his address as the same appears in the records of the department and, in the case of any person appearing of record to have an interest in such motor vehicle, addressed to such person at his last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the motor vehicle seized is to be sold. If there is no newspaper of general circulation in such county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the motor vehicle to be sold, together with a statement of the amount due hereunder, the name of the user and the further statement that unless such amount is paid on or before the time fixed in the notice the motor vehicle will be sold in accordance with law.

The department shall then proceed to sell the motor vehicle in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state hereunder from the delinquent user, the excess shall be returned to such user and his receipt obtained therefor. If any person having an interest in or lien upon the motor vehicle has filed with the department prior to such sale, notice of such interest or lien, the department shall withhold payment of any such excess to such user pending a determination of the rights of the respective

parties thereto by a court of competent jurisdiction. If for any reason the receipt of such user shall not be available, the department shall deposit such excess with the state treasurer as trustee for such user, his heirs, successors, or assigns: PROVIDED, That prior to making any seizure of property as herein provided for, the department may first serve upon the user's bondsman a notice of the delinquency, with a demand for the payment of the amount due.

NEW SECTION. Sec. 25. DELINQUENCY--COLLECTION BY CIVIL ACTION. Whenever any special fuel user or special fuel dealer is delinquent in the payment of any obligation hereunder the department may transmit notice of such delinquency to the attorney general who shall at once proceed to collect by appropriate legal action the amount due the state from such user or dealer. In any suit brought to enforce the rights of the state hereunder, a certificate by the department showing the delinquency shall be prima facie evidence of the amount of the obligation, of the delinquency thereof and of compliance by the department with all provisions of this act relating to such obligation.

NEW SECTION. Sec. 26. REMEDIES CUMULATIVE. The foregoing remedies of the state in this act shall be cumulative and no action taken by the department shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

NEW SECTION. Sec. 27. ADMINISTRATION. The department shall enforce the provisions of this act, and may prescribe, adopt, and enforce reasonable rules and regulations relating to the administration and enforcement thereof. The Washington state patrol and its officers shall aid the department in the enforcement of this act, and, for this purpose, are declared to be peace officers, and given police power and authority throughout the state to arrest on sight any person known to have committed a violation of the provisions of this act.

The department or its authorized representative is hereby empowered to examine the books, papers, records and equipment of any special fuel dealer, special fuel supplier or special fuel user or any person dealing in, transporting, or storing special fuel as defined in this act and to investigate the character of the disposition which any person makes of such special fuel in order to ascertain and determine whether all taxes due hereunder are being properly reported and paid. The fact that such books, papers, records and equipment are not maintained in this state at the time of demand shall not cause the department to lose any right of such examination under this act when and where such records become available.

For the purpose of enforcing the provisions of this act it shall be presumed that all special fuel delivered to service stations as well as all special fuel otherwise received by a special fuel dealer or a special fuel user into storage and dispensing equipment designed to fuel motor vehicles is delivered by the special fuel dealer or special fuel user into the fuel supply tanks of motor vehicles and consumed in the propulsion of motor vehicles on the highways of this state, unless the contrary is established by satisfactory evidence.

The department shall, upon request from the officials to whom are entrusted the enforcement of the special fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces or the Dominion of Canada, forward to such officials any information which he may have relative to the receipt, storage, delivery, sale, use, or other disposition of special fuel by any special fuel dealer, special fuel supplier or special fuel user, provided such other state or states furnish like information to this state.

Returns required by this act, exclusive of schedules, itemized statements and other supporting evidence annexed thereto, shall at all reasonable times be open to the public.

NEW SECTION. Sec. 28. VIOLATIONS AND PENALTIES. It shall be unlawful for any person to:

(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this act in the manner or within the time required;

(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this act;

(3) Conduct any activities requiring a license under this act without a license or after a license has been surrendered, canceled, or revoked;

(4) Fail to keep and maintain the books and records required by this act.

Except as otherwise provided by law, any person violating any of the provisions of this act shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.

The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this act.

NEW SECTION. Sec. 29. STATE PREEMPTS TAX FIELD. The tax

herein levied is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel.

NEW SECTION. Sec. 30. DISPOSITION OF FUNDS. All taxes, interest and penalties collected under this act shall be credited and deposited in the same manner as are motor vehicle fuel taxes collected under RCW 82.36.410.

NEW SECTION. Sec. 31. JUDICIAL REVIEW AND APPEALS. Judicial review and appeals shall be governed by the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 32. All section captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

(1) Section 82.40.010, chapter 15, Laws of 1961, section 1, chapter 196, Laws of 1967, section 24, chapter 281, Laws of 1969 ex. sess., and RCW 82.40.010;

(2) Section 82.40.020, chapter 15, Laws of 1961, section 3, chapter 7, Laws of 1961 ex. sess., section 6, chapter 83, Laws of 1967 ex. sess., and RCW 82.40.020;

(3) Section 82.40.030, chapter 15, Laws of 1961 and RCW 82.40.030;

(4) Section 82.40.040, chapter 15, Laws of 1961, section 1, chapter 139, Laws of 1969, and RCW 82.40.040;

(5) Section 82.40.045, chapter 15, Laws of 1961 and RCW 82.40.045;

(6) Section 82.40.046, chapter 15, Laws of 1961, section 29, chapter 281, Laws of 1969 ex. sess., and RCW 82.40.046;

(7) Section 82.40.047, chapter 15, Laws of 1961, section 2, chapter 117, Laws of 1961, section 2, chapter 187, Laws of 1963, section 2, chapter 135, Laws of 1965, section 2, chapter 86, Laws of 1967, section 28, chapter 281, Laws of 1969 ex. sess., and RCW 82.40.047;

(8) Section 82.40.050, chapter 15, Laws of 1961, section 1, chapter 33, Laws of 1965 ex. sess., section 3, chapter 139, Laws of 1969, and RCW 82.40.050;

(9) Section 82.40.060, chapter 15, Laws of 1961, section 2, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.060;

(10) Section 82.40.070, chapter 15, Laws of 1961 and RCW 82.40.070;

(11) Section 82.40.080, chapter 15, Laws of 1961 and RCW 82.40.080;

- (12) Section 82.40.090, chapter 15, Laws of 1961 and RCW 82.40.090;
- (13) Section 82.40.100, chapter 15, Laws of 1961 and RCW 82.40.100;
- (14) Section 82.40.110, chapter 15, Laws of 1961 and RCW 82.40.110;
- (15) Section 82.40.115, chapter 15, Laws of 1961 and RCW 82.40.115;
- (16) Section 82.40.120, chapter 15, Laws of 1961 and RCW 82.40.120;
- (17) Section 82.40.130, chapter 15, Laws of 1961, section 3, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.130;
- (18) Section 82.40.140, chapter 15, Laws of 1961 and RCW 82.40.140;
- (19) Section 82.40.150, chapter 15, Laws of 1961 and RCW 82.40.150;
- (20) Section 82.40.160, chapter 15, Laws of 1961 and RCW 82.40.160;
- (21) Section 82.40.170, chapter 15, Laws of 1961 and RCW 82.40.170;
- (22) Section 82.40.180, chapter 15, Laws of 1961 and RCW 82.40.180;
- (23) Section 82.40.190, chapter 15, Laws of 1961 and RCW 82.40.190;
- (24) Section 82.40.200, chapter 15, Laws of 1961 and RCW 82.40.200;
- (25) Section 82.40.210, chapter 15, Laws of 1961 and RCW 82.40.210;
- (26) Section 82.40.220, chapter 15, Laws of 1961, section 4, chapter 33, Laws of 1965 ex. sess., and RCW 82.40.220;
- (27) Section 82.40.230, chapter 15, Laws of 1961 and RCW 82.40.230;
- (28) Section 82.40.240, chapter 15, Laws of 1961, section 2, chapter 196, Laws of 1967, and RCW 82.40.240;
- (29) Section 82.40.250, chapter 15, Laws of 1961, section 5, chapter 33, Laws of 1965 ex. sess., section 8, chapter 89, Laws of 1967 ex. sess., and RCW 82.40.250;
- (30) Section 82.40.260, chapter 15, Laws of 1961 and RCW 82.40.260;
- (31) Section 82.40.270, chapter 15, Laws of 1961, section 6, chapter 33, Laws of 1965 ex. sess., section 3, chapter 196, Laws of 1967, and RCW 82.40.270;
- (32) Section 82.40.280, chapter 15, Laws of 1961 and RCW 82.40.280;
- (33) Section 82.40.290, chapter 15, Laws of 1961, section 4,

chapter 7, Laws of 1961 ex. sess., section 2, chapter 113; Laws of 1963, section 7, chapter 83, Laws of 1967 ex. sess., and RCW 82.40.290; and

(34) Section 82.40.900, chapter 15, Laws of 1961 and RCW 82.40.900.

NEW SECTION. Sec. 34. If any provision of this 1971 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. 35. At the close of business on December 31, 1971, each owner of a service station which has elected to become an unbonded service station shall inventory his stock of special fuel. On or before April 1, 1972, such unbonded service station owner shall file a report, furnished by the department, showing the number of gallons of special fuel on hand and shall remit to the department the tax due thereon. Failure to comply with the provisions of this section shall make such owner subject to the penalty provisions of sections 18 and 23 of this act.

NEW SECTION. Sec. 36. The effective date of this Special Fuel Tax Act is January 1, 1972.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 176

[House Bill No. 403]

MUNICIPAL AIRPORTS--

REVENUE WARRANTS

AN ACT Relating to municipal airports; and adding a new section to chapter 182, Laws of 1945 and to chapter 14.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 182, Laws of 1945 and to chapter 14.08 RCW a new section to read as follows:

Municipalities, including any governmental subdivision which may be hereafter authorized by law to own, control and operate an airport, or other air navigation facility, may issue revenue warrants for the same purposes for which they may issue revenue bonds, and the provisions of RCW 14.08.112 as now or hereafter amended relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such revenue warrants.

Revenue warrants so issued shall not constitute a general

indebtedness of the municipality.

Passed the House March 29, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 177

[Engrossed House Bill No. 430]

SOCIAL AND ECONOMIC DEVELOPMENT--

STATE AND LOCAL PARTICIPATION

AN ACT Relating to social and economic development; authorizing participation of the state and local governments in various federally-assisted social and economic development programs; amending section 1, chapter 77, Laws of 1970 ex. sess. and RCW 35.21.660; amending section 1, chapter 14, Laws of 1965 and RCW 36.32.410; amending section 2, chapter 14, Laws of 1965 and RCW 43.06.110; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35A.11 RCW; amending section 35.81.010, chapter 7, Laws of 1965 and RCW 35.81.010; and declaring an emergency.

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

Section 1. Section 1, chapter 14, Laws of 1965 and RCW 36.32.410 are each amended to read as follows:

The board of county commissioners of any county is hereby authorized and empowered in its discretion by resolution or ordinance passed by a majority of the board, to take whatever action it deems necessary to enable the county to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508), as amended. Such participation may be engaged in as a sole county operation or in conjunction or cooperation with the state, any other county, city, or municipal corporation, or any private corporation qualified under said Economic Opportunity Act.

Sec. 2. Section 2, chapter 14, Laws of 1965 and RCW 43.06.110 are each amended to read as follows:

The governor, or his designee, is hereby authorized and empowered to (~~take whatever action is necessary to enable the state to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508):~~ The governor, or his designee, is also authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by said Economic Opportunity Act) undertake such programs as will, in

the judgment of the governor, or his designee, enable families and individuals of all ages, in rural and urban areas, in need of the skills, knowledge, motivations, and opportunities to become economically self-sufficient to obtain and secure such skills, knowledge, motivations, and opportunities. Such programs may be engaged in as solely state operations, or in conjunction or cooperation with any appropriate agency of the federal government, any branch or agency of the government of this state, any city or town, county, municipal corporation, metropolitan municipal corporation or other political subdivision of the state, or any private corporation. Where compliance with the provisions of federal law or rules or regulations promulgated thereunder is a necessary condition to the receipt of federal funds by the state, the governor or his designee, is hereby authorized to comply with such laws, rules or regulations to the extent necessary for the state to cooperate most fully with the federal government in furtherance of the programs herein authorized.

NEW SECTION. Sec. 3. There is added to chapter 35.21 RCW a new section to read as follows:

The legislative body of any city or town, is hereby authorized and empowered in its discretion by resolution or ordinance passed by a majority of the legislative body, to take whatever action it deems necessary to enable the city or town to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508), as amended. Such participation may be engaged in as a sole city or town operation or in conjunction or cooperation with the state, any other city or town, county, or municipal corporation, or any private corporation qualified under said Economic Opportunity Act.

NEW SECTION. Sec. 4. There is added to chapter 35A.11 RCW a new section to read as follows:

The legislative body of any city or town is hereby authorized and empowered in its discretion by resolution or ordinance passed by a majority of the legislative body, to take whatever action it deems necessary to enable the city or town to participate in the programs set forth in the Economic Opportunity Act of 1964 (Public Law 88-452; 78 Stat. 508), as amended. Such participation may be engaged in as a sole city or town operation or in conjunction or cooperation with the state, any other city or town, county, or municipal corporation, or any private corporation qualified under said Economic Opportunity Act.

Sec. 5. Section 1, chapter 77, Laws of 1970 ex. sess. and RCW 35.21.660 are each amended to read as follows:

Notwithstanding any other provision of law, all cities shall have the power and authority to enter into agreements with the United

States or any department or agency thereof, to carry out the purposes of the Demonstration Cities and Metropolitan Development Act of 1966 (PL 89-754; 80 Stat. 1255), and to plan, organize and administer programs provided for in such contracts. This power and authority shall include, but not be limited to, the power and authority to create public corporations, commissions and authorities to perform duties arising under and administer programs provided for in such contracts and to limit the liability of said public corporations, commissions, and authorities, in order to prevent recourse to such cities, their assets, or their credit.

Sec. 6. Section 35.81.010, chapter 7, Laws of 1965 and RCW 35.81.010 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city ~~((or))~~, town, or class AA county.

(8) "Municipality" shall mean any incorporated city ~~((or))~~, town, or class AA county in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or

compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

NEW SECTION. Sec. 7. There is added to chapter 35.21 RCW a new section to read as follows:

Any public corporation, commission or authority created as provided in section 5 hereof, may be empowered to own and sell real and personal property; to contract with individuals, associations and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds; to do anything a natural person may do; and to perform all manner and type of community services and activities in furtherance of an agreement by a city or by the public corporation, commission or authority with the United States to carry out the purposes of the Demonstration Cities and Metropolitan

Development Act of 1966: PROVIDED, That

(1) All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority; and no creditor or other person shall have any recourse to the assets, credit or services of the municipal corporation creating the same on account of any debts, obligations or liabilities of such public corporation, commission or authority;

(2) Such public corporation, commission or authority shall have no power of eminent domain nor any power to levy taxes or special assessments;

(3) The name, the organization, the purposes and scope of activities, the powers and duties of the officers, and the disposition of property upon dissolution of such public corporation, commission or authority shall be set forth in its charter of incorporation or organization, or in a general ordinance of the city or both.

NEW SECTION. Sec. 8. This 1971 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 May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 178

[Engrossed Substitute House Bill No. 433]

ELECTIONS--

RESIDENCY--SPECIAL VOTERS

AN ACT Relating to elections; amending section 29.01.140, chapter 9, Laws of 1965 and RCW 29.01.140; amending section 29.39.120, chapter 9, Laws of 1965 and PCW 29.39.120; amending section 1, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.010; amending section 2, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.020; amending section 3, chapter 73, Laws of 1967 ex. sess. and PCW 29.72.030; amending section 4, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.040; amending section 5, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.050; amending section 6, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.060; amending section 7, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.070; amending section 8, chapter 73, Laws

of 1967 ex. sess. and RCW 29.72.080; and adding new sections to chapter 29.72 RCW.

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

Section 1. Section 29.01.140, chapter 9, Laws of 1965 and RCW 29.01.140 are each amended to read as follows:

"Residence" for the purpose of registering and voting means a person's permanent address where he physically resides and maintains his abode: PROVIDED, That no person gains residence by reason of his presence or loses his residence by reason of his ((presence or)) absence:

(1) While employed in the civil or military service of the state or of the United States;

(2) While engaged in the navigation of the waters of this state or the United States or the high seas;

(3) While a student at any ((seminary)) institution of learning;

(4) ((While kept in any almshouse or asylum; nor

{5})) While confined in any public prison ((except when serving out a sentence for an infamous crime)).

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

Sec. 2. Section 29.39.120, chapter 9, Laws of 1965 and RCW 29.39.120 are each amended to read as follows:

In mailing absent voter's ballots to service voters, the county auditor or secretary of state shall send the ballot and a small envelope and letter of instructions together with a larger envelope addressed to the county auditor or secretary of state and upon which there shall be plainly printed a form in substantially the following language:

"DECLARATION

"I do hereby declare that I am a citizen of the United States; and have checked the applicable box below:

"That I will be at least eighteen (18) years of age but less than twenty-one (21) years of age or at least twenty-one (21) years of age on the day of the next election; ((that I am able to read and speak the English language;)) that I have been a legal resident of the state of Washington for at least one year, ((of the county of.....for at least ninety days and of the city or town of.....at (street and number if any).....for at least thirty {39} days preceding such election;)) and have established all other residence as required by law; that my last residence in Washington for voting purposes was:

Name of county.....

Name of city or town.....
Street or number.....; and
 that I am a service voter under the laws of the state of Washington."
 If possible give precinct name or number here..... Dated
 this.....day of....., 19....

 Print name for positive identification Signature of applicant

 Article VI, section 4 of the state Constitution provides: For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

Any person making a false statement in his declaration is guilty of perjury. ((4)).

Sec. 3. Section 1, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.010 are each amended to read as follows:

As used in this chapter:

(1) "New resident" means a person qualified to vote for presidential and vice-presidential electors as provided by this chapter and ((authorized by Article VI, section 4A of the state Constitution)) the laws of the United States;

(2) "Special voter" means a person qualified to vote for presidential and vice-presidential offices or electors and the office of United States senator and United States representative as provided by this chapter and the laws of the United States.

Sec. 4. Section 2, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.020 are each amended to read as follows:

A new resident who moves into the state of Washington less than one year but more than thirty days from an approaching presidential election and intends to make this state his permanent residence and is eighteen years of age or older, shall be entitled to vote for presidential and vice-presidential electors or for the office of president and vice president of the United States, as the case may be, but no other office, provided he meets the following qualifications:

(1) He possesses the qualifications required of other voters as contained in Article VI, section 1 of the state Constitution except as to residence, the ability to read and speak the English language, and age;

(2) He is not excluded from suffrage under any other provision of law;

~~((3))~~ He is unable to vote for presidential and vice presidential electors in the state of his former residence;)) and

~~((4))~~ (3) He has followed the voting procedure as hereinafter in this chapter provided.

NEW SECTION. Sec. 5. There is added to chapter 29.72 RCW a new section to read as follows:

A special voter, who will be at least eighteen years of age but less than twenty-one years of age on the day of an election at which votes may be cast for presidential or vice-presidential electors or for the office of president or vice president of the United States, whichever the case may be, or the office of United States senator or United States representative, shall be entitled to vote for the electors or offices above described, but no other office, if he meets the following qualifications:

(1) He possesses the qualifications required of other voters as contained in Article VI, section 1, of the state Constitution except as to age, and ability to read and speak the English language;

(2) He is not excluded from suffrage under any other provision of law; and

(3) He has followed the voting procedure as hereinafter in this chapter provided.

Sec. 6. Section 3, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.030 are each amended to read as follows:

All voting as provided by this chapter shall be by mail through the use of a special voter ballot or new resident presidential ballot issued by the secretary of state.

Insofar as applicable, the voting procedure for a new resident to cast a ~~((special))~~ presidential ballot and for special voters to cast a special ballot, shall be substantially the same as for civilian absentee voting as provided in chapter 29.36 RCW but the secretary of state shall make such revisions that are necessary to carry out the purpose of this chapter, including but not limited to, the following:

(1) A new resident must execute an official application form as prescribed by RCW 29.72.040, as now or hereafter amended, as a prerequisite to obtaining a ballot;

(2) A special voter must execute an official application form as prescribed by section 8 of this 1971 amendatory act as a prerequisite to obtaining a ballot;

(3) All such signed application forms must be received by the secretary of state no later than the day prior to the election concerned. In order to be valid, all ballots must be voted and postmarked no later than the day of the election and received by the secretary of state no later than the fifteenth day following the election;

~~((3))~~ (4) The state canvassing board as prescribed in RCW 29.62.100 shall perform the preliminary tasks and be responsible for the count of the ~~((special))~~ new resident presidential ballots and the special voter ballots in the same manner as the county canvassing board performs in the count of absentee ballots as provided in chapter 29.36 RCW. In the event any member of the state canvassing board cannot appear in person, his assistant or deputy may serve in his place;

~~((4))~~ (5) The actual count of the ~~((special))~~ new resident presidential ballots and special voter ballots shall be done by teams, each consisting of four persons, and equally representing each major political party as provided by RCW 29.54.043. The secretary of state shall determine the number of such counting teams to be used and shall employ such persons as needed from lists of names submitted by the state chairman of each major political party. The compensation of such persons shall be the same as those employed by the Thurston county canvassing board to count absentee ballots; PROVIDED, That all votes allowed to be cast by the provisions of this chapter may be cast by "ballot card" and counted by "vote tally system" as those terms are defined in chapter 29.34 RCW, as now or hereafter amended; and

~~((5))~~ (6) The tallying of the ~~((special))~~ new resident presidential ballot and special voter ballot shall be by county and upon the conclusion and certification of such count, the appropriate election figures shall be added to the vote cast on ~~((the))~~ each position ~~((of president))~~ as reported to the secretary of state by each county auditor. Such adjusted totals shall then constitute the official election returns of the respective counties.

Sec. 7. Section 4, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.040 are each amended to read as follows:

The official application form to be used by a new resident desiring to vote shall be issued by the secretary of state. It shall be of a distinctive color and shall be substantially as follows:

APPLICATION FOR A ~~((SPECIAL))~~ NEW RESIDENT'S
PRESIDENTIAL BALLOT

I do solemnly swear (or affirm) under penalty as set forth in RCW 29.36.110 (see below), that I am a citizen of the United States; that I will be at least ~~((twenty-one (21)))~~ eighteen (18) years of age on the day of the approaching presidential election; ~~((that I am able to read and speak the English language;))~~ that I intend to make the state of Washington my permanent residence, that I have resided in this state for less than one year but will have resided here for ~~((at least sixty (60)))~~ more than thirty (30) days immediately preceding the approaching presidential election.

I further swear that I ~~((do not qualify to vote for~~

presidential and vice-presidential electors in the state of my former residence and) will not vote any other ballot of the state of Washington or of any other state at this election; that my last voting address before entering the state of Washington was:

.....

(Street) (City) (County) (State)

I hereby make application for a ((special)) new resident's presidential ballot to vote for presidential and vice-presidential electors only at the approaching presidential election and request that such ballot be sent to the following address:

.....

(Street) (City)

.....

(Print name for positive identification) (Signature)

PENALTY PROVISION

Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

A supply of the above described application forms shall be distributed at least three months prior to the election concerned by the secretary of state to each city and town clerk, county auditor, county chairman of each political party, and to all other persons or organizations requesting the same.

NEW SECTION. Sec. 8. There is added to chapter 29.72 RCW a new section to read as follows:

The official application form to be used by a special voter desiring to vote shall be issued by the secretary of state. It shall be a distinctive color and shall be substantially as follows:

APPLICATION FOR A SPECIAL VOTER'S BALLOT

I do solemnly swear (or affirm) under penalty as set forth in RCW 29.36.110 (see below), that I am a citizen of the United States; that I will be at least eighteen (18) years of age but less than twenty-one (21) years of age on the day of the approaching election; that I have resided in this state for the period required by Article VI, section 1, of the Washington Constitution preceding the approaching election.

I further swear that I will not vote any other ballot of the state of Washington or of any other state at this election.

I hereby make application for a special voter's ballot to vote for United States senator, representative and presidential and vice-presidential electors or offices (whichever offices are

scheduled to be voted upon at the approaching election) and request that such ballot be sent to the following address:

.....

(Street) (City)

.....

(Print name for positive identification) (Signature)

PENALTY PROVISION

Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine or not more than five thousand dollars, or by both such fine and imprisonment.

A supply of the above described application forms shall be distributed at least three months prior to the election concerned by the secretary of state to each city and town clerk, county auditor, county chairman of each political party, and to all other persons or organizations requesting the same.

Sec. 9. Section 5, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.050 are each amended to read as follows:

The wording of the voter's affidavit appearing upon the preaddressed return envelope shall be substantially the same as the wording of the official application as contained in RCW 29.72.040 or section 8 of this 1971 amendatory act.

Such declaration properly executed is hereby declared to be a full and complete (~~temporary~~) registration of the new resident or special voter concerned but only for the purposes of this chapter and the election for which it is submitted; PROVIDED, That a special voter application properly executed and timely received shall be sufficient for both the primary and general election of that year.

Sec. 10. Section 6, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.060 are each amended to read as follows:

The signed applications of the new residents and special voters received by the secretary of state shall be available for public inspection under such reasonable rules and regulations as may be prescribed therefor.

Sec. 11. Section 7, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.070 are each amended to read as follows:

The secretary of state shall be responsible for furnishing all election supplies necessary to carry out the purposes of this chapter, including but not limited to ballots, envelopes, voting instructions and application forms.

~~((The ballots shall be patterned after the absentee ballots, including arrangement of political party columns, as issued by the~~

respective county auditors for the same election, except that only the presidential and vice-presidential offices shall appear upon the special presidential ballots:))

The sets of envelopes used for mailing such ballots shall be patterned after the envelopes as provided by RCW 29.36.030 for the voting of absentee ballots.

The secretary of state shall determine the size of envelopes, dimensions of ballots and voting instructions, and may revise the wording of forms and affidavits whenever in his judgment such changes shall best serve the voting procedure for new residents and special voters.

Sec. 12. Section 8, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.080 are each amended to read as follows:

The secretary of state as chief election officer may make such rules and regulations as will facilitate the operation, accomplishment and purpose of RCW 29.72.010 through 29.72.070 and this 1971 amendatory act.

NEW SECTION. Sec. 13. The provisions of this 1971 amendatory act relating to "special voters," as that term is defined in section 3 of this 1971 amendatory act, shall cease to be effective upon the adoption and ratification of an amendment to the Constitution of the United States, establishing the minimum age requirement for voting in state and local elections at eighteen years of age: PROVIDED HOWEVER, That if at the time of such adoption and ratification there is less than fifteen days, Saturdays and Sundays excepted, in which to register for voting prior to either an approaching state primary election, or state general election, as the case may be, the voting procedure for "special voters" insofar as the one primary or election is concerned will remain essentially the same except that all properly executed applications received by the secretary of state shall be forwarded to the appropriate county auditor who, in turn, will honor same as an application for a mailed ballot to be issued, received and counted in the same manner as absentee ballots for that election.

NEW SECTION. Sec. 14. If any provision of this 1971 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 May 9, 1971.
- Passed the Senate May 7, 1971.
- Approved by the Governor May 20, 1971.
- Filed in Office of Secretary of State May 21, 1971.

CHAPTER 179

[Engrossed Substitute House Bill No. 461]

EXCISE TAXES--

DELINQUENCIES

AN ACT Relating to revenue and taxation; amending section 82.32.090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex. sess. and RCW 82.32.090; adding a new section to chapter 15, Laws of 1961 and to chapter 82.32 RCW; declaring an emergency; and providing for an effective date.

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

Section 1. Section 82.32.090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex. sess. and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the last day of the month in which the tax becomes due, there shall be assessed a penalty of (~~two~~) five percent of the amount of the tax; and if the tax is not received by the last day of the month next succeeding the month in which the due date falls, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received by the last day of the second month next succeeding the month in which the due date falls, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the (~~due date falls~~) tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 82.32 RCW a new section to read as follows:

This 1971 amendatory act shall apply only to taxes becoming due and payable in June, 1971 and thereafter.

NEW SECTION. Sec. 3. This 1971 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 May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 180

[Engrossed Substitute House Bill No. 655]

COASTAL WATERS PROTECTION ACT OF 1971

AN ACT Relating to state government; regulating the taking, transportation, and use of hydrocarbon substances; amending section 4, chapter 146, Laws of 1951 as amended by section 7, chapter 300, Laws of 1961 and RCW 78.52.020; amending section 82.36.330, chapter 15, Laws of 1961 as amended by section 14, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.330; amending section 10, chapter 133, Laws of 1969 ex. sess. as amended by section 1, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.315; adding new sections to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW; adding a new section to chapter 146, Laws of 1951 and to chapter 78.52 RCW; and repealing section 82.36.235, chapter 15, Laws of 1961, section 10, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.235; and declaring an emergency.

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

Section 1. Section 10, chapter 133, Laws of 1969 ex. sess. as amended by section 1, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.315 are each amended to read as follows:

For purposes of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act the following definitions shall apply unless the context indicates otherwise:

(1) ("oils" or "oil" shall mean oil; including gasoline; crude oil; fuel oil; diesel oil; lubricating oil; sludge; oil refuse and any other petroleum related product:

(2) "Person" shall mean "person" as defined by RCW 90.48.020 and in addition shall include any owner; operator; master; officer or employee of a ship:

(3) "Waters of the state" shall mean "waters of the state" as defined in RCW 90.48.020:

(4) "Ship" shall mean any boat; ship; vessel; barge; or other

floating craft of any kind.

(5) "Having control over oil" shall include but shall not be limited to any person using, storing or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil) "Board" shall mean the pollution control hearings board.

(2) "Department" shall mean the department of ecology.

(3) "Director" shall mean the director of the department of ecology.

(4) "Discharge" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(5) "Fund" shall mean the state coastal protection fund as provided in this 1971 amendatory act.

(6) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(7) "Oil" or "oils" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, or any other petroleum related product.

(8) "Person" shall mean any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever and any owner, operator, master, officer, or employee of a ship.

(9) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

(10) "Waters of the state" shall include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

NEW SECTION. Sec. 2. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

The powers, duties, and functions conferred by this 1971 amendatory act shall be exercised by the department of ecology and shall be deemed an essential government function in the exercise of the police power of the state. Such powers, duties, and functions of the department and those conferred by RCW 90.48.315 through 90.48.365 shall extend to all waters within the boundaries of the state.

NEW SECTION. Sec. 3. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

The department may adopt rules and regulations including but

not limited to the following matters:

(1) Procedures and methods of reporting discharges and other occurrences prohibited by RCW 90.48.315 through 90.48.365 and this 1971 amendatory act;

(2) Procedures, methods, means, and equipment to be used by persons subject to regulation by RCW 90.48.315 through 90.48.365 and this 1971 amendatory act and such rules and regulations may prescribe the times, places and methods of transfer of oil;

(3) Coordination of procedures, methods, means, and equipment to be used in the removal of oil pollutants;

(4) Development and implementation of criteria and plans to meet oil pollution occurrences of various kinds and degrees;

(5) The establishment from time to time of control districts comprising sections of the state coast and the establishment of rules and regulations to meet the particular requirements of each such district;

(6) Such other rules and regulations as the exigencies of any condition may require or such as may be reasonably necessary to carry out the intent of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act. To this fund there shall be credited penalties, fees, and charges received pursuant to the provisions of RCW 90.48.315 through 90.48.365 and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.315 through 90.48.365 and this 1971 amendatory act shall be deposited with the state treasurer to the credit of the fund and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund.

NEW SECTION. Sec. 5. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act including but not limited to equipment rental and contracting costs.

(b) All costs involved in the abatement of pollution related to the discharge of oil.

(c) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil.

(2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil shall be reimbursed to the fund whenever:

(a) Moneys are available under any federal program; or

(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil.

NEW SECTION. Sec. 6. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

Whenever it appears after investigation that there is a violation of any rule or regulation issued by the department, the department shall proceed in accordance with the provisions of RCW 90.48.120.

Sec. 7. Section 4, chapter 146, Laws of 1951 as amended by section 7, chapter 300, Laws of 1961 and RCW 78.52.020 are each amended to read as follows:

There is hereby created and established an oil and gas conservation committee, which shall consist of the governor, the land commissioner, and the lieutenant governor together with the director of ~~((conservation and development))~~ the department of ecology and the state treasurer. The governor shall be the chairman of this committee, and the commissioner of public lands shall be its executive secretary. The members of the committee may act through designated agents or deputies for the purpose of carrying out the provisions of this chapter.

NEW SECTION. Sec. 8. There is added to chapter 146, Laws of 1951, and to chapter 78.52 RCW a new section to read as follows:

Any person desiring or proposing to drill any well in search of oil or gas, when such drilling would be conducted through or under any surface waters of the state, shall prepare and submit an environmental impact statement upon such form as the department of ecology shall prescribe at least one hundred and twenty days prior to commencing the drilling of any such well. Within ninety days after receipt of such environmental statement the department of ecology shall prepare and submit to each member of the committee a report examining the potential environmental impact of the proposed well and recommendations for committee action thereon. If after consideration of the report the committee determines that the proposed well is likely to have a substantial environmental impact the drilling permit for such well may be denied.

The committee shall require sufficient safeguards to minimize the hazards of pollution of all surface and ground waters of the state. If safeguards acceptable to the committee cannot be provided the drilling permit shall be denied.

Sec. 9. Section 82.36.330, chapter 15, Laws of 1961 as amended by section 14, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.330 are each amended to read as follows:

Upon the approval of the director of the claim for refund, the state treasurer shall draw a warrant upon the state treasury for the amount of the claim in favor of the person making such claim and the warrant shall be paid from the excise tax collected on motor vehicle fuel: PROVIDED, That the state treasurer shall deduct from each marine use refund claim an amount equivalent to one cent per gallon and shall deposit the same in the coastal protection fund created by section 4 of this 1971 amendatory act. Applications for refunds of excise tax shall be filed in the office of the director not later than the close of the last business day of a period thirteen months from the date of purchase of such motor fuel, and if not filed within this period the right to refund shall be forever barred, except that such limitation shall not apply to claims for loss or destruction of motor vehicle fuel as provided by the provisions of RCW 82.36.370. Any person or the member of any firm or the officer or agent of any corporation who makes any false statement in any claim required for the refund of excise tax, as provided in this chapter, or who collects or causes to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this chapter shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 10. There is added to chapter 133, Laws of 1969 ex. sess. and to chapter 90.48 RCW a new section to read as follows:

RCW 90.48.315 through 90.48.365 and this 1971 amendatory act, being necessary for the general welfare, the public health, and the public safety of the state and its inhabitants, shall be liberally construed to effect their purposes. No rule, regulation, or order of the department shall be stayed pending appeal under the provisions of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act.

NEW SECTION. Sec. 11. Section 82.36.235, chapter 15, Laws of 1961, section 10, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.235 are each repealed.

NEW SECTION. Sec. 12. If any provision of this 1971 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. 13. This 1971 amendatory act may be cited as the "Coastal Waters Protection Act of 1971".

NEW SECTION. Sec. 14. 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 April 30, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 181

[House Bill No. 676]

LIVESTOCK IDENTIFICATION--

REGULATION OF COMMERCIAL FEED LOTS

AN ACT Relating to animals; providing for livestock identification and auditing at commercial feed lots; providing for a licensing and audit fees; adding a new chapter to Title 16 RCW; and providing penalties.

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

NEW SECTION. Section 1. The purpose of this act is to expedite the movement of cattle from producers to the point of slaughter without losing the ownership identity of such cattle, and further to provide for fair and economical methods of identification of cattle in such commercial feed lots based on the necessary actual costs to the department of agriculture.

NEW SECTION. Sec. 2. For the purpose of this act:

(1) "Certified feed lot" means any place, establishment, or facility commonly known as a commercial feed lot, cattle feed lot, or the like, which complies with all of the requirements of this chapter, and any regulations adopted pursuant to the provisions of this chapter and which holds a valid license from the director as hereinafter provided.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any persons licensed under the provisions of this act.

(5) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

NEW SECTION. Sec. 3. The director may adopt such rules and

regulations as are necessary to carry out the purpose of this act. The adoption of such rules shall be subject to the provisions of this act and rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out any duties imposed upon him by this act or rules and regulations adopted hereunder.

NEW SECTION. Sec. 4. On or after the effective date of this act, any person desiring to engage in the business of operating one or more certified feed lots shall obtain an annual license from the director for such purpose. The application for a license shall be on a form prescribed by the director and shall include the following:

(1) The number of certified feed lots the applicant intends to operate and their exact location and mailing address;

(2) The legal description of the land on which the certified feed lot will be situated;

(3) A complete description of the facilities used for feeding and handling of cattle at each certified feed lot;

(4) The estimated number of cattle which can be handled for feeding purposes at each such certified feed lot; and

(5) Any other information necessary to carry out the purpose and provisions of this act and rules or regulations adopted hereunder.

NEW SECTION. Sec. 5. The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of one hundred dollars. The annual license application shall also be accompanied by a prepaid audit fee of one hundred and fifty dollars applicable to the first two thousand head of cattle audited by the director for an applicant during the license period. Upon approval of the application by the director and compliance with the provisions of this act and rules and regulations adopted hereunder, the applicant shall be issued a license or a renewal thereof.

NEW SECTION. Sec. 6. All certified feed lot licenses shall expire on June 30th, subsequent to the date of issue. Any person who fails, refuses, or neglects to apply for renewal of a preexisting license on or before the date of expiration shall be assessed an additional twenty-five dollars which shall be added to the regular license fee and shall be paid before the director may issue a license to the applicant: PROVIDED, That such additional fee shall not be assessed if the applicant furnishes an affidavit certifying that he has not engaged in the business of operating a certified feed lot subsequent to the expiration of his license.

NEW SECTION. Sec. 7. The director is authorized to deny, suspend, or revoke a license in accord with the provisions of chapter 34.04 RCW if he finds that there has been a failure to comply with

any requirement of this act or rules and regulations adopted hereunder. Hearings for the revocation, suspension, or denial of a license shall be subject to the provisions of chapter 34.04 RCW concerning contested cases.

NEW SECTION. Sec. 8. Every certified feed lot shall be equipped with a facility or a livestock pen, approved by the director as to location and construction within the said feed lot so that necessary brand inspection can be carried on in a proper, expeditious and safe manner. Each licensee shall furnish the director with sufficient help necessary to carry out brand inspection in the manner set forth above.

NEW SECTION. Sec. 9. Any cattle or lot of cattle owned or fed by a certified feed lot and delivered to or received from such certified feed lot and accompanied by a brand inspection certificate issued by the director, another state or any agency authorized by law to issue such brand inspection certificates, shall not be subject to brand inspection if the director is given written assurance, upon a form provided by the director, by said certified feed lot that such cattle or lot of cattle have not been commingled with uninspected cattle.

NEW SECTION. Sec. 10. The director shall each year conduct an audit of the cattle received, fed, handled, and shipped by the licensee at each certified feed lot. Such audit shall be for the purpose of determining if such cattle correlate with the brand inspection certificates issued in their behalf and that the certificate of assurance furnished the director by the licensee correlates with his assurance that brand inspected cattle were not commingled with uninspected cattle.

NEW SECTION. Sec. 11. All certified feed lots shall furnish the director with records as requested by him from time to time on all cattle entering or on feed in said certified feed lots and dispersed therefrom. All such records shall be subject to audit by the director for the purpose of maintaining the integrity of the identity of all such cattle. The director shall cause such audits to be made only during regular business hours except in an emergency to protect the interest of the owners of such cattle.

NEW SECTION. Sec. 12. The licensee shall maintain sufficient records as required by the director so that a true audit can be properly performed at each certified feed lot, if said licensee operates more than one certified feed lot.

NEW SECTION. Sec. 13. Each licensee shall pay to the director the actual necessary costs he incurs in performing audits at certified feed lots in excess of the first two thousand head of cattle as prepaid under section 5 of this act. The cost charged by the director shall be actual and necessary and shall be established

by regulation subsequent to a public hearing. Payment for such audit shall be made by the licensee within fifteen days of billing by the director. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if an applicant is in arrears as to his audit payments.

NEW SECTION. Sec. 14. All fees provided for in this act shall be retained by the director for the purpose of enforcing and carrying out the purpose and provisions of this act.

NEW SECTION. Sec. 15. No brand inspection shall be required when cattle are moved or transferred from one certified feed lot to another or the transfer of cattle from a certified feed lot to a point within this state, or out of state where this state maintains brand inspection, for the purpose of immediate slaughter.

NEW SECTION. Sec. 16. The director shall, when a certified feed lot's conditions become such that the integrity of an audit conducted of the cattle therein becomes doubtful, suspend such certified feed lot's license until such time as the director can conduct a valid audit as required to carry out the purpose of this act.

NEW SECTION. Sec. 17. Any person who violates the provisions of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and shall be guilty of a gross misdemeanor for any second or subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 18. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 19. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION. Sec. 20. Sections 1 through 18 of this act shall constitute a new chapter in Title 16 RCW.

Passed the House March 18, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 182

[House Bill No. 706]

AGRICULTURAL PRODUCTS--

COMMISSION MERCHANTS AND DEALERS--

PROCESSORS AND GROWERS

AN ACT Relating to commission merchants -- agricultural products; amending section 1, chapter 139, Laws of 1959 as last amended by section 40, chapter 240, Laws of 1967 and RCW 20.01.010; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 132, Laws of 1969 ex. sess. and RCW 20.01.030; amending section 4, chapter 139, Laws of 1959 and RCW 20.01.040; amending section 6, chapter 139, Laws of 1959 and RCW 20.01.060; amending section 8, chapter 139, Laws of 1959 and RCW 20.01.080; amending section 8, chapter 232, Laws of 1963 and RCW 20.01.125; amending section 13, chapter 139, Laws of 1959 and RCW 20.01.130; amending section 5, chapter 232, Laws of 1963 and RCW 20.01.210; amending section 6, chapter 232, Laws of 1963 and RCW 20.01.212; amending section 7, chapter 232, Laws of 1963 and RCW 20.01.214; amending section 33, chapter 139, Laws of 1959 and RCW 20.01.330; amending section 41, chapter 139, Laws of 1959 and RCW 20.01.410; amending section 43, chapter 240, Laws of 1967 and RCW 20.01.475; adding new sections to chapter 139, Laws of 1959 and to chapter 20.01 RCW; and providing an effective date.

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

Section 1. Section 1, chapter 139, Laws of 1959 as last amended by section 40, chapter 240, Laws of 1967 and RCW 20.01.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any horticultural, viticultural, berry, poultry, poultry product, grain including mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form by or for the producer thereof, bee, or other agricultural products, and livestock except horses, mules, and asses.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product.

(5) "Consignor" means any producer or person who sells, ships or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale or resale.

(6) "Commission merchant" means any person who shall receive on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a commission merchant or cash buyer, as defined in subsection (9) of this section, who solicits, contracts for or obtains from the consignor thereof, for reselling or processing, title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing: PROVIDED, That for the purpose of this 1971 amendatory act the term dealer includes any person who purchases livestock on behalf of and for the account of another.

(8) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product: PROVIDED, That no broker may handle the agricultural products involved or proceeds of such sale.

(9) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession or control of any agricultural product or who contracts for the title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of such agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check or bankdraft may be used for such payment.

(10) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, receives, contracts for or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of such business at any location other than at the principal place of business of his employer: PROVIDED, That an agent may operate only in the name of one principal and only to the account of said principal.

(11) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products

twelve months of each year: PROVIDED, That any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of such retailer's gross business.

(12) "Fixed or established place of business" for the purpose of this chapter shall mean any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business and which is recognized as a permanent business at such place, and carried on as such in good faith and for the purpose of not evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, said personnel being available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(13) "Processor" means any person, firm, company or other organization that purchases agricultural crops from a farmer-producer and who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such crops in any manner whatsoever for eventual resale.

Sec. 2. Section 3, chapter 139, Laws of 1959 as last amended by section 1, chapter 132, Laws of 1969 ex. sess. and RCW 20.01.030 are each amended to read as follows:

This chapter does not apply to:

(1) Any cooperative marketing associations or federations incorporated under, or whose articles of incorporation and bylaws are equivalent to, the requirements of chapter 23.86 or chapter 24.32 RCW, except as to that portion of the activities of such association or federation as involves the handling or dealing in the agricultural products of nonmembers of such organization: PROVIDED, That such associations or federations may purchase up to fifteen percent of their gross from nonmembers for the purpose of filling orders: PROVIDED FURTHER, That if such cooperative or association acts as a processor as defined in section 14(2) ~~15(2)~~ of this 1971 amendatory act and markets such processed agricultural crops on behalf of the grower or its own behalf, said association or federation shall be subject to the provisions of sections 15 through 21 of this 1971 amendatory act and the license provision of this chapter excluding bonding provisions.

(2) Any person who sells exclusively his own agricultural products as the producer thereof.

(3) Any public livestock market operating under a bond required by law or a bond required by the United States to secure the performance of such public livestock market's obligation.

(4) Any retail merchant having bona fide fixed or permanent place of business in this state.

(5) Any person buying farm products for his own use or consumption.

(6) Any warehouseman or grain dealer licensed under the state grain warehouse act.

(7) Any nurseryman who is required to be licensed under the horticultural laws of the state with respect to his operations as such licensee.

(8) Any person licensed under the now existing dairy laws of the state with respect to his operations as such licensee.

(9) Any producer who purchases less than fifteen percent of his volume to fill orders.

Sec. 3. Section 4, chapter 139, Laws of 1959 and RCW 20.01.040 are each amended to read as follows:

On or after the effective date of this chapter no person shall act as a commission merchant, dealer, broker, cash buyer or agent without a license. Any person applying for such a license shall file an application with the director on or before January 1st of each year. Such application shall be accompanied by the following license fee:

- (1) Commission merchant, (~~(fifty)~~) sixty dollars
- (2) Dealer, (~~(fifty)~~) sixty dollars
- (3) Broker, (~~(fifty)~~) sixty dollars
- (4) Cash buyer, (~~(twenty-five)~~) thirty dollars
- (5) Agent, (~~(five)~~) ten dollars.

Sec. 4. Section 6, chapter 139, Laws of 1959 and RCW 20.01.060 are each amended to read as follows:

Any person licensed as a commission merchant, dealer, broker or cash buyer, in the manner herein prescribed, may apply for and secure a license in any or all of the remaining such classifications without further payment of a fee: PROVIDED, That a cash buyer shall accompany his application for a commission merchant, broker or dealer license with a fee of (~~(twenty-five)~~) thirty dollars. Such applicant shall further comply with those parts of this chapter regulating the licensing of the other particular classifications involved.

Sec. 5. Section 8, chapter 139, Laws of 1959 and RCW 20.01.080 are each amended to read as follows:

Any person applying for a commission merchant's license shall include in his application a schedule of commissions, together with

an itemized list of all charges for services rendered to a consignor and shall post a copy of such charges on his premises where it is available to consignors. Such commissions and charges shall not be changed or varied for the license period except by written contract between the consignor or his agent and the licensee or thirty days after written notice to the director, and proper posting of such changes, as prescribed by the director, on the licensee's premises. Charges for services rendered and not listed on the schedule of commissions and charges filed with the director shall be rendered only on an actual cost to the licensee basis.

Sec. 6. Section 8, chapter 232, Laws of 1963 and RCW 20.01.125 are each amended to read as follows:

Every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight (~~notwithstanding RCW 45-80-4607~~) and a certified vehicle gross weight for each load hauled.

Sec. 7. Section 13, chapter 139, Laws of 1959 and RCW 20.01.130 are each amended to read as follows:

All (~~sums~~) moneys received by the department (~~in license fees~~) under the provisions of this chapter shall be paid to the state treasurer and be deposited in a special fund to be known as the commission merchants account and shall be used solely for the purpose of carrying out the provisions of this chapter and rules and regulations adopted hereunder.

Sec. 8. Section 5, chapter 232, Laws of 1963 and RCW 20.01.210 are each amended to read as follows:

Before the license is issued to any commission merchant and/or dealer the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Such bond shall be in the sum of seven thousand five hundred dollars for a commission merchant or any dealer handling livestock, hay, grain, or straw and a bond in the sum of three thousand dollars for any other dealer: PROVIDED, That the bond for a commission merchant, a dealer acting as a processor, or a dealer in livestock, hay, grain, or straw shall be in a minimum amount of seven thousand five hundred dollars or more based upon the annual gross dollar volume of purchases of the licensee. The bond for such commission merchant or dealer shall be determined by taking the annual gross dollar volume of that commission merchant or dealer and dividing that amount by one hundred thirty and the bond shall be in an amount to the next multiple of two thousand dollars larger than the sum: PROVIDED, That bonds above twenty-six thousand dollars shall be not less than the next multiple of five thousand dollars above the amount secured by applying the formula except that when the bond amount

reaches fifty thousand dollars any amount of bond required above this shall be on a basis of ten percent of the amount arrived by applying the formula of annual gross divided by one hundred thirty. Such bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted hereunder. Said bond shall be to the state for the benefit of every consignor of an agricultural product in this state. The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall without the necessity of periodic renewal remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled, or until released by notice from the director when a superseding bond has been issued and is in effect. All such sureties on a bond, as provided herein, shall ((only)) also be released and discharged from all liability to the state accruing on such bond ((upon compliance with the provisions of RCW 49-72-440 concerning notice and proof of service, as enacted or hereafter amended)) by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for ((in RCW 49-72-440 concerning notice and proof of service as enacted or hereafter amended, and)) above. Unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license. Upon such cancellation the license and vehicle plates issued attendant to the license shall be surrendered to the director forthwith.

Sec. 9. Section 5, chapter 232, Laws of 1963 and RCW 20.01.212 are each amended to read as follows:

If an applicant for a commission merchant's and/or dealer's license is bonded as a livestock dealer under the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. 181) as amended on the effective date of this act, and acts as a commission merchant and/or a dealer only in livestock as defined in said Packers and Stockyards Act of 1921 (7 U.S.C. 181), the director may accept such bond in lieu of the bond required in RCW 20.01.210 as good and sufficient and issue the applicant a license limited solely to dealing in livestock. A dealer buying and selling livestock who has furnished a bond as required by the packers and stockyards administration to cover acting

as order buyer as well as dealer may also act as an order buyer for others under the provisions of this 1971 amendatory act, and all persons who act as order buyers of livestock shall license under this 1971 amendatory act as a livestock dealer: PROVIDED, That the applicant shall furnish the director with a bond approved by the United States secretary of agriculture naming the director as trustee. Such bond shall be in a sum equal to or greater than the sum of the bond required in RCW 20.01.210 (~~r~~ and subject to the same requirements for notice and cancellation of a bond in said RCW 20.04.240). It shall be a (~~misdemeanor~~) violation for the licensee to act as a commission merchant and/or dealer in any other agricultural commodity without first having notified the director and furnishing him with a bond as required under the provisions of RCW 20.01.210, and failure to furnish the director with such bond shall be cause for the immediate suspension of the licensee's license, and revocation subject to a hearing.

Sec. 10. Section 7, chapter 232, Laws of 1963 and RCW 20.01.214 are each amended to read as follows:

Upon any bond claim being denied by the director the claimant must appeal such action to the superior court in the county where this claimant resides in this state or Thurston County, within sixty days after receipt of written notice of such rejection or such rejection shall become final and binding upon the claimant.

Sec. 11. Section 33, chapter 139, Laws of 1959 and RCW 20.01.330 are each amended to read as follows:

The director may refuse to grant a license or renew a license and may revoke or suspend a license or issue a conditional or probationary order if he is satisfied after a hearing, as herein provided, of the existence of any of the following facts, which are hereby declared to be a violation of this chapter:

(1) That fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any agricultural product.

(2) That the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, or to pay for agricultural products received, within the time and in the manner required by this chapter.

(3) That the applicant, or licensee, has made any false statement as to the condition, quality or quantity of agricultural products received, handled, sold or stored by him.

(4) That the applicant, or licensee, directly or indirectly has purchased for his own account agricultural products received by him upon consignment without prior authority from the consignor together with the price fixed by consignor or without promptly

notifying the consignor of such purchase. This shall not prevent any commission merchant from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of agricultural products remaining unsold, if such commission merchant shall forthwith enter such transaction on his account of sales.

(5) That the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any agricultural products.

(6) That the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the consignor.

(7) That a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant and has received, collected, or charged by such means more than one commission for making the sale thereof, for the consignor, unless by written consent of such consignor.

(8) That the licensee was intentionally guilty of fraud or deception in the procurement of such license.

(9) That the licensee or applicant has failed or refused to file with the director a schedule of his charges for services in connection with agricultural products handled on account of or as an agent of another, or that the applicant, or licensee, has indulged in any unfair practice.

(10) That the licensee has rejected, without reasonable cause, or has failed or refused to accept, without reasonable cause, any agricultural product bought or contracted to be bought from a consignor by such licensee; or failed or refused, without reasonable cause, to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by licensee in connection with the acceptance, harvesting, or other handling of said agricultural products bought or handled or contracted to be bought or handled; or has used any other device to avoid acceptance or unreasonably to defer acceptance of agricultural products bought or handled or contracted to be bought or handled.

(11) That the licensee has otherwise violated any provision of this chapter and/or rules and regulations adopted hereunder.

(12) That the licensee has knowingly employed an agent, as defined in this chapter, without causing said agent to comply with the licensing requirements of this chapter applicable to agents.

(13) That the applicant or licensee has, in the handling of any agricultural products, been guilty of fraud, deceit, or wilful negligence.

(14) That the licensee has failed or refused, upon demand, to permit the director or his agents to make the investigations, examination or audits, as provided in this chapter, or that the licensee has removed or sequestered any books, records, or papers

necessary to any such investigations, examination, or audits, or has otherwise obstructed the same.

(15) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a consignor.

(16) That the licensee has failed or refused to keep and maintain the records as required by this chapter and/or rules and regulations adopted hereunder.

(17) That the licensee has attempted payment by check with insufficient funds to cover such check.

(18) That the licensee has been guilty of fraud or deception in his dealings with purchasers including misrepresentation of goods as to grade, quality, weights, quantity, or any other essential fact in connection therewith.

(19) That the licensee has permitted an agent to in fact operate his own separate business under cover of the licensee's license and bond.

(20) That a commission merchant or dealer in livestock, hay, grain, or straw has failed to furnish additional bond coverage within fifteen days of when it was requested in writing by the director.

Sec. 12. Section 41, chapter 139, Laws of 1959 and RCW 20.01.410 are each amended to read as follows:

A copy of a manifest of cargo, on a form prescribed by the director, shall be carried on any vehicle transporting agricultural products purchased by a dealer or cash buyer, or consigned to (~~or purchased by~~) a commission merchant from the consignor thereof when prescribed by the director. The commission merchant, dealer or cash buyer shall issue a copy of such manifest to the consignor of such agricultural products and the original shall be retained by the licensee for a period of one year during which time it shall be surrendered upon request to the director. Such manifest of cargo shall be valid only when signed by the licensee or his agent and the consignor of such agricultural products.

Sec. 13. Section 43, chapter 240, Laws of 1967 and RCW 20.01.475 are each amended to read as follows:

It shall be prima facie evidence that a licensee licensed under the provisions of (~~chapter 20-04 RCW~~) this 1971 amendatory act is acting (~~at all time~~) as such (~~licensee~~) in the handling of any agricultural product (~~if even though he may also be a producer of or acting in his capacity as a producer at the time he is handling such agricultural products~~).

NEW SECTION. Sec. 14. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

When a violation has occurred which results in improper payment or nonpayment and a claim is made to the department and the

payment is secured through the actions of the department the following charges will be made to the consignor for the action of the department in the matter:

(1) When reported within thirty days from time of default, no charge.

(2) When reported thirty days to one hundred eighty days from time of default, five percent.

(3) When reported after one hundred eighty days from time of default, ten percent.

NEW SECTION. Sec. 15. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Notwithstanding any other provision of law, for the purposes of sections 16 through 20 of this 1971 amendatory act, the term "grower" and the term "producer" shall have the meanings ascribed thereto by this section:

(1) "Grower" means any person, firm, company, or other organization that is engaged in the production of agricultural crops (other than sugar beets or alfalfa), which must be planted, cultivated, and harvested within a twelve month period.

(2) (a) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a grower and who cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes such crops in any manner whatsoever for eventual resale.

(b) The exemption provided for in RCW 20.01.030(1) shall not apply to a cooperative or association as defined therein, which acts as a processor defined herein, and markets such agricultural crops on behalf of the grower or on its own behalf.

NEW SECTION. Sec. 16. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

In order to carry out the purposes of this 1971 amendatory act, the director may require a processor to annually complete a form prescribed by the director, which, when completed, will show the maximum processing capacity of each plant operated by the processor in the state of Washington. Such completed form shall be returned to the director by a date prescribed by him.

NEW SECTION. Sec. 17. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

By a date or dates prescribed prior to planting time by the director, the director, in order to carry out the purposes of this 1971 amendatory act, may require a processor to have filed with him:

(1) A copy of each contract he has entered into with a grower for the purchase of acres of crops and/or quantity of crops to be harvested during the present or next growing season; and

(2) A notice of each oral commitment he has given to growers

for the purchase of acres of crops and/or quantity of crops to be harvested during the present or next growing season, and such notice shall disclose the amount of acres and/or quantity to which the processor has committed himself.

NEW SECTION. Sec. 18. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Any grower may file with the director on a form prescribed by him the acres of crops and/or quantity of crops to be harvested during the present or next growing season, which he understands a processor has orally committed himself to purchase.

NEW SECTION. Sec. 19. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Any processor who, from the information filed with the director, appears to or has committed himself either orally or in writing to purchase more crops than his plants are capable of processing shall be in violation of this chapter and his dealer's license subject to denial, suspension, or revocation as provided for in RCW 20.01.330.

NEW SECTION. Sec. 20. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Any processor who wilfully discriminates between growers with whom he contracts as to price, conditions for production, harvesting, and delivery of crops which is not supportable by economic cost factors shall be in violation of this chapter and the director may subsequent to a hearing deny, suspend, or revoke such processor's license to act as a dealer.

NEW SECTION. Sec. 21. There is added to chapter 139, Laws of 1959 and to chapter 20.01 RCW a new section to read as follows:

Sections 15 through 20 of this 1971 amendatory act shall take effect beginning on September 1, 1972.

Passed the House May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 183

[House Bill No. 773]

PROTECTION OF DEER AND ELK

AN ACT Relating to game; protecting deer and elk during certain periods of the year; and adding a new section to Title 77 RCW.

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

NEW SECTION. Section 1. There is added to Title 77 RCW a new

section to read as follows:

During the months of December, January, February and March of each year the director of the department of game may declare an emergency to exist in any specified geographical area of the state when snow depth and climatic conditions cause a threat to the survival of deer and elk and where such deer and elk are being pursued, harassed, attacked or killed by dogs. After an emergency has been declared and is in effect it shall be lawful for any game protector or law enforcement officer operating within the specified geographical area designated by the emergency proclamation to take into custody or, if necessary, destroy any dog which is pursuing, harassing, attacking, or killing any deer or elk. Any game protector or law enforcement officer who takes into custody or destroys a dog pursuant to this section shall be immune from any civil or criminal liability arising from his actions.

The declaration of an emergency pursuant to this section shall be by written order signed by the director of the department of game and filed in the office of the director and the office of the auditor of any county or counties affected by the order.

The director shall publish the emergency order in any newspaper of general circulation in any county affected not less than three days prior to the effective date of the order.

Passed the House March 30, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 184

[Engrossed House Bill No. 803]

CONTROL OF STATE DEBTS BY THE STATE FINANCE COMMITTEE--
ANNUAL COMPUTATION OF STATE REVENUES AND DEBT CAPACITY BY STATE
TREASURER--
CONSTITUTIONAL AMENDMENT REQUIRED

AN ACT Relating to state government; authorizing the state finance committee to supervise and control the incurrence of state debt; and creating new sections.

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

NEW SECTION. Section 1. This chapter shall apply to all bonds, notes, and other evidences of indebtedness of the state authorized by the legislature after the effective date of this chapter, unless otherwise provided in the authorizing acts.

NEW SECTION. Sec. 2. Bonds, notes, or other evidences of

indebtedness shall be issued by the state finance committee. They may be issued at one time or in a series from time to time. The maturity date of each series shall be determined by the state finance committee, but in no case shall any bonds mature later than thirty years from the date of issue. All evidences of indebtedness shall be signed in the name of the state by the governor and the treasurer. The facsimile signature of said officials is authorized and said evidences of indebtedness may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on such evidences of indebtedness has ceased to hold office at the time of issue or at the time of delivery to the purchaser.

NEW SECTION. Sec. 3. The state finance committee shall by resolution determine the amount, date, form, terms, conditions, denominations, maximum interest rate, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, and covenants of all evidences of indebtedness including the funding or refunding of any existing indebtedness.

NEW SECTION. Sec. 4. The proceeds of the sale of any bonds shall be used solely for the purposes, including any expense incurred in connection with the issuance and sale of such bonds, specified in the general statute or special act authorizing the issuance of such bonds.

NEW SECTION. Sec. 5. 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.

NEW SECTION. Sec. 6. No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the state to exceed the limitation contained in section 1 of Article VIII of the Washington state Constitution as hereafter amended by vote of the people pursuant to HJR 52, 1971 regular session. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or

college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of Article VIII of the Washington state Constitution as hereafter amended by vote of the people pursuant to HJR 52, 1971 regular session, nor shall it include indebtedness incurred pursuant to section 8 of this act, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority. To the extent necessary because of the constitutional debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes or other evidences of indebtedness by the state shall be determined by the state finance committee.

NEW SECTION. Sec. 7. On or after the effective date of this act, the treasurer shall compute general state revenues for the three fiscal years immediately preceding such date and shall determine the arithmetic mean thereof. As soon as is practicable after the close of each fiscal year thereafter, he shall do likewise. In determining the amount of general state revenues, the treasurer shall include all state money received in the treasury from each and every source whatsoever except: (1) fees and revenues derived from the ownership or operation of any undertaking, facility or project; (2) moneys received as gifts, grants, donations, aid or assistance or otherwise from the United States or any department, bureau or corporation thereof, or any person, firm or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) proceeds received from the sale of bonds or other evidences of indebtedness. Upon computing general state revenues, the treasurer shall make and file in the office of the secretary of state, a certificate containing the results of such computations. Copies of said certificate shall be sent to each elected official of the state and each member of the legislature. The treasurer shall, at the same time, advise each elected official and each member of the legislature of the current available debt capacity of the state, and may make estimated projections for one or more years concerning debt capacity.

NEW SECTION. Sec. 8. The foregoing limitation on the

aggregate amount of indebtedness of the state shall not prevent:

(1) The issuance of obligations to refund or replace any such indebtedness existing at any time in an amount not exceeding such existing indebtedness and any premium payable with respect thereto, including the refunding of any indebtedness incurred or authorized prior to the effective date of this act by the Washington state building authority;

(2) The issuance of obligations in anticipation of revenues to be received by the state during a period of twelve calendar months next following their issuance;

(3) The issuance of obligations payable solely from revenues of particular public improvements;

(4) A pledge of the full faith, credit, and taxing power of the state to guarantee the payment of any obligation payable from revenues received from any of the following sources:

(a) the fees collected by the state as license fees for motor vehicles;

(b) excise taxes collected by the state on the sale, distribution, or use of motor vehicle fuel; and

(c) interest on the permanent common school fund:

PROVIDED, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

NEW SECTION. Sec. 9. The state finance committee may issue certificates of indebtedness in such sum or sums that may be necessary to meet temporary deficiencies of the treasury; such certificates may be issued only to provide for the appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of issuance.

NEW SECTION. Sec. 10. Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this chapter shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof, except as provided in this paragraph, and shall be incontestable in the hands of a bona fide purchaser or holder thereof. Whenever the state finance committee determines to issue bonds, notes or other evidences of indebtedness, it shall file with the treasurer a certified copy of the resolution authorizing their issuance at least thirty days prior to delivery to the purchaser of such bonds, notes, or other evidences of indebtedness. At any time prior to delivery, any person in interest shall have the right to institute an appropriate action or proceeding to contest the validity of the authorized indebtedness, the pledge of revenues for the

payment of principal and interest on such indebtedness, the validity of the collection and disposition of revenue necessary to pay the principal and interest on such indebtedness, the expenditure of the proceeds derived from the sale of the evidences of indebtedness for the purposes specified by law, and the validity of all other provisions and proceedings in connection with the authorization and issuance of the evidences of indebtedness. If such action or proceeding shall not have been instituted prior to delivery, then the validity of the evidences of indebtedness shall be conclusively presumed and no court shall have authority to inquire into such matters.

NEW SECTION. Sec. 11. All evidences of indebtedness issued under the provisions of this chapter shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

NEW SECTION. Sec. 12. This act shall become effective coincident with the effective date of the constitutional amendment to Article VIII, section 1 and to Article VIII, section 3 of the Washington state Constitution as presented for a vote of the people by HJR 52, 1971 regular session. Unless such constitutional amendment shall be approved by the people at the next general election, this chapter shall be null and void.

Passed the House March 29, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 185

[Engrossed House Bill No. 853]

SALE OF CONTRACEPTIVES--
RETAIL DEALER'S LICENSE

AN ACT Relating to crimes and punishments; amending section 1, chapter 168, Laws of 1921 and RCW 9.04.030; amending section 208, chapter 249, Laws of 1909 and RCW 9.68.030; repealing section 3, chapter 192, Laws of 1939 and RCW 18.81.030; and adding a new section to chapter 18.81 RCW.

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

Section 1. Section 1, chapter 168, Laws of 1921 and RCW 9.04.030 are each amended to read as follows:

Every person who shall advertise, either in his own name, or

in the name of another person, copartnership or pretended copartnership, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, periodical or in any other written or printed paper, and every owner, publisher, editor or manager of any newspaper, pamphlet, circular, periodical or other written or printed paper, who shall publish, or permit to be published or inserted, an advertisement in any newspaper, pamphlet, circular, periodical, or other written or printed paper, owned or controlled by him, or of which he is the editor or manager, and every person who shall distribute, circulate, display or cause to be distributed, circulated or displayed, any newspaper, pamphlet, circular, periodical, or other written or printed paper containing any advertisement for the ((treatment or care of venereal diseases; the)) restoration of lost ((manhood; or of lost vitality or lost vigor; or monthly regulators for women; or the treatment of diseases of the sexual organs; or diseases caused by sexual vice; self abuse or any disease of like cause)) sexual potency, or for the sale of any medicine, drug, compound, mixture, appliance, or any means whatever, whereby ((sexual)) venereal diseases of men or women may be cured or relieved, shall be guilty of a gross misdemeanor.

Sec. 2. Section 208, chapter 249, Laws of 1909 and RCW 9.68.030 are each amended to read as follows:

Every person who shall expose for sale, loan or distribution, any instrument or article, or any drug or medicine, for ((the prevention of conception; or for)) causing unlawful abortion; or shall write, print, distribute or exhibit any card, circular, pamphlet, advertisement or notice of any kind, stating when, where, how or of whom such article or medicine can be obtained, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 18.81 RCW a new section to read as follows:

A retail dealer's license shall be issued to any person holding a valid license to operate a pharmacy, dispensary, hospital or clinic and to any public or private program engaged in venereal disease prevention or treatment, family planning or the care, treatment or rehabilitation of any person. Further, the board of pharmacy shall issue a retail dealer's license in any area where it determines prophylactics are not readily available, and to any person or program where the local health officer determines that, in the interest of public health, prophylactics should be made available.

NEW SECTION. Sec. 4. Section 3, chapter 192, Laws of 1939 and RCW 18.81.030 are each repealed.

Passed the House May 9, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 186

[Engrossed House Bill No. 888]

BUSINESS AND OCCUPATION TAXES--

MANUFACTURERS--

SELLERS AND MANUFACTURERS OF NUCLEAR FUEL ASSEMBLIES

AN ACT Relating to business and occupation taxes; amending section 82.04.110, chapter 15, Laws of 1961 and RCW 82.04.110; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 35, chapter 262, Laws of 1969 and RCW 82.04.250; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 36, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 37, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.270; and prescribing an effective date.

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

Section 1. Section 82.04.110, chapter 15, Laws of 1961 and RCW 82.04.110 are each amended to read as follows:

"Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his own materials or ingredients any articles, substances or commodities. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the ((tax commission)) department shall prescribe equitable rules for determining tax liability: PROVIDED, That a nonresident of this state who is the owner of materials processed for it in this state by a processor for hire shall not be deemed to be engaged in business in this state as a manufacturer because of the performance of such processing work for it in this state: PROVIDED FURTHER, That the owner of materials from which a nuclear fuel assembly is made for it by a processor for hire shall not be subject to tax under this chapter as a manufacturer of the fuel assembly.

Sec. 2. Section 82.04.250, chapter 15, Laws of 1961 as last amended by section 35, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.250 are each amended to read as follows:

Upon every person except persons taxable under subsection (9)

of RCW 82.04.260 engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent ((: ~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income,~~ the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of twenty-two one-hundredths of one percent)).

Sec. 3. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 36, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent ((: ~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income,~~ the tax imposed shall be equal to the gross proceeds derived from sales multiplied by the rate of one two-hundredths of one percent)).

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent ((: ~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income,~~ the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-sixteenth of one percent)).

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent ((: ~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income,~~ the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-eighth of one percent)).

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products

manufactured, multiplied by the rate of one-eighth of one percent (~~That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-sixteenth of one percent~~)).

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent (~~That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-twentieths of one percent~~)).

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent (~~That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-two one-hundredths of one percent~~)).

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent (~~That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-two one-hundredths of one percent~~)).

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent (~~That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, as to such persons the tax imposed shall be equal to the gross~~

proceeds derived from such sales multiplied by the rate of thirty-three two-hundredths of one percent)).

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

Sec. 4. Section 82.04.270, chapter 15, Laws of 1961 as last amended by section 37, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsections (1) or (9) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent (~~(+ PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of twenty-two one-hundredths of one percent)~~)).

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: ~~PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution~~ (~~(+ PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax as to such persons shall be computed by multiplying twenty-two one-hundredths of one percent of the value of the article so distributed as of the time of such distribution)~~): ~~PROVIDED, That~~

persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

NEW SECTION. Sec. 5. The effective date of this 1971 amendatory act is July 1, 1971.

Passed the House April 14, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 187

[Engrossed House Bill No. 1075]

PUBLIC EMPLOYEES' COLLECTIVE BARGAINING AGREEMENTS

AN ACT Relating to public employees' collective bargaining; and adding a new section to chapter 41.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.56 RCW a new section to read as follows:

Whenever a collective bargaining agreement between a public employer and a bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the same parties, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the new collective bargaining agreement including wage increases may accrue beginning with such effective date as established by this section.

Passed the House April 29, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 188

[Engrossed House Bill No. 311]

TERMINATION DATES FOR SUSPENDED SENTENCES--
RESTORATION OF CIVIL RIGHTS

AN ACT Relating to crimes and punishments for criminal offenses; and creating new sections.

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

NEW SECTION. Section 1. In all cases prior to the effective date of this act wherein the execution of sentence has been suspended pursuant to RCW 9.92.060, such person may apply to the court by which he was convicted and sentenced to establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence.

NEW SECTION. Sec. 2. In the case of a person granted a suspended sentence under the provisions of RCW 9.92.060, the court shall establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence.

NEW SECTION. Sec. 3. Upon termination of any suspended sentence under RCW 9.92.060 or RCW 9.95.210, such person may apply to the court for restoration of his civil rights. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

Passed the House May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 189

[Engrossed Substitute House Bill No. 417]

ADVISORY COMMITTEES OR COUNCILS FOR THE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES AUTHORIZED--
STATE ADVISORY COMMITTEE CREATED

AN ACT Relating to state government; authorizing the department of social and health services to establish advisory committees and councils; amending section 9, chapter 253, Laws of 1957

and RCW 18.20.090; amending section 41, chapter 183, Laws of 1951 and RCW 18.45.130; amending section 43.61.030, chapter 8, Laws of 1965 as amended by section 33, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.030; amending section 43.61.040, chapter 8, Laws of 1965 as amended by section 34, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.040; amending section 43.61.060, chapter 8, Laws of 1965 and RCW 43.61.060; amending section 2, chapter 267, Laws of 1955 and RCW 70.41.020; amending section 3, chapter 267, Laws of 1955 and RCW 70.41.030; amending section 5, chapter 207, Laws of 1961 as last amended by section 16, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.050; amending section 4, chapter 273, Laws of 1959 and RCW 72.60.270; amending section 5, chapter 273, Laws of 1959 and RCW 72.60.280; creating new sections; repealing section 8, chapter 253, Laws of 1957 and RCW 18.20.080; repealing section 52, chapter 183, Laws of 1951 and RCW 18.45.520; repealing section 53, chapter 183, Laws of 1951 and RCW 18.45.530; repealing section 54, chapter 183, Laws of 1951 and RCW 18.45.540; repealing section 30, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.230; repealing section 43.61.010, chapter 8, Laws of 1965, section 31, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.010; repealing section 43.61.020, chapter 8, Laws of 1965, section 32, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.020; repealing section 4, chapter 144, Laws of 1955 and RCW 69.30.040; repealing section 5, chapter 197, Laws of 1949, section 5, chapter 252, Laws of 1959 and RCW 70.40.050; repealing section 5, chapter 267, Laws of 1955 and RCW 70.41.050; repealing section 6, chapter 267, Laws of 1955 and RCW 70.41.060; repealing section 7, chapter 267, Laws of 1955 and RCW 70.41.070; repealing section 6, chapter 207, Laws of 1961, section 17, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.060; repealing section 72.01.250, chapter 28, Laws of 1959, section 1, chapter 190, Laws of 1959 and RCW 72.01.250; repealing section 72.05.180, chapter 28, Laws of 1959 and RCW 72.05.180; repealing section 72.05.190, chapter 28, Laws of 1959 and RCW 72.05.190; repealing section 2, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.010; repealing section 3, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.020; repealing section 4, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.030; repealing section 5, chapter 90, Laws of 1965 ex. sess., section 22, chapter 172, Laws of 1967, and RCW 74.32.040; repealing section 18, chapter 172, Laws of 1967, section 3, chapter 172, Laws of 1969 ex. sess., section 21, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.051; repealing section 19, chapter 172, Laws of 1967, section 22,

chapter 18, Laws of 1970 ex. sess. and RCW 74.32.053; repealing section 20, chapter 172, Laws of 1967 and RCW 74.32.055; repealing section 7, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.060; repealing section 8, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.070; repealing section 9, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.080; repealing section 10, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.090; repealing section 12, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.900; repealing section 2, chapter 39, Laws of 1965, section 23, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.010; repealing section 3, chapter 39, Laws of 1965, section 24, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.020; repealing section 4, chapter 39, Laws of 1965, section 25, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.030; and repealing section 5, chapter 39, Laws of 1965, section 26, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.040.

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

NEW SECTION. Section 1. The legislature declares that meaningful citizen involvement with and participation in the planning and programs of the department of social and health services are essential in order that the public may better understand the operations of the department, and the department staff may obtain the views and opinions of concerned and affected citizens. As a result of the creation of the department of social and health services and the resulting restructuring of programs and organization of the department's components, and as a further result of the legislative mandate to the department to organize and deliver services in a manner responsive to changing needs and conditions, it is necessary to provide for flexibility in the formation and functioning of the various committees and councils which presently advise the department, to restructure the present committees and councils, and to provide for new advisory committees and councils, so that all such committees and councils will more appropriately relate to the changing programs and services of the department.

NEW SECTION. Sec. 2. The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) veteran's affairs; (4) children and youth services; (5) blind services; (6) services to the aging; (7) medical and health care; (8) drug abuse and alcoholism; (9) social services; (10) economic services; (11) vocational services; (12) rehabilitative services; (13) public health services;

and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for two years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid twenty-five dollars per diem in the performance of their duties and mileage allowances at ten cents per mile. Members of regional advisory committees may, in the discretion of the secretary, be paid the same subsistence and mileage allowances as set forth above.

The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant to this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and shall make such recommendations for further legislative action as he deems appropriate.

Sec. 3. Section 9, chapter 253, Laws of 1957 and RCW 18.20.090 are each amended to read as follows:

The board ((7 with the advice of the advisory boarding home council)) shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all boarding homes and operators thereof to be licensed hereunder as may be designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals in boarding homes and the sanitary, hygienic and safe conditions of the boarding home in the interest of public health, safety, and welfare.

Sec. 4. Section 41, chapter 183, Laws of 1951 and RCW 18.45.130 are each amended to read as follows:

The annual registration fee for such certificates granted under this chapter shall be in accordance with the following table and shall be due and payable on or before July 1st of each year:

Furniture and bedding manufacturer's certificate.....	\$35
Wholesale furniture and bedding dealer's certificate.....	\$35
Supply dealer's certificate.....	\$35
Supply depot.....	\$35

Furniture repairer's and renovator's certificate.....	\$25
Sterilizer's or fumigator's certificate.....	\$25
Retail furniture and bedding dealer's certificate.....	\$10
Auctioneer's certificate.....	\$10

The schedule of fees prescribed in this chapter constitutes a maximum, and the ~~((director, with the approval of the advisory council,))~~ secretary of the department of social and health services, or his designee may make a proportionate reduction in the schedule for any year upon the basis of the department's needs for the proper enforcement of this chapter.

Sec. 5. Section 43.61.030, chapter 8, Laws of 1965 as amended by section 33, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.030 are each amended to read as follows:

~~((The council shall function under the jurisdiction of the department of social and health services, and shall serve in an advisory capacity to the secretary thereof. After considering the advice of the council,))~~ The secretary is empowered to approve expenditures by any veterans' organizations ((represented upon the council)), now or hereafter chartered by act of congress and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective council member organizations. ((Under the supervision and with the approval of the secretary, the council may also establish a field and contact service wherever and to whatever extent such service may in its judgment be necessary. The secretary shall employ such persons as may be necessary to carry out the provisions of this 1970 amendatory act: PROVIDED, That except as otherwise specified in this 1970 amendatory act, such employment is in accordance with the state civil service law, chapter 41-06 RCW.))

Sec. 6. Section 43.61.040, chapter 8, Laws of 1965 as amended by section 34, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.040 are each amended to read as follows:

~~((Under the supervision of))~~ The secretary ((the council)) shall make such rules and regulations as may be necessary to carry out the purposes of this chapter ((and administer the affairs of the council. It)) . The department shall furnish information, advice, and assistance to veterans and coordinate all information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health,

vocational guidance and placement, and welfare not provided by some other agency of the state or by the federal government. (~~The council shall render to the secretary before the fifteenth day of January of each year, a complete report of its activities for the preceding year;~~) The secretary shall ((in turn)) submit ((the)) a report of the departments' activities hereunder before the fifteenth of January of each year to the governor.

Sec. 7. Section 43.61.060, chapter 8, Laws of 1965 and RCW 43.61.060 are each amended to read as follows:

The (~~council~~) department may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the veterans' rehabilitation council account and used in accordance with the donors' instructions.

Sec. 8. Section 2, chapter 267, Laws of 1955 and RCW 70.41.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) (~~"Council"~~) "Council" means the Washington state hospital advisory council herein provided for;

(~~2~~) "Department" means the Washington state department of (~~health~~) social and health services;

(~~3~~) (2) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51; nor does it include maternity homes, which come within the scope of chapter 18.46; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or

spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations;

~~((4))~~ (3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock and association, and the legal successor thereof;

~~((5))~~ (4) "Board" means the state board of health.

Sec. 9. Section 3, chapter 267, Laws of 1955 and RCW 70.41.030 are each amended to read as follows:

The board, ~~((after consultation with the council))~~ shall establish and adopt such minimum standards, rules and regulations pertaining to the construction, maintenance and operation of hospitals, and rescind, amend or modify such rules and regulations from time to time, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of hospitalization required for the safe and adequate care and treatment of patients. All rules and regulations to become effective shall be filed with the ~~((secretary of state))~~ office of the code reviser.

The board shall advise and consult with the department ~~((and the council))~~ in matters of policy affecting the administration of this chapter, and shall conduct fair hearing procedures as provided in RCW 70.41.130.

Sec. 10. Section 5, chapter 207, Laws of 1961 as last amended by section 16, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.050 are each amended to read as follows:

(1) The department of social and health services is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The secretary of social and health services shall be director of the agency, hereinafter referred to as the secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties.

(4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate ~~((and, with the approval of the technical advisory board))~~, adopt, promulgate, and repeal codes, rules and

regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

Sec. 11. Section 4, chapter 273, Laws of 1959 and RCW 72.60.270 are each amended to read as follows:

At such times as the moneys in the institutional industries revolving fund exceed such amount as shall be necessary for the efficient operation of the institutional industries program to be determined by periodic audits of the director of budget, the excess shall be forwarded and paid over by the (~~director~~) secretary to the state treasurer for deposit in the general fund of the state treasury.

Sec. 12. Section 5, chapter 273, Laws of 1959 and PCW 72.60.280 are each amended to read as follows:

The (~~director~~); secretary shall prepare and forward to the governor annually a report for the fiscal year ending on the thirtieth day of June of the fiscal year in which the report is made, which report shall be a public document and contain:

(1) A detailed financial statement and balance showing in

general the condition of the industrial and agricultural programs of the department ((of institutions)) and their operation during the year; (2) general information concerning institutional industrial and agricultural programs; and (3) any further information requested by the governor.

NEW SECTION. Sec. 13. There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than fifteen members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. The members of the committee shall hold office as follows: Two members to serve two years; two members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

NEW SECTION. Sec. 14. The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary or all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions.

NEW SECTION. Sec. 15. Members of the state advisory committee shall be paid twenty-five dollars per diem in the performance of their duties, and mileage allowance at ten cents per mile.

NEW SECTION. Sec. 16. Notwithstanding any other provision of this act, no person shall receive as compensation or reimbursement for per diem or mileage authorized in this act any amount that would exceed the per diem or mileage provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 253, Laws of 1957 and RCW 18.20.080;
- (2) Section 52, chapter 183, Laws of 1951 and RCW 18.45.520;
- (3) Section 53, chapter 183, Laws of 1951 and RCW 18.45.530;
- (4) Section 54, chapter 183, Laws of 1951 and RCW 18.45.540;
- (5) Section 30, chapter 18, Laws of 1970 ex. sess. and RCW

43.20A.230;

(6) Section 43.61.010, chapter 8, Laws of 1965, section 31, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.010;

(7) Section 43.61.020, chapter 8, Laws of 1965, section 32, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.020;

(8) Section 4, chapter 144, Laws of 1955 and RCW 69.30.040;

(9) Section 5, chapter 197, Laws of 1949, section 5, chapter 252, Laws of 1959 and RCW 70.40.050;

(10) Section 5, chapter 267, Laws of 1955 and RCW 70.41.050;

(11) Section 6, chapter 267, Laws of 1955 and RCW 70.41.060;

(12) Section 7, chapter 267, Laws of 1955 and RCW 70.41.070;

(13) Section 6, chapter 207, Laws of 1961, section 17, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.060;

(14) Section 72.01.250, chapter 28, Laws of 1959, section 1, chapter 190, Laws of 1959 and RCW 72.01.250;

(15) Section 72.05.180, chapter 28, Laws of 1959 and RCW 72.05.180;

(16) Section 72.05.190, chapter 28, Laws of 1959 and RCW 72.05.190;

(17) Section 2, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.010;

(18) Section 3, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.020;

(19) Section 4, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.030;

(20) Section 5, chapter 90, Laws of 1965 ex. sess., section 22, chapter 172, Laws of 1967, and RCW 74.32.040;

(21) Section 18, chapter 172, Laws of 1967, section 3, chapter 172, Laws of 1969 ex. sess., section 21, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.051;

(22) Section 19, chapter 172, Laws of 1967, section 22, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.053;

(23) Section 20, chapter 172, Laws of 1967 and RCW 74.32.055;

(24) Section 7, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.060;

(25) Section 8, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.070;

(26) Section 9, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.080;

(27) Section 10, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.090;

(28) Section 12, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.900;

(29) Section 2, chapter 39, Laws of 1965, section 23, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.010;

(30) Section 3, chapter 39, Laws of 1965, section 24, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.020;

(31) Section 4, chapter 39, Laws of 1965, section 25, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.030; and

(32) Section 5, chapter 39, Laws of 1965, section 26, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.040.

Passed the House May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 190

[Engrossed House Bill No. 540]

WASHINGTON PESTICIDE CONTROL ACT

AN ACT Relating to pesticides; authorizing the control and regulation thereof by the department of agriculture; providing for the registration of pesticides; providing for the licensing of pest control consultants and pesticide dealers; establishing a control board; adding new sections to Title 15 RCW; repealing section 1, chapter 244, Laws of 1961 and RCW 15.57.010; repealing section 2, chapter 244, Laws of 1961 and RCW 15.57.020; repealing section 3, chapter 244, Laws of 1961 and RCW 15.57.030; repealing section 4, chapter 244, Laws of 1961 and RCW 15.57.040; repealing section 5, chapter 244, Laws of 1961 and RCW 15.57.050; repealing section 6, chapter 244, Laws of 1961 and RCW 15.57.060; repealing section 7, chapter 244, Laws of 1961 and RCW 15.57.070; repealing section 8, chapter 244, Laws of 1961 and RCW 15.57.080; repealing section 9, chapter 244, Laws of 1961 and RCW 15.57.090; repealing section 10, chapter 244, Laws of 1961 and RCW 15.57.100; repealing section 11, chapter 244, Laws of 1961 and RCW 15.57.110; repealing section 12, chapter 244, Laws of 1961 and RCW 15.57.120; repealing section 13, chapter 244, Laws of 1961 and RCW 15.57.130; repealing section 14, chapter 244, Laws of 1961 and RCW 15.57.140; repealing section 15, chapter 244, Laws of 1961 and RCW 15.57.150; repealing section 16, chapter 244, Laws of 1961 and RCW 15.57.160; repealing section 17, chapter 244, Laws of 1961 and RCW 15.57.170; repealing section 18, chapter 244, Laws of 1961 and RCW 15.57.180; repealing section 19, chapter 244, Laws of 1961 and RCW 15.57.190; repealing section 20, chapter 244, Laws of 1961 and RCW 15.57.200; repealing section 21, chapter 244, Laws of 1961 and RCW

15.57.210; repealing section 22, chapter 244, Laws of 1961 and RCW 15.57.220; repealing section 23, chapter 244, Laws of 1961 and RCW 15.57.230; repealing section 24, chapter 244, Laws of 1961 and RCW 15.57.240; repealing section 25, chapter 244, Laws of 1961 and RCW 15.57.250; repealing section 26, chapter 244, Laws of 1961 and RCW 15.57.260; repealing section 27, chapter 244, Laws of 1961 and RCW 15.57.270; repealing section 28, chapter 244, Laws of 1961 and RCW 15.57.280; repealing section 29, chapter 244, Laws of 1961 and RCW 15.57.290; repealing section 30, chapter 244, Laws of 1961 and RCW 15.57.300; repealing section 31, chapter 244, Laws of 1961 and RCW 15.57.310; repealing section 32, chapter 244, Laws of 1961 and RCW 15.57.320; repealing section 33, chapter 244, Laws of 1961 and RCW 15.57.330; repealing section 34, chapter 244, Laws of 1961 and RCW 15.57.340; repealing section 35, chapter 244, Laws of 1961 and RCW 15.57.350; repealing section 36, chapter 244, Laws of 1961 and RCW 15.57.360; repealing section 37, chapter 244, Laws of 1961 and RCW 15.57.370; repealing section 38, chapter 244, Laws of 1961 and RCW 15.57.900; repealing section 39, chapter 244, Laws of 1961 and RCW 15.57.910; repealing section 40, chapter 244, Laws of 1961 and RCW 15.57.920; repealing section 41, chapter 244, Laws of 1961 and RCW 15.57.930; and providing penalties.

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

NEW SECTION. Section 1. This act may be known and cited as the Washington Pesticide Control Act.

NEW SECTION. Sec. 2. The formulation, distribution, storage, transportation, and disposal of any pesticide and the dissemination of accurate scientific information as to the proper use, or nonuse, of any pesticide, is important and vital to the maintenance of a high level of public health and welfare both immediate and future, and is hereby declared to be a business affected with the public interest. The provisions of this act are enacted in the exercise of the police powers of the state for the purpose of protecting the immediate and future health and welfare of the people of the state.

NEW SECTION. Sec. 3. As used in this act the following words and phrases shall have the following meaning unless the context clearly requires otherwise:

(1) "Pesticide" means, but is not limited to; (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest; (b) any substance or mixture of substances intended to be used

as a plant regulator, defoliant or desiccant; (c) any substance or mixture of substances intended to be used as a spray adjuvant; and (d) any other substances intended for such use as may be named by the director by regulation.

(2) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests including devices used in conjunction with pesticides such as lindane vaporizers.

(3) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropod, or mollusk pest.

(4) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(5) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director may declare by regulation to be a pest.

(6) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed, including algae and other aquatic weeds.

(7) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(8) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(11) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

(12) "Pest" means, but is not limited to, any insect, other arthropod, fungus, rodent, nematode, mollusk, weed and any form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare by regulation to be a pest.

(13) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

(14) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(15) "Insects" means any of the numerous small invertebrate animals whose bodies, in the adult stage, are more or less obviously segmented with six legs and usually with two pairs of wings, belonging to the class insecta; for example, aphids, beetles, bugs, bees, and flies.

(16) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

(17) "Weed" means any plant which grows where not wanted.

(18) "Mollusk" means any invertebrate animal characterized by a soft unsegmented body usually partially or wholly enclosed in a calcareous shell, having a foot and mantel; for example, slugs and snails.

(19) "Restricted use pesticide" means any pesticide or device which the director has found and determined subsequent to hearing under the provisions of chapter 17.21 RCW Washington pesticide application act or this act as enacted or hereafter amended, to be so injurious to persons, pollinating insects, bees, animals, crops, wildlife, or lands other than the pests it is intended to prevent, destroy, control, or mitigate that additional restrictions are required.

(20) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(21) "Pesticide dealer" means any person who distributes any of the following pesticides:

(a) "Highly toxic" pesticides and/or

(b) "Restricted use pesticides" which by regulation are restricted to distribution by licensed pesticide dealers only and/or

(c) Any other pesticide except those pesticides in consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only; and except fertilizer-pesticide mixes when distributed in packages of fifty pounds or less for home and garden

use only.

(22) "Pesticide dealer manager" means the owner or other individual supervising pesticide distribution at one outlet holding a pesticide dealer license.

(23) "Pest control consultant" means any individual who offers or supplies technical advice, supervision or aid or makes recommendations to the user of:

(a) "Highly toxic pesticides" and/or

(b) "Restricted use pesticides" which are restricted by regulation to distribution by licensed pesticide dealers only, and/or

(c) Any other pesticides except those pesticides in consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only and except fertilizer-pesticide mixes when distributed in packages of fifty pounds or less for home and garden use only.

(24) "Ingredient statement" means a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in the pesticide, and when the pesticide contains arsenic in any form, the ingredient statement shall also include percentages of total and water soluble arsenic, each calculated as elemental arsenic: PROVIDED, That in the case of a spray adjuvant the ingredient statement need contain only the names of the principal functioning agents and the total percentage of the constituents ineffective as spray adjuvants. If more than three functioning agents are present, only the three principal ones need be named.

(25) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(26) "Inert ingredient" means an ingredient which is not an active ingredient.

(27) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

(28) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(29) "Department" means the department of agriculture of the state of Washington.

(30) "Director" means the director of the department or his duly authorized representative.

(31) "Registrant" means the person registering any pesticide pursuant to the provisions of this act.

(32) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container

thereof, and the outside container or wrapper of the retail package.

(33) "Labeling" means all labels and other written, printed or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public; and

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device except when accurate nonmisleading reference is made to current official publications of the department, United States department of agriculture; interior; health, education and welfare; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(34) "Highly toxic" means any highly toxic pesticide as determined by the director under new section 4 of this act.

(35) "Pesticide advisory board" means the pesticide advisory board as provided for in the Washington pesticide application act as enacted or hereafter amended.

(36) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(37) "Regulation" means rule or regulation.

NEW SECTION. Sec. 4. (1) The director shall administer and enforce the provisions of this act and regulations adopted hereunder. All the authority and requirements provided for in chapter 34.04 RCW (Administrative Procedure Act) and chapter 42.32 RCW shall apply to this act in the adoption of regulations including those requiring due notice and a hearing for the adoption of permanent regulations.

(2) The director is authorized to adopt appropriate regulations for carrying out the purpose and provisions of this act, including but not limited to regulations providing for:

(a) Declaring as a pest any form of plant or animal life or virus which is injurious to plants, men, animals (domestic or otherwise), land, articles, or substances;

(b) Determining that certain pesticides are highly toxic to man. The director shall, in making this determination, be guided by the federal definition of highly toxic, as defined in Title 7, code of federal regulations 362.8 as issued or hereafter amended. The director shall publish a list of all pesticides, determined to be highly toxic, by their common or generic name and their trade or brand name if practical. Such list shall be kept current and shall, upon request, be made available to any interested party;

(c) Determining standards for denaturing pesticides by color, taste, odor, or form;

(d) The collection and examination of samples of pesticides or devices;

(e) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(f) Restricting or prohibiting the use of certain types of containers or packages for specific pesticides. These restrictions may apply to type of construction, strength, and/or size to alleviate danger of spillage, breakage, misuse, or any other hazard to the public. The director shall be guided by federal regulations concerning pesticide containers;

(g) Procedures in making of pesticide recommendations;

(h) Adopting a list of restricted use pesticides for the state or for designated areas within the state if the director determines that such pesticides may require regulations restricting or prohibiting their distribution or use. The director may include in the regulation the time and conditions of distribution or use of such restricted use pesticides and may, if he deems it necessary to carry out the purpose and provisions of this act, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the director and under his direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations: PROVIDED, That the director may require all persons issued such permits to maintain records as to the use of all the restricted use pesticides.

(i) Label requirements of all pesticides required to be registered under provisions of this act; and

(j) Regulating the labeling of devices.

(3) For the purpose of uniformity and to avoid confusion endangering the public health and welfare the director may adopt regulations in conformity with the primary pesticide standards, particularly as to labeling, established by the United States department of agriculture or any other federal agency.

NEW SECTION. Sec. 5. Every pesticide which is distributed within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered with the director subject to the provisions of this act. Such registration shall be renewed annually prior to January 1: PROVIDED, That registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of this act; if the pesticide is not sold and if the container thereof is plainly and

conspicuously marked "For Experimental Use Only - Not To Be Sold", together with the manufacturer's name and address; or if a written permit has been obtained from the director to sell the specific pesticide for experimental purposes subject to restrictions and conditions set forth in the permit.

NEW SECTION. Sec. 6. (1) The applicant for registration shall file a statement with the department which shall include:

(a) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's;

(b) The name of the pesticide;

(c) Other necessary information required for completion of the department's application for registration form;

(d) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions and precautions for use.

(2) The director, when he deems it necessary in the administration of this act, may require the submission of the complete formula of any pesticide including the active and inert ingredients.

(3) The director may require a full description of the tests made and the results thereof upon which the claims are based.

(4) The director may prescribe other necessary information by regulation.

NEW SECTION. Sec. 7. (1) Any person desiring to register a pesticide with the department shall pay to the director an annual registration fee of ten dollars for each pesticide registered by the department for such person. All such registrations shall expire on December 31 of any one year.

(2) Any registration approved by the director and in effect on the 31st day of December for which a renewal application has been made and the proper fee paid, shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of section 11 of this act.

NEW SECTION. Sec. 8. If the renewal of a pesticide registration is not filed prior to January 1 of any one year an additional fee of five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued: PROVIDED, That such additional fee shall not apply if the applicant furnishes an affidavit certifying that he did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry.

NEW SECTION. Sec. 9. All federal, state, and county agencies shall register without fee all pesticides sold by them and they shall not be subject to the license provisions of new section 18 of this act.

NEW SECTION. Sec. 10. If it appears to the director that the composition of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of this act he shall register the pesticide.

NEW SECTION. Sec. 11. (1) If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this act or regulations adopted thereunder he shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with the provisions of this act so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the corrections the director shall refuse to register the pesticide. The applicant may request a hearing as provided for in chapter 34.04 RCW.

(2) The director may, when he determines that a pesticide or its labeling does not comply with the provisions of the act or the regulations adopted thereunder, cancel the registration of a pesticide after a hearing in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 12. The director may, when he determines that there is or may be an imminent hazard to the public health and welfare, suspend on his own motion, the registration of a pesticide in conformance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 13. The term "misbranded" shall apply:

(1) To any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) To any pesticide:

(a) If it is an imitation of or is offered for sale under the name of another pesticide;

(b) If its labeling bears any reference to registration under the provisions of this act unless such reference be required by regulations under the act;

(c) If any word, statement, or other information, required by this act or regulations adopted thereunder to appear on the label or labeling, is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling), and in such terms as to render it likely to be read

and understood by the ordinary individual under customary conditions of purchase and use;

(d) If the label does not bear:

(i) The name and address of the manufacturer, registrant or person for whom manufactured;

(ii) Name, brand or trademark under which the pesticide is sold;

(iii) An ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: PROVIDED, That the director may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase;

(iv) Directions for use and a warning or caution statement which are necessary and which if complied with would be adequate to protect the public and to prevent injury to the public, including living man, useful vertebrate animals, useful vegetation, useful invertebrate animals, wildlife, and land; and

(v) The weight or measure of the content, subject to the provisions of chapter 19.94 RCW (state weights and measures act) as enacted or hereafter amended.

(e) If that pesticide contains any substance or substances in quantities highly toxic to man, determined as provided by new section 4 of this act, unless the label bears, in addition to any other matter required by this act:

(i) The skull and crossbones;

(ii) The word "POISON" in red prominently displayed on a background of distinctly contrasting color; and

(iii) A statement of an antidote for the pesticide.

(f) If the pesticide container does not bear a label or if the label does not contain all the information required by this act or the regulations adopted under this act.

(3) To a spray adjuvant when the label fails to state the type or function of the principal functioning agents.

NEW SECTION. Sec. 14. The term "adulterated" shall apply to any pesticide if its strength or purity deviates from the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted, or if any contaminant is present in an amount which is determined by the director to be a hazard.

NEW SECTION. Sec. 15. (1) It is unlawful for any person to distribute within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(a) Any pesticide which has not been registered pursuant to the provisions of this act;

(b) Any pesticide if any of the claims made for it or any of the directions for its use or other labeling differs from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: PROVIDED, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product;

(c) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing the information required in this act and the regulations adopted under this act;

(d) Any pesticide including arsenicals, fluorides, fluosilicates, and/or any other white powdered pesticides unless they have been distinctly denatured as to color, taste, odor, or form if so required by regulation;

(e) Any pesticide which is adulterated or misbranded, or any device which is misbranded;

(f) Any pesticide in containers, violating regulations adopted pursuant to section 4 (2) (f) of this act or pesticides found in containers which are unsafe due to damage.

(2) It shall be unlawful:

(a) To sell or deliver any restricted use pesticide to any person who is required by law or regulations promulgated under such law to have a permit to use or purchase such restricted use pesticides unless such person or his agent, to whom sale or delivery is made, has a valid permit to use or purchase the kind and quantity of such restricted use pesticide sold or delivered: PROVIDED, That, subject to conditions established by the director, such permit may be obtained immediately prior to sale or delivery from any person designated by the director;

(b) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this act or regulations adopted under this act, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this act or the regulations adopted thereunder;

(c) For any person to use or cause to be used any restricted use pesticide contrary to label directions or to regulations of the director if those regulations differ from or further restrict the label directions;

(d) For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of the state, or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of new section 6 of this act.

NEW SECTION. Sec. 16. When the director has reasonable cause to believe a pesticide or device is being distributed, stored, or transported in violation of any of the provisions of this act, or of any of the prescribed regulations under this act, he may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order upon him, the director may attach the order to the pesticide or device. The pesticide or device shall not be sold, used or removed until the provisions of this act have been complied with and the pesticide or device has been released in writing under conditions specified by the director, or the violation has been otherwise disposed of as provided in this act by a court of competent jurisdiction.

NEW SECTION. Sec. 17. (1) After service of a "stop sale, use or removal" order is made upon any person, either that person or the director may file an action in a court of competent jurisdiction in the county in which a violation of this act or regulations adopted thereunder is alleged to have occurred for an adjudication of the alleged violation. The court in such action may issue temporary or permanent injunctions mandatory or restraining, and such intermediate orders as it deems necessary or advisable. The court may order condemnation of any pesticide or device which does not meet the requirements of this act or regulations adopted thereunder: PROVIDED, That no authority is granted hereunder to affect the sale or use of products on which legally approved pesticides have been legally used.

(2) If the pesticide or device is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court directs, and the proceeds, if such pesticide or device is sold, less cost including legal costs, shall be paid to the state treasury as provided in new section 40 of this act: PROVIDED, That the pesticide or device shall not be sold contrary to the provisions of this act or regulations adopted thereunder. Upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the

pesticide or device shall not be disposed of unlawfully, the court may direct that the pesticide or device be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(3) When a decree of condemnation is entered against the pesticide, court costs, fees, and storage and other proper expenses shall be awarded against the person, if any, appearing as claimant of the pesticide.

NEW SECTION. Sec. 18. (1) It shall be unlawful for any person to act in the capacity of a pesticide dealer, or advertise as, or assume to act as a pesticide dealer at any time without first having obtained an annual license from the director which shall expire on the final day of February. A license shall be required for each location or outlet located within this state from which such pesticides are distributed: PROVIDED, That any manufacturer, registrant, or distributor who has no pesticide dealer outlet licensed within this state and who distributes such pesticides directly into this state shall obtain a pesticide dealer license for his principal out-of-state location or outlet: PROVIDED FURTHER, That such licensed out-of-state pesticide dealer shall be exempt from the pesticide dealer manager requirements.

(2) Application for a license shall be accompanied by a ten dollar annual license fee and shall be on a form prescribed by the director and shall include the full name of the person applying for such license and the name of the individual within the state designated as the pesticide dealer manager. If such applicant is a partnership, association, corporation, or organized group of persons, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere, the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director.

(3) It shall be unlawful for any licensed dealer outlet to operate without a pesticide dealer manager who has a license of qualification. The department shall be notified forthwith of any change in the pesticide dealer manager designee during the licensing period.

(4) Provisions of this section shall not apply to a licensed pesticide applicator who sells pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide application; or any federal, state, county, or municipal agency which provides pesticides only for its own programs.

NEW SECTION. Sec. 19. If an application for renewal of a pesticide dealer license is not filed on or prior to March 1 of any one year an additional fee of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not apply if the applicant furnishes an affidavit that he has not operated as a pesticide dealer subsequent to the expiration of his prior license.

NEW SECTION. Sec. 20. The director shall require each pesticide dealer manager to demonstrate to the director his knowledge of pesticide laws and regulations; pesticide hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination after which the director shall issue a license of qualification. The director shall charge a five dollar examination fee for each examination administered on a regularly scheduled examination date.

NEW SECTION. Sec. 21. No individual shall perform services as a pest control consultant after February 28, 1973, without first obtaining from the director an annual license which shall expire on the final day of February of each year. Application for a license shall be on a form prescribed by the director and shall be accompanied by a fee of ten dollars: PROVIDED, That licensed pesticide applicators and operators; employees of federal, state, county, or municipal agencies when acting in their official capacities; and pesticide dealer managers and employees working under the direct supervision of the pesticide dealer manager and only at a licensed pesticide dealer's outlet, shall be exempt from this licensing provision.

NEW SECTION. Sec. 22. For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in section 3, (23) of this act. No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining an annual nonfee license from the director which shall expire on the final day of February of each year. Application for a license shall be on a form prescribed by the director: PROVIDED, That federal and state employees whose principal responsibilities are in pesticide research, the jurisdictional health officer or his duly authorized representative, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

NEW SECTION. Sec. 23. The director shall require each applicant for a pest control consultant's license or a public pest control consultant's license to demonstrate to the director the applicant's knowledge of pesticide laws and regulations; pesticide

hazards; and the safe distribution, use and application, and disposal of pesticides by satisfactorily passing a written examination for the classifications for which he has applied prior to issuing his license. An examination fee of five dollars shall be charged when an examination is requested at other than a regularly scheduled examination date.

NEW SECTION. Sec. 24. The director may classify licenses to be issued under the provisions of this act. Such classifications may include but not be limited to agricultural crops, ornamentals, or noncrop land herbicides. If the licensee has a classified license he shall be limited to practicing within these classifications. Each such classification shall be subject to separate testing procedures and requirements: PROVIDED, That no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the director under the authority of this section. The director may renew any applicant's license under the classification for which the applicant is licensed, subject to reexamination when deemed necessary because new knowledge or new classifications are required to carry out the responsibilities of the licensee.

NEW SECTION. Sec. 25. Any person issued a license or permit under the provisions of this act may be required by the director to keep accurate records on a form prescribed by him which may contain the following information:

- (1) The delivery, movement or holding of any pesticide or device, including the quantity;
- (2) The date of shipment and receipt;
- (3) The name of consignor and consignee; and
- (4) Any other information, necessary for the enforcement of this act, as prescribed by the director.

The director shall have access to such records at any reasonable time to copy or make copies of such records for the purpose of carrying out the provisions of this act.

NEW SECTION. Sec. 26. The director is authorized to deny, suspend, or revoke any license, registration or permit provided for in this act subject to a hearing and in conformance with the provisions of chapter 34.04 RCW (Administrative Procedure Act) in any case in which he finds there has been a failure or refusal to comply with the provisions of this act or regulations adopted hereunder.

NEW SECTION. Sec. 27. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents and records in the county in which the person licensed under this act resides in any hearing affecting the authority or privilege granted by a license, registration or permit issued under the provisions of this act. Witnesses shall be entitled to fees for

attendance and travel, as provided for in chapter 2.40 RCW as enacted or hereafter amended.

NEW SECTION. Sec. 28. The sampling and examination of pesticides or devices shall be made under the direction of the director for the purpose of determining whether or not they comply with the requirements of this act. The director is authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to pesticides or devices. If it appears from such examination that a pesticide or device fails to comply with the provisions of this act or regulations adopted thereunder, and the director contemplates instituting criminal proceedings against any person, the director shall cause notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to the contemplated proceedings. If thereafter in the opinion of the director it appears that the provisions of the act or regulations adopted thereunder have been violated by such person, the director shall refer a copy of the results of the analysis or the examination of such pesticide or device to the prosecuting attorney for the county in which the violation occurred.

NEW SECTION. Sec. 29. Nothing in this act shall be construed as requiring the director to report for prosecution or for the institution of condemnation proceedings minor violations of this act when he believes that the public interest will be best served by a suitable notice of warning in writing.

NEW SECTION. Sec. 30. The penalties provided for violations of section 15 (1) (a), (b), (c), (d), and (e) of this act shall not apply to:

(1) Any carrier while lawfully engaged in transporting a pesticide within the state, if such carrier, upon request, permits the director to copy all records showing the transaction in and movement of the articles.

(2) Public officials of the state and the federal government engaged in the performance of their official duties.

(3) The manufacturer or shipper of a pesticide for experimental use only by or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of pesticides.

NEW SECTION. Sec. 31. No pesticides shall be deemed in violation of this act when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this act shall apply.

NEW SECTION. Sec. 32. The license provisions of this act

shall not apply to any pharmacist who is licensed pursuant to chapter 18.64 RCW and does not distribute any pesticide required to be registered under the provisions of this act.

NEW SECTION. Sec. 33. Any person violating any provisions of this act or regulations adopted thereunder is guilty of a misdemeanor.

NEW SECTION. Sec. 34. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any regulation made pursuant to this act in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

NEW SECTION. Sec. 35. No person charged with the enforcement of any provision of this act shall be directly or indirectly interested in the sale, manufacture or distribution of any pesticide or device.

NEW SECTION. Sec. 36. No state court shall allow the recovery of damages from administrative action taken or for "stop sale, use or removal" if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 37. The department shall publish at least annually and in such form as it may deem proper, results of analyses based on official samples as compared with the analyses guaranteed and information concerning the distribution of pesticides: PROVIDED, That individual distribution information shall not be a public record.

NEW SECTION. Sec. 38. The pesticide advisory board shall advise the director on any or all problems relating to the formulation, distribution, storage, transportation, disposal, and use of pesticides in the state.

NEW SECTION. Sec. 39. (1) There is hereby created a pesticide control board consisting of the dean of the college of agriculture at Washington State University; the secretary, of the department of social and health services or his designee; the director of the department of ecology; and the director of the department of agriculture. This board is created to assure the continuation of this state's basic policy of protecting and improving its environmental quality which is a matter of the utmost public concern.

(2) The pesticide control board shall, at least once each year prior to November 1, make a determination of what persistent pesticides shall be limited to essential uses, list what the essential uses shall be for pesticides so classified, and establish a time schedule for compliance. This annual determination shall include a review of existing essential uses for such pesticides. In determining what pesticides are classified as persistent (pesticides

which, following application, degrade or dissipate slowly in the environment), the board shall take into consideration but shall not be limited by determinations made by federal agencies, including the federal environment protection agency. The classification of persistent pesticides shall include but not necessarily be limited to DDT, aldrin, dieldrin, endrin, heptachlor, chlordane, benzene hexachloride, lindane, toxaphene and compounds containing arsenic, lead, or mercury. The findings of the board in regard to persistent pesticides and essential uses shall be implemented by department regulations.

(3) In making its determination of essential uses of any pesticide, the pesticide control board shall consider the need for control of the target pest, whether effective alternate materials are available, whether the use of such alternate materials is practical, and whether the use of such alternate materials is less hazardous to the environment and/or public health and welfare.

(4) The determinations made by the pesticide control board under the provisions of this act shall be applicable and controlling to the administration and enforcement of chapter 17.21 RCW.

NEW SECTION. Sec. 40. The director is authorized to cooperate with and enter into agreements with any other agency of the state, the United States, and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulation.

NEW SECTION. Sec. 41. All moneys received by the director under the provisions of this act shall be paid into the state treasury.

NEW SECTION. Sec. 42. The effective date of this act is July 1, 1971: PROVIDED, That the effective date of sections 21, 22 and 23 is March 1, 1973.

NEW SECTION. Sec. 43. The repeal of RCW 15.57.010 through 15.57.930 and the enactment of this act shall not be deemed to have repealed any regulations adopted under the provisions of RCW 15.57.010 through 15.57.930 in effect immediately prior to such repeal and not inconsistent with the provisions of this act. All such regulations shall be considered to have been adopted under the provisions of this act.

NEW SECTION. Sec. 44. The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

NEW SECTION. Sec. 45. Any registration, license, or permit issued under the provisions of chapter 15.57 RCW and in effect on the effective date of this act shall continue in full force and effect until its expiration date, as if it has been issued under the

provisions of this act, unless revoked prior thereto for cause by the director.

NEW SECTION. Sec. 46. If any provisions 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. 47. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 244, Laws of 1961 and RCW 15.57.010;
- (2) Section 2, chapter 244, Laws of 1961 and RCW 15.57.020;
- (3) Section 3, chapter 244, Laws of 1961 and RCW 15.57.030;
- (4) Section 4, chapter 244, Laws of 1961 and RCW 15.57.040;
- (5) Section 5, chapter 244, Laws of 1961 and RCW 15.57.050;
- (6) Section 6, chapter 244, Laws of 1961 and RCW 15.57.060;
- (7) Section 7, chapter 244, Laws of 1961 and RCW 15.57.070;
- (8) Section 8, chapter 244, Laws of 1961 and RCW 15.57.080;
- (9) Section 9, chapter 244, Laws of 1961 and RCW 15.57.090;
- (10) Section 10, chapter 244, Laws of 1961 and RCW 15.57.100;
- (11) Section 11, chapter 244, Laws of 1961 and RCW 15.57.110;
- (12) Section 12, chapter 244, Laws of 1961 and RCW 15.57.120;
- (13) Section 13, chapter 244, Laws of 1961 and RCW 15.57.130;
- (14) Section 14, chapter 244, Laws of 1961 and RCW 15.57.140;
- (15) Section 15, chapter 244, Laws of 1961 and RCW 15.57.150;
- (16) Section 16, chapter 244, Laws of 1961 and RCW 15.57.160;
- (17) Section 17, chapter 244, Laws of 1961 and RCW 15.57.170;
- (18) Section 18, chapter 244, Laws of 1961 and RCW 15.57.180;
- (19) Section 19, chapter 244, Laws of 1961 and RCW 15.57.190;
- (20) Section 20, chapter 244, Laws of 1961 and RCW 15.57.200;
- (21) Section 21, chapter 244, Laws of 1961 and RCW 15.57.210;
- (22) Section 22, chapter 244, Laws of 1961 and RCW 15.57.220;
- (23) Section 23, chapter 244, Laws of 1961 and RCW 15.57.230;
- (24) Section 24, chapter 244, Laws of 1961 and RCW 15.57.240;
- (25) Section 25, chapter 244, Laws of 1961 and RCW 15.57.250;
- (26) Section 26, chapter 244, Laws of 1961 and RCW 15.57.260;
- (27) Section 27, chapter 244, Laws of 1961 and RCW 15.57.270;
- (28) Section 28, chapter 244, Laws of 1961 and RCW 15.57.280;
- (29) Section 29, chapter 244, Laws of 1961 and RCW 15.57.290;
- (30) Section 30, chapter 244, Laws of 1961 and RCW 15.57.300;
- (31) Section 31, chapter 244, Laws of 1961 and RCW 15.57.310;
- (32) Section 32, chapter 244, Laws of 1961 and RCW 15.57.320;
- (33) Section 33, chapter 244, Laws of 1961 and RCW 15.57.330;
- (34) Section 34, chapter 244, Laws of 1961 and RCW 15.57.340;
- (35) Section 35, chapter 244, Laws of 1961 and RCW 15.57.350;
- (36) Section 36, chapter 244, Laws of 1961 and rcw 15.57.360;
- (37) Section 37, chapter 244, Laws of 1961 and RCW 15.57.370;

- (38) Section 38, chapter 244, Laws of 1961 and RCW 15.57.900;
- (39) Section 39, chapter 244, Laws of 1961 and RCW 15.57.910;
- (40) Section 40, chapter 244, Laws of 1961 and RCW 15.57.920

and

- (41) Section 41, chapter 244, Laws of 1961 and RCW 15.57.930.

NEW SECTION. Sec. 48. New sections 1 through 47 of this act are added to Title 15 RCW.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 191

[Engrossed House Bill No. 636]

REGULATION OF PESTICIDES

AN ACT Relating to pesticides; amending section 2, chapter 249, Laws of 1961 as amended by section 2, chapter 177, Laws of 1967 and RCW 17.21.020; amending section 9, chapter 249, Laws of 1961 as amended by section 5, chapter 177, Laws of 1967 and RCW 17.21.090; amending section 10, chapter 249, Laws of 1961 and RCW 17.21.100; amending section 15, chapter 249, Laws of 1961 as amended by section 8, chapter 177, Laws of 1967 and RCW 17.21.150; amending section 20, chapter 249, Laws of 1961 as amended by section 12, chapter 177, Laws of 1967 and RCW 17.21.200; amending section 18, chapter 177, Laws of 1967 and RCW 17.21.205; amending section 22, chapter 249, Laws of 1961 as amended by section 13, chapter 177, Laws of 1967 and RCW 17.21.220; amending section 23, chapter 249, Laws of 1961 as amended by section 14, chapter 177, Laws of 1967 and RCW 17.21.230; adding new sections to chapter 249, Laws of 1961 and chapter 17.21 RCW; and repealing section 21, chapter 249, Laws of 1961 and RCW 17.21.210.

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

Section 1. Section 2, chapter 249, Laws of 1961 as amended by section 2, chapter 177, Laws of 1967 and RCW 17.21.020 are each amended to read as follows:

For the purpose of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, firm,

partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either the singular or plural as the case may be.

(4) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(5) "Pesticide" means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

(6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests or to destroy, control, repel or mitigate fungi, nematodes or such other pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.

(7) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi.

(8) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest.

(9) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed.

(10) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever.

(11) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(12) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used

as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

(13) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(14) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(15) "Weed" means any plant which grows where not wanted.

(16) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class ((insects)) insecta, comprising sixlegged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(17) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(18) "Snails or slugs" include all harmful mollusks.

(19) "Nematode" means any of the nonsegmented roundworms harmful to plants.

(20) "Apparatus" means any type of ground, water or aerial equipment, device, or contrivance using motorized, mechanical or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating or stored on or in such land, but shall not include any pressurized handsized household device used to apply any pesticide or any equipment, device or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application.

(21) "Restricted use pesticide" means any pesticide, including any highly toxic pesticide, which the director has found and determined, subsequent to a hearing, to be injurious to persons, pollinating insects, bees, animals, crops or lands other than the pests it is intended to prevent, destroy, control, or mitigate.

(22) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(23) ("Forest land" means land bearing a merchantable stand of timber as defined in RCW 76.08.040 or land being held for the production of forest products.

(24)) "Agricultural crop" means a food intended for human consumption, or a food for livestock the products of which are intended for human consumption, which food shall require cultural treatment of the land for its production.

((25)) (24) "Board" means the pesticide advisory board.

((26)) (25) "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, devices and contrivances, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

Sec. 2. Section 9, chapter 249, Laws of 1961 as amended by section 5, chapter 177, Laws of 1967 and RCW 17.21.090 are each amended to read as follows:

The director shall not issue a pesticide applicator's license until the applicant, if he is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination to demonstrate to the director (1) his knowledge of how to apply pesticides under the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate under the provisions of this chapter, and (2) his knowledge of the nature and effect of pesticides he may apply manually or with such apparatuses under such classifications. The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

Sec. 3. Section 10, chapter 249, Laws of 1961 and RCW 17.21.100 are each amended to read as follows:

Pesticide applicators licensed under the provisions of this chapter shall keep records on a form prescribed by the director which shall include the following:

- (1) The name of the person for whom the pesticide was applied.
- (2) The location of the land where the pesticide was applied.
- (3) The year, month, day and time the pesticide was applied.
- (4) The person or firm who supplied the pesticide which was applied.
- (5) The trade name and/or the common name of the pesticide which was applied.
- (6) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.
- (7) Any other reasonable information required by the director.
- (8) Such records shall be kept for a period of three years from the date of the application of the pesticide to which such

records refer, and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: PROVIDED, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

Sec. 4. Section 15, chapter 249, Laws of 1961 as amended by section 8, chapter 177, Laws of 1967 and RCW 17.21.150 are each amended to read as follows:

The director may deny, suspend, or revoke a license provided for in this chapter if he determines that an applicant or licensee has committed any of the following acts, each of which is declared to be a violation of this chapter:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Applied worthless or improper materials;

(3) Operated a faulty or unsafe apparatus;

(4) Operated in a faulty, careless, or negligent manner;

(5) Refused or neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the director;

(6) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required;

(7) Made false or fraudulent records, invoices, or reports;

(8) (~~Operated an apparatus for the application of a pesticide without a licensed operator~~) Engaged in the business of applying a pesticide without having a licensed applicator or operator in direct "on-the-job" supervision;

(9) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus;

(10) Used fraud or misrepresentation in making an application for a license or renewal of a license;

(11) Is not qualified to perform the type of pest control under the conditions and in the locality in which he operates or has operated, regardless of whether or not he has previously passed an examination provided for in RCW 17.21.090 and 17.21.120;

(12) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;

(13) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land; or

(14) Impersonated any state, county or city inspector or official.

Sec. 5. Section 20, chapter 249, Laws of 1961 as amended by section 12, chapter 177, Laws of 1967 and RCW 17.21.200 are each amended to read as follows:

The provisions of this chapter relating to licenses and requirements for their issuance shall not apply to any forest landowner, or his employees, applying pesticides with ground apparatus or manually, on his own lands or any lands or rights of way under his control or to any farmer owner of ground apparatus applying pesticides for himself or other farmers on an occasional basis not amounting to a principal or regular occupation: PROVIDED, That such owner shall not publicly hold himself out as a pesticide applicator.

Sec. 6. Section 18, chapter 177, Laws of 1967 and RCW 17.21.205 are each amended to read as follows:

The licensing provisions of chapter 17.21 RCW shall not apply to any person using hand-powered equipment, devices, or contrivances to apply pesticides to lawns, or to ornamental shrubs and trees not in excess of twelve feet high, as an incidental part of his business of taking care of household lawns and yards for remuneration: PROVIDED, That such person shall not publicly hold himself out as being in the business of applying pesticides.

Sec. 7. Section 22, chapter 249, Laws of 1961 as amended by section 13, chapter 177, Laws of 1967 and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of (~~restricted use~~) pesticides (~~by any person on their own crops or land~~): PROVIDED, That the operators in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of RCW ~~17.21.100~~, 17.21.110 and 17.21.120 and the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as operators on apparatuses used by such entities: PROVIDED FURTHER, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides to control pests other than weeds.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 8. Section 23, chapter 249, Laws of 1961 as amended by section 14, chapter 177, Laws of 1967 and RCW 17.21.230 are each amended to read as follows:

There is hereby created a pesticide advisory board consisting

of three licensed pesticide applicators residing in the state ((r)) (one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one shall be licensed for structural pest control), one entomologist in public service, ((one environmental health specialist from the Washington state department of health,)) one toxicologist in public service, one plant pathologist in public service, one member from the agricultural chemical industry, one member from the food processing industry, ((the supervisor of the grain and chemical division of the department)) and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause((: PROVIDED, That at the inception of this chapter the governor shall appoint three members which shall not include two members from any one representative group; for a period of two years; three members for a period of three years which shall not include two members from any one representative group; and four members for a period of four years which shall not include two members from any one representative group. All subsequent terms for appointments to such board shall be for a period of four years)). The board shall also include the environmental health specialist from the division of health of the department of social and health services, the supervisor of the grain and chemical division of the department, and the directors, or their appointed representatives, of the departments of game, fisheries, natural resources, and ecology.

NEW SECTION. Sec. 9. There is added to chapter 249, Laws of 1961 and to chapter 17.21 RCW a new section to read as follows:

The licensing provisions of this chapter shall not apply to research personnel of federal, state, county, or municipal agencies when performing pesticide research in their official capacities; and to other persons when applying pesticides to small experimental plots for research projects conducted in cooperation with governmental research agencies.

NEW SECTION. Sec. 10. There is added to chapter 249, Laws of 1961 and to chapter 17.21 RCW a new section to read as follows:

(1) For the purpose of carrying out the provisions of this chapter the director may enter upon any public or private premises at reasonable times, in order:

(a) To have access for the purpose of inspecting any equipment subject to this chapter and such premises on which such equipment is kept or stored;

(b) To inspect lands actually or reported to be exposed to

pesticides;

(c) To inspect storage or disposal areas;

(d) To inspect or investigate complaints of injury to humans or land; or

(e) To sample pesticides being applied or to be applied.

(2) Should the director be denied access to any land where such access was sought for the purposes set forth in this chapter, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may upon such application, issue the search warrant for the purposes requested.

(3) It shall be the duty of each prosecuting attorney to whom any violation of this chapter is reported, to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(4) The director may bring an action to enjoin the violation or threatened violation of any provision of this chapter or any rule made pursuant to this chapter in the superior court of the county in which such violation occurs or is about to occur.

NEW SECTION. Sec. 11. Section 21, chapter 249, Laws of 1961 and RCW 17.21.210 are each hereby repealed.

Passed the House March 12, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 192

[House Bill No. 705]

REGULATION OF PUBLIC LIVESTOCK MARKETS

AN ACT Relating to public livestock markets; amending section 3, chapter 107, Laws of 1959 as last amended by section 5, chapter 120, Laws of 1967 ex. sess. and RCW 16.65.030; amending section 8, chapter 107, Laws of 1959 as amended by section 3, chapter 182, Laws of 1961 and RCW 16.65.080; amending section 9, chapter 107, Laws of 1959 and RCW 16.65.090; amending section 14, chapter 107, Laws of 1959 and RCW 16.65.140; amending section 4, chapter 182, Laws of 1961 and RCW 16.65.200; amending section 21, chapter 107, Laws of 1959 and RCW 16.65.210; amending section 22, chapter 107, Laws of 1959 and RCW 16.65.220; and repealing section 7, chapter 107, Laws of 1959 and RCW 16.65.070.

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

Section 1. Section 3, chapter 107, Laws of 1959 as last amended by section 5, chapter 120, Laws of 1967 ex. sess. and RCW 16.65.030 are each amended to read as follows:

On and after the effective date of this chapter no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal thereof shall be in writing on forms prescribed by the director, and shall include the following:

(1) A legal description of the property upon which the public livestock market shall be located.

(2) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens and all facilities the applicant proposes to use in the operation of such public livestock market.

(3) A detailed statement showing all the assets and liabilities of the applicant.

(4) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(5) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock market sales.

(6) Projected source and quantity of livestock, by county, anticipated to be handled.

(7) Projected income and expense statements for the first year's operation.

(8) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

(9) Such other information as the director may reasonably require.

((In determining whether or not an original application for a license shall be granted or denied the director shall give reasonable consideration to:)) The director shall after public hearing as provided by chapter 34.04 RCW grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all requirements and giving reasonable consideration at the same hearing to:

(1) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application.

(2) The present market services elsewhere available to the trade area proposed to be served.

Such application shall be accompanied by a license fee of one hundred dollars. Any applicant operating more than one public livestock market shall make a separate application for a license to

operate each such public livestock market, and each such application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

Sec. 2. Section 8, chapter 107, Laws of 1959 as amended by section 3, chapter 182, Laws of 1961 and RCW 16.65.080 are each amended to read as follows:

(1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; (c) has violated any laws of the state that require health or brand inspection of livestock; (d) has violated any condition of the bond, as provided in this chapter. However, the director may deny a license if the applicant refuses to accept the sales day or days allocated to him under the provisions of this chapter.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

(4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, together with a ((transcript)) record of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

Sec. 3. Section 9, chapter 107, Laws of 1959 and RCW 16.65.090 are each amended to read as follows:

The director shall provide for brand inspection. When such brand inspection is required the licensee shall collect from the consignor and pay to the department, as provided by law, a fee for brand inspection for each animal consigned to the public livestock market: PROVIDED, That if in any one sale day the total fees collected for brand inspection do not exceed ~~((twenty))~~ forty dollars, then such licensee shall pay ~~((twenty))~~ forty dollars for such brand inspection or as much thereof as the director may prescribe.

Sec. 4. Section 14, chapter 107, Laws of 1959 and RCW 16.65.140 are each amended to read as follows:

~~((if the director finds that any licensee has used for purposes of his own any proceeds derived from the sale of livestock handled on a commission or agency basis; or any funds received for the purchase of livestock on a commission or agency basis; or any other funds which have come into his possession as an agent; such licensee shall thereafter deposit the gross proceeds received from the sale of livestock handled on a commission or agency basis in a separate bank account designated a "custodial account for consignor's proceeds"-))~~ Each licensee shall establish a custodial account for consignor's proceeds. All funds derived from the sale of livestock handled on a commission or agency basis shall be deposited in that account. Such account shall be drawn on only for the payment of net proceeds to the consignor, or such other person or persons of whom such licensee has knowledge is entitled to such proceeds, and to obtain from such proceeds only the sums due the licensee as compensation for his services as are set out in his tariffs, and for such sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in his capacity as agent is required to pay for on behalf of the consignor or shipper. The licensee in each case shall keep such accounts and records that will at all times disclose the names of the consignors and the amount due and payable to each from the funds in the custodial account for consignor's proceeds. The licensee shall maintain the custodial account for consignor's proceeds in a manner that will expedite examination by the director and reflect compliance with the requirements of this section.

Sec. 5. Section 4, chapter 182, Laws of 1961 and RCW 16.65.200 are each amended to read as follows:

Before the license is issued to operate a public livestock market, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and

authorized to do business in this state as surety. Said bond shall be a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market: PROVIDED, That if such applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater than the sum required under the provisions of this chapter, and such applicant furnishes the director with a bond approved by the United States secretary of agriculture naming the department as trustee, the director may accept such bond and its method of termination in lieu of the bond provided for herein and issue a license if such applicant meets all the other requirements of this chapter.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of RCW 19.72.110 concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110 concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

Sec. 6. Section 21, chapter 107, Laws of 1959 and RCW 16.65.210 are each amended to read as follows:

The sum of the bond to be executed by an applicant for a public livestock market license shall be determined in the following manner:

(1) Determine the dollar volume of business carried on, at, or through, such applicant's public livestock market in the twelve-month period prior to such applicant's application for a license.

(2) Divide such dollar volume of business by the number of official sale days granted such applicant's public livestock market, as herein provided, in the same twelve-month period provided for in subsection (1).

(3) ((One half the sum determined by carrying out the provisions of subsections (1) and (2) shall be the sum of the bond the applicant shall execute in favor of the state: PROVIDED, That the sum of the applicant's bond shall at no time be in an amount less than five thousand dollars, nor greater than twenty five thousand dollars-)) Bond amount shall be that amount obtained by the formula in subsection (2) except that it shall not be an amount less than ten thousand dollars and if that amount shall exceed fifty thousand then that portion above fifty thousand shall be at the rate of ten percent of that value, except that the amount of the bond shall be to the nearest five thousand figure above that arrived at in the formula.

Sec. 7. Section 22, chapter 107, Laws of 1959 and RCW 16.65.220 are each amended to read as follows:

If the application for a license to operate a public livestock market is from a new public livestock market which has not operated in the past twelve-month period, the director shall determine a bond, in a reasonable sum, that the applicant shall execute in favor of the state, which shall not be less than ((five)) ten thousand dollars nor greater than twenty-five thousand dollars: PROVIDED, That the director may at any time, upon written notice, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.

NEW SECTION. Sec. 8. Section 7, chapter 107, Laws of 1959 and RCW 16.65.070 are each repealed.

Passed the House March 18, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 193

[Engrossed House Bill No. 1072]

DISABLED VETERANS--

FREE MOTOR VEHICLE LICENSES

AN ACT Relating to veterans; providing for free motor vehicle licenses for certain disabled veterans; and amending section 1, chapter 178, Laws of 1949 as amended by section 1, chapter 206, Laws of 1951 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 amended by section 1, chapter 206, Laws of 1951 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 (~~licenses~~) motor vehicles satisfactory proof that he has lost the use of one or both of his (~~lower extremities~~) arms or legs 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 (~~licenses~~) motor vehicles an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon.

Passed the House April 29, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 194

[House Bill No. 992]

AIR POLLUTION--

EPISODE AVOIDANCE PLANS--

EMERGENCY ORDERS

AN ACT Relating to air pollution; authorizing the issuance of orders; authorizing episode avoidance plans; adding new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW; and repealing section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.415.

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

NEW SECTION. Section 1. The legislature finds that whenever meteorological conditions occur which reduce the effective volume of air into which air contaminants are introduced, there is a high danger that normal operations at air contaminant sources in the area affected will be detrimental to public health or safety. Whenever such conditions, herein denominated as air pollution episodes, are forecast, there is a need for rapid short-term emission reduction in order to avoid adverse health or safety consequences.

Therefore, it is declared to be the policy of this state that an episode avoidance plan should be developed and implemented for the temporary reduction of emissions during air pollution episodes.

It is further declared that power should be vested in the governor to issue emergency orders for the reduction or discontinuance of emissions when such emissions and weather combine to create conditions imminently dangerous to public health and safety.

NEW SECTION. Sec. 2. The department of ecology is hereby authorized to develop an episode avoidance plan providing for the

phased reduction of emissions wherever and whenever an air pollution episode is forecast. Such an episode avoidance plan shall conform with any applicable federal standards and shall be effective state-wide. The episode avoidance plan may be implemented on an area basis in accordance with the occurrence of air pollution episodes in any given area.

The department of ecology may delegate authority to adopt source emission reduction plans and authority to implement all stages of occurrence up to and including the warning stage, and all intermediate stages up to the warning stage, in any area of the state, to the air pollution control authority with jurisdiction therein.

The episode avoidance plan, which shall be established by regulation in accordance with chapter 34.04 RCW, shall include, but not be limited to the following:

(1) The designation of episode criteria and stages, the occurrence of which will require the carrying out of preplanned episode avoidance procedures. The stages of occurrence shall be (a) forecast, (b) alert, (c) warning, (d) emergency, and such intermediate stages as the department shall designate. "Forecast" means the presence of meteorological conditions that are conducive to accumulation of air contaminants and is the first stage of an episode. "Alert" means concentration of air contaminants at levels at which short-term health effects may occur, and is the second stage of an episode. "Warning" means concentrations are continuing to degrade, contaminant concentrations have reached a level which, if maintained, can result in damage to health, and additional control actions are needed and is the third level of an episode. "Emergency" means the air quality is posing an imminent and substantial endangerment to public health and is the fourth level of an episode;

(2) The requirement that persons responsible for the operation of air contaminant sources prepare and obtain approval from the director of source emission reduction plans, consistent with good operating practice and safe operating procedures, for reducing emissions during designated episode stages;

(3) Provision for the director of the department of ecology or his authorized representative, or the air pollution control officer if implementation has been delegated, on the satisfaction of applicable criteria, to declare and terminate the forecast, alert, warning and all intermediate stages, up to the warning episode stage, such declarations constituting orders for action in accordance with applicable source emission reduction plans;

(4) Provision for the governor to declare and terminate the emergency stage and all intermediate stages above the warning episode stage, such declarations constituting orders in accordance with

applicable source emission reduction plans;

(5) Provisions for enforcement by state and local police, personnel of the departments of ecology and social and health services, and personnel of local air pollution control agencies; and

(6) Provisions for reduction or discontinuance of emissions immediately, consistent with good operating practice and safe operating procedures, under an air pollution emergency as provided in section 3 of this 1971 act.

Source emission reduction plans shall be considered orders of the department and shall be subject to appeal to the pollution control hearings board according to the procedure in chapter 43.21B RCW.

NEW SECTION. Sec. 3. Whenever the governor finds that emissions from the operation of one or more air contaminant sources is causing imminent danger to public health or safety, he may declare an air pollution emergency and may order the person or persons responsible for the operation of such air contaminant source or sources to reduce or discontinue emissions consistent with good operating practice, safe operating procedures and source emission reduction plans, if any, adopted by the department of ecology or any local air pollution control authority to which the department of ecology has delegated authority to adopt emission reduction plans. Orders authorized by this section shall be in writing and may be issued without prior notice or hearing. In the absence of the governor, any findings, declarations and orders authorized by this section may be made and issued by his authorized representative.

NEW SECTION. Sec. 4. Whenever any order has been issued pursuant to this act, the attorney general, upon request from the governor, the director of the department of ecology, an authorized representative of either, or the attorney for a local air pollution control authority upon request of the control officer, shall petition the superior court of the county in which is located the air contaminant source for which such order was issued for a temporary restraining order requiring the immediate reduction or discontinuance of emissions from such source.

Upon request of the party to whom a temporary restraining order is directed, the court shall schedule a hearing thereon at its earliest convenience, at which time the court may withdraw the restraining order or grant such temporary injunction as is reasonably necessary to prevent injury to the public health or safety.

NEW SECTION. Sec. 5. Orders issued to declare any stage of an air pollution episode avoidance plan under section 2 of this 1971 act, and to declare an air pollution emergency, under section 3 of this 1971 act, and orders to persons responsible for the operation of an air contaminant source to reduce or discontinue emissions,

according to sections 2 and 3 of this 1971 act shall be effective immediately and shall not be stayed pending completion of review.

NEW SECTION. Sec. 6. Sections 1 through 5 of this 1971 act are added to chapter 232, Laws of 1957 and to chapter 70.94 RCW.

NEW SECTION. Sec. 7. Section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.415 are each repealed.

Passed the House May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

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CHAPTER 195

[Engrossed House Bill No. 892]

LEGISLATIVE TRANSPORTATION COMMITTEE CREATED--
POWERS AND DUTIES--
STUDIES AUTHORIZED

AN ACT Relating to transportation; creating a legislative transportation committee; describing powers and duties of the legislative transportation committee and the Washington state highway commission; providing for transportation studies; amending section 35, chapter 3, Laws of 1963 ex. sess. as last amended by section 68, chapter 145, Laws of 1967 ex. sess. and RCW 44.40.010; amending section 38, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.030; amending section 39, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.040; amending section 14, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.130; amending section 78, chapter 145, Laws of 1967 ex. sess. and RCW 47.01.145; amending section 23, chapter 3, Laws of 1963 ex. sess. and RCW 47.60.045; amending section 8, chapter 85, Laws of 1970 ex. sess.; adding a new section to chapter 3, Laws of 1963 ex. sess. and to chapter 44.40 RCW; creating new sections; making appropriations; and declaring an emergency.

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

Section 1. Section 35, chapter 3, Laws of 1963 ex. sess. as last amended by section 68, chapter 145, Laws of 1967 ex. sess. and RCW 44.40.010 are each amended to read as follows:

The joint fact finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, ((is hereby)) recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming

of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the ~~((joint committee on highways))~~ legislative transportation committee. The committee shall consist of eleven senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session or any successive extraordinary session ~~((following e))~~ called by the governor prior to the close of such regular session or successive extraordinary session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority.

NEW SECTION. Sec. 2. There is added to chapter 3, Laws of 1963 ex. sess. and to chapter 44.40 RCW a new section to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020 the committee shall, in coordination with the legislative budget committee, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds related to transportation programs of the state.

Sec. 3. Section 38, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.030 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the ~~((joint committee on highways))~~ legislative transportation committee is further authorized and directed to ~~((continue its participation))~~ participate in: (1) The activities of ~~((the western interstate committee on highway policy problems))~~ committees of the council of state governments concerned with transportation activities; (2) in activities of the national committee on uniform traffic laws and ordinances; and ~~((to participate))~~ (3) in any interstate reciprocity or prorotation meetings designated by the Washington reciprocity commission.

Sec. 4. Section 39, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.040 are each amended to read as follows:

The members of the ~~((joint committee on highways))~~ legislative transportation committee shall ~~((be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittees of the committee or while engaged on other committee business authorized by the committee to the extent of twenty-five dollars per day plus ten cents per mile in going and coming from committee sessions or subcommittee meetings or for travel on other~~

committee business authorized by the committee)) receive allowances as provided in RCW 44.04.120. All expenses incurred by the committee, including salaries of employees, shall be paid upon voucher forms as provided by the (~~central budget agency~~) office of program planning and fiscal management and signed by the chairman or vice chairman of the committee and attested by the secretary of the committee, and the authority of said chairman or vice chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 5: Section 14, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.130 are each amended to read as follows:

The Washington state traffic safety commission shall submit a report outlining programs planned and steps taken toward improving traffic safety to the (~~joint committee on highways by July 1, 1968~~) legislative transportation committee by October 1st of each even numbered year.

Sec. 6. Section 78, chapter 145, Laws of 1967 ex. sess. and RCW 47.01.145 are each amended to read as follows:

Whenever a study report prepared by the Washington state highway commission for the (~~joint committee on highways~~) legislative transportation committee is made available to the committee or its members, the report shall, upon request, be made available to any member of the Washington state legislature.

NEW SECTION. Sec. 7. The legislative transportation committee is hereby authorized to consider the following studies and such other studies as it deems appropriate and report its findings and recommendations in connection therewith to the 1973 legislature prior to its convening:

(1) A continuing review of the urban arterial program with consideration of means to require greater coordination between land use planning and arterial planning by cities and counties and, further, to evaluate the effectiveness of the program in relieving urban traffic congestion, possibilities of extending the program, and its relation to the new federal urban highway program.

(2) A continuing study to develop reasonable and effective regulations prescribing standards for the control of air contaminant emissions from motor vehicles.

(3) A continuing study of necessary legislation for compliance with the federal traffic safety standards. Particular attention shall be given to developing legislation to meet federal safety standards relating to inspection, control, and regulation of emergency medical services.

(4) A continuing study in cooperation with the legislative budget committee of the needs and financing of the Washington state

patrol, including the traffic manpower requirements of local law enforcement agencies in order to determine the appropriate assistance role that the state patrol should provide to local law enforcement agencies, and implementation of overtime compensation and more precise information on various types of overtime experience. Acceptable definitions of nonhighway activities shall be developed in cooperation with the state patrol and the office of program planning and fiscal management.

(5) The effect upon the highway safety fund of the use of fines, fees, and forfeitures by justice courts for administrative costs.

(6) A continuing review of the procedures for the disposition of abandoned vehicles as well as methods for demolition of motor vehicle hulks.

(7) A study of the need for and financing of adult school crossing guards.

(8) A review of methods for improving uniformity and the development of standards for handling traffic cases in justice and district courts.

(9) A continuing review of the highway classification and needs study and uniformity of audit procedures.

(10) A continuing study of the feasibility of the exchange between states of tax audit information relating to interstate motor carriers for the purpose of reducing duplicate audits by the several states.

(11) A study of the practices of automobile insurance carriers, particularly with the respect to the insuring of handicapped persons operating under restricted driver's licenses.

(12) A study of tow truck regulation including the necessity of regulation in the public interest, standards of regulation, license fees, and special problems in areas of low volume business and/or few operators.

(13) A study in cooperation with the Washington traffic safety commission, the department of motor vehicles, and the office of the superintendent of public instruction relative to the rules and regulations governing the operation of commercial driving schools for the purpose of bringing the law into conformance with state and federal regulations. A progress report shall be made to an extraordinary session, if called, in 1972.

(14) A study of axle tonnage and total gross weight restrictions on trucks.

(15) A study of the equity of apportioning costs of relocating utilities when displaced by highway construction.

(16) A study of the problem of identifying drivers who have medical disorders which may limit their ability to drive safely,

including the feasibility of implementing a mandatory physician reporting system of such disorders to the department of motor vehicles.

(17) A continuing study of the effect of industrial decentralization and diversification upon future requirements for highway construction, and of the factors influencing the location of industry in nonmetropolitan areas.

(18) A study of parking fee practices of municipal and private parking lots, parking garages, and similar establishments. Such study shall include the feasibility of placing such fees under a public utility regulation system.

(19) A study of motor vehicle fuel and special use fuel pricing policies.

(20) A study in cooperation with representative agencies and units of government of the feasibility of implementing the joint land development proposal expressed in the federal highway administration's report entitled: "joint development of highways and affected land - some implications of land acquisition and control".

(21) A continuing study reviewing the acquisition/appraisal policies and practices of the right of way division of the department of highways.

(22) A review of the purposes, policies, procedures and utilization of the railroad grade crossing protective fund.

(23) An analysis of the feasibility of modifying the toll charges on certain toll facilities to encourage multiple-passenger use of private and public transportation vehicles, and the feasibility of providing "exact change" lanes to facilitate traffic flow.

(24) The feasibility of a program which will enable the citizens of the state, through state and local government units, to recoup some of the increased land values which result directly from the public investment in transportation facilities, including highways, arterials, and urban mass transportation facilities.

(25) Potential sources of funding for a broad scale highway beautification program, including acquisition of scenic strips adjacent to existing and proposed highways, as a means of protecting both the public investment in highway design and the character and ecology of the communities adjacent to highways. The study is to include consideration of criteria for determining the appropriate level of beautification expenditures relative to the total outlay for highway purposes.

(26) The feasibility of a program to provide for cooperative planning of traffic facilities and land uses around freeway interchanges by state and local units of government in order to promote the efficiency of the facilities and the compatibility of the

freeway and adjacent land uses.

(27) The feasibility of modifying the design of curbs on existing and proposed arterials to better enable persons in wheelchairs and other handicapped persons to travel through their communities.

(28) A feasibility study of providing water transportation for commuter foot passengers within the Lake Washington-Lake Union area, including the provision of appropriate terminal facilities and coordination with land transportation facilities.

(29) A study in cooperation with industry representatives for the purpose of establishing an experimental program leading to the development of luminaires with greater life and improved durability.

(30) A study of the feasibility of reimbursing those people whose property is not taken by eminent domain, but which is adversely affected in a noneconomic manner by the development, construction, and use of freeways and other public highways.

NEW SECTION. Sec. 8. The legislative transportation committee is hereby authorized and directed to study the concept of a scenic recreational highway system with the cooperation and advice of the highway commission, parks and recreation commission, department of natural resources, and the game commission. The committee shall consider for inclusion in such a study the following subjects:

(1) Purposes, objectives, and definition of a scenic recreational highway system;

(2) Criteria for determining a route's existing or potential ability for meeting the purposes and objectives of such a system;

(3) The types and degrees of control necessary to preserve or enhance the scenic and recreational qualities of the system and specifically to control outdoor advertising and land use within the scenic recreational corridor;

(4) The possibility of establishing two or more classes of scenic recreational highways with different criteria and different types and degrees of control;

(5) Criteria for establishing priorities among plans and projects conceived to preserve or enhance the scenic and recreational aspects of the system;

(6) Funding requirements and sources including criteria for determining the amounts to be expended on the system for scenic and recreational purposes as compared to other purposes to be financed from the same sources;

(7) Designation of agency jurisdictions and responsibilities for developing, controlling, and operating the system;

(8) Recommendations on signing and/or other designative measures;

(9) Procedures for periodic reevaluation of the system;

(10) Other elements which are consistent with the purposes of this study.

The legislative transportation committee shall report any results of said study to the 1973 regular legislative session.

NEW SECTION. Sec. 9. The legislative transportation committee is hereby authorized in coordination with the aeronautics commission to consider the following studies and such other studies as it deems appropriate and to report its findings and recommendations in connection therewith to the 1973 legislature prior to its convening, except as otherwise provided in this act:

(1) The development of a long-range comprehensive air transportation systems plan and financing thereof;

(2) The taxing structure of aircraft and jet fuels in the state of Washington, including a comparison of the taxing structure, exemptions, and methods of collection utilized in other states. An evaluation of the effect on the economy, and the use and benefits of revenues shall be made. A report including recommendations and enacting legislation shall be made to a 1972 extraordinary session, if called;

(3) The feasibility of establishing a state aircraft pool. Such evaluation shall include but not necessarily be limited to:

(a) Maximum utilization of state owned aircraft;

(b) Efficiency and economy resulting from such pool;

(c) Inter-agency utilization of hanger, administrative, maintenance and other facilities;

(d) Effect on travel costs of state officials;

(e) Distinction between special and general use aircraft required by various agencies;

(4) Designation of the aeronautics commission as the agent to receive and channel federal moneys for air transportation systems within the state.

For purposes of studies authorized in this section the sum of ten thousand dollars or so much thereof as is necessary is appropriated to the legislative transportation committee from the aeronautics account of the general fund.

NEW SECTION. Sec. 10. The Washington state highway commission and the urban arterial board shall coordinate their activities relative to long range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long range needs data may be developed and maintained on an integrated and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the Washington state highway commission in such form and extent as requested by the commission, after consultation with the county road administration board and the association of

Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads and streets in Washington.

NEW SECTION. Sec. 11. The legislative transportation committee is authorized to conduct feasibility studies including but not limited to the following subjects:

(1) Comparing rubber-tired urban public transportation systems with alternative urban public transportation systems, including rail systems;

(2) Examining the use of existing rail facilities to connect all cities between Everett and Olympia in an intercity urban public transportation system;

(3) Use of exclusive highway lanes, or other preferential treatment such as exclusive ramp connectors for rubber-tired public transportation vehicles, or both;

(4) Terminal distribution requirements;

(5) Parking facility requirements;

(6) Available federal aid for study, planning, and implementation of urban public transportation systems.

An advisory committee may be appointed to include representatives from local government, interested citizens, and the Puget Sound governmental conference.

The findings and recommendations of the feasibility study shall be reported to the legislature at the 1973 regular legislative session.

NEW SECTION. Sec. 12. The legislative transportation committee and the Washington state highway commission shall jointly consider the following proposed highway additions by undertaking appropriate studies and surveys as may be necessary to accomplish an evaluation with respect to their being a part of the modern integrated state highway system; unless otherwise provided, the studies shall be completed by September 1, 1972:

(1) A study updating the 1958 feasibility study of the proposed road in Wahkiakum county described as the extension of SR 407 from the west fork of the Elochoman river northeasterly to a connection with SR 506 at Ryderwood;

(2) An extension to be known as SR 115 beginning at Ocean Shores at a junction with Point Brown Avenue, thence in an easterly and northerly direction to a junction with SR 109 in the vicinity south of Ocean City;

(3) An extension connecting SR 302 to SR 3 via the Victor cut-off;

(4) An extension connecting SR 101 in the vicinity of Purdy Canyon and SR 106 in the vicinity of Union;

(5) An extension from SR 101 to the Washington correction center north of Shelton;

(6) An extension from Libby Road bypassing Oak Harbor to a connection with SR 525 in the vicinity of north Oak Harbor;

(7) An extension from Sappho to Pysht via Burnt Mountain Road;

(8) A continuation of the 1970 feasibility studies of a proposed locally operated ferry route across Grays Harbor between the city of Westport and the City of Ocean Shores in the vicinity of Point Brown. Consideration shall be given to the possibility of a cooperative project between the county of Grays Harbor, the port of Grays Harbor, the city of Westport, the city of Ocean Shores and other affected units of local government, in the furnishing of approach roads, terminal facilities, and the operation of a ferry for transporting motor vehicles and foot passengers or foot passengers only between the terminals of the proposed route. The Washington state highway commission shall provide current origin and destination traffic studies and economic and toll feasibility studies. The local governments herein named shall provide one thousand dollars in local funds for their share of the study costs;

(9) A relocation of SR 101 to bypass Sequim.

(10) Traffic engineering studies to determine the need for construction of an interchange at the junction of I-90 and 161st Avenue S.E. in the city of Bellevue.

(11) A study of the feasibility of including S.E. and N.E. 148th Street, situated partly in the city of Bellevue and partly within rural King county, within the state highway system.

NEW SECTION. Sec. 13. The Washington state highway commission is directed to consult with the national park service of the United States department of the interior to determine their interest in entering into an agreement to jointly finance a feasibility study for relocating SR 101 outside of the Olympic national park in the vicinity of Lake Crescent. A report shall be made to the legislative transportation committee by October 1, 1972, and to the 1973 legislative session. Said report shall include a resume of all previous studies and the recommendations of the national park service, if any, as to the proposed study.

NEW SECTION. Sec. 14. The legislative transportation committee and the Washington state highway commission, Skagit county, the cities of Mt. Vernon, Anacortes, Burlington, and Sedro Wooley are hereby authorized to conduct jointly all studies and surveys, including traffic studies necessary to determine state transportation facilities required in western Skagit county for the proper community development of the cities herein named to meet existing and projected traffic through 1990. The commission shall utilize all prior surveys and reports heretofore made concerning highway and transportation needs within the study area.

The study participants and any consultants engaged by them

pursuant to this section shall present all studies and surveys to the local governments affected for advisory review at appropriate stages of completion of such studies and surveys. Upon completion of such studies the study participants shall report their findings and recommendations to the legislative transportation committee.

The legislative transportation committee and the Washington state highway commission together shall not incur more than one-third of the cost of the study authorized in this section. The study authorized in this section shall avail itself to the extent applicable of federal moneys available under Title VII of Public Law 91-609 known as the "urban growth and community development act of 1970".

NEW SECTION. Sec. 15. The Washington state highway commission is authorized and directed to confer with the Oregon state highway commission to determine the appropriateness of a full scale feasibility study of the construction of the Washington portion of a new highway known as the "Rivergate" highway which extends from I-5 north of Vancouver southerly to a crossing of the Columbia river in the vicinity of the West Vancouver industrial area, thence southerly to a connection with Oregon state highway number 26. The study shall include, but not necessarily be limited to a review of the findings of the Portland-Vancouver metropolitan transportation study and such other studies that have been made which relate to the proposed project.

The findings and recommendations of this preliminary feasibility study shall be reported to the legislative transportation committee by October 1, 1972, and to the legislature at the 1973 regular legislative session.

NEW SECTION. Sec. 16. The legislative transportation committee, the Washington state highway commission, and the Washington state toll bridge authority shall jointly consider the financial difficulties suffered by the Port Townsend to Keystone ferry route, the significance of this route to cross-sound transportation, and alternative means of easing or eliminating the financial difficulties.

Sec. 17. Section 23, chapter 3, Laws of 1963 ex. sess. and RCW 47.60.045 are each amended to read as follows:

The Washington state highway commission, in cooperation with the ((joint committee on highways)) legislative transportation committee, is authorized and directed to prepare a comprehensive long range plan for cross sound transportation concerning the proper location of bridges and ferry routes, possible use of hovercraft or other forms of water transportation, together with necessary connecting roads and ((ferry)) terminals for the facilities of transportation across Puget Sound. The committee and commission

shall utilize all current and prior surveys and reports heretofore made concerning cross sound transportation.

The comprehensive plan provided for in this section shall be transmitted with the financing plan provided for in section 18 of this 1971 amendatory act to the 1973 legislature.

((There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1965, the sum of fifty thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section.))

Sec. 18. Section 8, chapter 85, Laws of 1970 ex. sess. is amended to read as follows:

The ((joint committee on highways)) legislative transportation committee in cooperation with the Washington state highway commission is directed to study alternative methods of financing the construction, maintenance, and operation of ((ferries, terminals and other)) cross-sound transportation facilities after July 1, 1973, and report its recommendations to the 1973 legislature as to whether or not the additional one-eighth cent of the motor vehicle fuel taxes allocated by ((this 1970 amendatory act)) the provisions of RCW 82.36.020 to the Puget Sound reserve account and the excess in said account transferred to the Puget Sound capital construction account for capital construction of ferries and terminal facilities may be restored to the motor vehicle fund to be used for state highway purposes.

The 1973 legislature, upon receiving the recommendations of the ((joint committee on highways)) legislative transportation committee shall reexamine the program for financing the construction of ((ferries, terminals and other)) cross-sound transportation facilities ((as contained in this 1970 amendatory act)).

NEW SECTION. Sec. 19. The legislative transportation committee may cooperate and participate with the state land commission in the development of a data bank or alternative system for the assembling of information to carry out the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 20. This 1971 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. 21. If any provision of this 1971 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 circumstances is not affected.

Passed the House May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

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CHAPTER 196
[House Bill No. 739]
COMMUNITY COLLEGE DISTRICTS--
NEGOTIATIONS WITH ACADEMIC EMPLOYEES

AN ACT Relating to community college districts; providing for negotiations between boards of trustees and their academic employees; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; repealing section 28A.72.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.040; and repealing section 28B.50.580, chapter 223, Laws of 1969 ex. sess. as amended by section 29, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.580.

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

NEW SECTION. Section 1. It is the purpose of this chapter to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees and the community college districts by which they are employed.

NEW SECTION. Sec. 2. As used in this chapter:

"Employee organization" means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

"Academic employee" means any teacher, counselor, librarian, or department head, division head, or administrator, who is employed by any community college district, with the exception of the chief administrative officer of each community college district.

NEW SECTION. Sec. 3. Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district, shall have the right, after using established administrative channels, to meet, confer and negotiate with the board of trustees of the community college district or a committee thereof to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties.

NEW SECTION. Sec. 4. Nothing in this chapter shall prohibit any academic employee from appearing in his own behalf on matters relating to his employment relations with the community college district.

NEW SECTION. Sec. 5. In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may request the assistance and advice of a committee composed of educators and community college district trustees appointed by the director of the state system of community colleges. This committee shall make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of trustees or the employee organization.

NEW SECTION. Sec. 6. Boards of trustees of community college districts or any administrative officer thereof shall not discriminate against academic employees or applicants for such positions because of their membership or nonmembership in employee organizations or their exercise of other rights under this chapter.

NEW SECTION. Sec. 7. Boards of trustees of community college districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter.

NEW SECTION. Sec. 8. Nothing in this chapter shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any community college district and any representative of its employees.

NEW SECTION. Sec. 9. Contracts or agreements, or any provision thereof entered into between boards of trustees and employees organizations pursuant to this act shall not be affected by or be subject to chapter... , Laws of 1971 ex. sess. (Senate Bill No. 469).

NEW SECTION. Sec. 10. Sections 1 through 8 of this 1971 act shall be added to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 11. The following acts or parts of acts are hereby repealed:

(1) Section 28A.72.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.040; and

(2) Section 28B.50.580, chapter 223, Laws of 1969 ex. sess. as amended by section 29, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.580.

Passed the House May 10, 1971.
Passed the Senate May 10, 1971.
Approved by the Governor May 21, 1971.
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CHAPTER 197

[House Bill No. 684]
DISABILITY INSURANCE--
PSYCHOLOGICAL SERVICES

AN ACT Relating to insurance; requiring the inclusion of psychological services under certain insurance contracts; adding a new section to chapter 79, Laws of 1947 and to chapter 48.20 RCW; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.21 RCW; and providing for the application of such sections to such contracts.

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 48.20 RCW a new section to read as follows:

Notwithstanding any provision of any disability insurance contract, benefits shall not be denied thereunder for any psychological service rendered by a holder of a license issued pursuant to chapter 18.83 RCW: PROVIDED, That (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

NEW SECTION. Sec. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.21 RCW a new section to read as follows:

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract, benefits shall not be denied thereunder for any psychological service rendered by a holder of a license issued pursuant to chapter 18.83 RCW: PROVIDED, That (1) the service rendered was within the lawful scope of such person's license, and (2) such contract would have provided the benefits for such service if rendered by a holder of a license issued pursuant to chapter 18.71 RCW.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall not apply to any contract in force prior to the effective date of this 1971 act, nor to any renewal of such contract where there has been no change in any provision thereof.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

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CHAPTER 198

[Engrossed Substitute House Bill No. 553]

COMPREHENSIVE HEALTH PLANNING--

CERTIFICATES OF NEED FOR HOSPITAL AND NURSING HOME CONSTRUCTION

AN ACT Relating to state government, providing for comprehensive health planning, and certificates of need for hospital and nursing home construction; and adding a new chapter to Title 70 RCW.

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

NEW SECTION. Section 1. There is added to Title 70 RCW a new chapter to read as set forth in sections 2 through 23 of this act.

NEW SECTION. Sec. 2. It is declared to be the public policy of this state:

(1) That comprehensive planning for promoting, maintaining and assuring a high level of health for all citizens of the state, and for the provision of health services, health manpower, health facilities and other resources, as well as health planning related to environmental matters is essential to the health, safety and welfare of the people of the state. Such planning is necessary on both a state-wide and regional basis, and must maintain responsiveness to changing health and social needs and conditions. The marshaling of all health resources to assure comprehensive health services of high quality available to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination and economy in development and implementation to reach that goal.

(2) That the timely construction and expansion of hospital and nursing home facilities and the institution of additional hospital and nursing home services should be accomplished in a manner which is orderly, coherent, timely, economical and consistent with the effective development of necessary and adequate means of providing high quality health care for persons to be served by such facilities without duplication or fragmentation of such facilities.

NEW SECTION. Sec. 3. The following words or phrases, as used in this chapter, shall have the following meanings unless the context otherwise requires:

(1) "Board" means the Washington state board of health.

(2) "Construction" means the erection, building, or

substantial acquisition, alteration, reconstruction, improvement, extension or modification of a hospital or nursing home, including equipment, the inspection and supervision thereof and other actions necessary thereto, which cost in excess of one hundred thousand dollars.

(3) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

(4) "Council" means the state comprehensive health planning advisory council.

(5) "Defined population" means the population that is or may reasonably be expected to be served by an existing or proposed hospital or nursing home. "Defined population" shall also include persons who prefer to receive the services of a particular recognized school or theory of medical care. "Defined population" shall not be limited to a geographical area.

(6) "Department" means the Washington state department of social and health services.

(7) "Hospital" means any institution, place, building or agency, public or private, incorporated or not incorporated:

(a) Which provides or is capable of providing facilities for inpatient care of one or more persons, and inpatient health services, including physician services, through an organized medical staff and continuous nursing services for the prevention, diagnosis or treatment of patients, both surgical and nonsurgical; or

(b) Which qualifies or is required to qualify for a license under chapter 70.41 or 71.12 RCW.

(8) "Nursing home" means any home, place, institution or facility not a hospital:

(a) Which provides or is capable of providing convalescent, chronic or nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board; or

(b) Which qualifies or is required to qualify for a license under chapter 18.51 RCW.

(9) "Regional planning agency" means the area-wide comprehensive health planning agency responsible for comprehensive health planning within a defined area.

(10) "Secretary" means the secretary of the Washington state department of social and health services or his designee.

(11) "State planning agency" means the state comprehensive health planning agency as defined by Public Law 89-749 and designated by the governor pursuant to section 4 of this act.

NEW SECTION. Sec. 4. In order to carry out the purposes of

this chapter, the governor shall designate a single state agency to develop and administer a state comprehensive health planning program. The designated state planning agency shall be responsible for implementing the related provisions of this chapter as hereinafter described, the provisions of Public Law 89-749 and subsequent federal legislation.

The state planning agency responsibilities under this chapter shall include but not be limited to the following:

(1) Develop long-range comprehensive health plans, including services, manpower, facilities and other resources, as well as recommendations for priorities.

(2) Develop guidelines as recommendations for government health planning, and health program evaluation.

(3) Provide continuing assistance to the state council and to regional planning agencies in their organization for and development of comprehensive health plans.

(4) Approve or reject applicants for recognition as a regional planning agency.

(5) Certify regional planning agencies, as appropriate, as capable to conduct evaluations and make recommendations as to applications for certificates of need.

(6) Develop proposals and recommendations regarding needs for training health manpower.

(7) Coordinate the comprehensive health planning activities with other health planning activities throughout the state.

NEW SECTION: Sec. 5. A state comprehensive health planning advisory council shall be appointed by the governor to advise the state planning agency on comprehensive health planning. The council shall consist of not more than thirty-nine public members plus representatives of appropriate departments of state government, such representatives to serve ex officio. One-third of the initial public members shall serve for terms of one year, one-third for terms of two years, and one-third for terms of three years. Subsequent appointments shall be for a three year term. A majority of the public members shall be consumers as defined herein. Included in the balance of the membership of the council shall be at least one physician, one dentist, one hospital administrator, one nursing home administrator, one osteopathic physician, one optometrist, one chiropodist, one registered nurse and one chiropractor. The chairman of the council shall be appointed by the governor, and shall serve as chairman at his pleasure, but for no longer than three years. A vice chairman shall be elected by the council. The council shall meet on call of the chairman or on request of the state planning agency, or the department, or a majority of public members, but not less than twice a year. The council may create standing and special committees

as necessary and may appoint persons who are not members of the council to serve as advisory or consultant members of any committee in order to carry out the purposes of the council.

NEW SECTION. Sec. 6. Except for state employees who shall receive their usual per diem pursuant to RCW 43.03.050, members of the council and advisory or consultant members of any committee shall receive twenty-five dollars per diem spent in performing their duties and in addition all members shall be entitled to reimbursement for actual travel expenses incurred in the performance of their duties pursuant to RCW 43.03.060.

NEW SECTION. Sec. 7. The council shall have the following duties and functions:

(1) Consult with and advise the state planning agency in the conduct of its comprehensive health planning program. The council shall review and comment on project grant applications for public funds that relate to health under section 314, U.S. Public Health Services Act and other state and federal acts that shall from time to time require action by the council.

(2) Provide consultation to the secretary at his request.

(3) Perform such other functions or duties as may be requested.

NEW SECTION. Sec. 8. There shall be established, in regions established by the governor, regional planning agencies to carry out the purposes of this chapter. The state planning agency shall be responsible, with the advice of the state council, for developing guidelines to assist in the establishment and recognition of regional planning agencies, and for providing planning assistance to such agencies. Any municipal corporation or nonprofit corporation organized under chapter 24.03 RCW, and meeting the state planning agency's guidelines and the criteria set forth in section 9 of this act for regional planning agencies may be eligible for approval by the state planning agency as the regional planning agency for a defined area.

NEW SECTION. Sec. 9. To be eligible for approval as a regional planning agency, an applicant agency shall meet the following criteria:

(1) Be able to conduct comprehensive health planning for a defined area which is large enough to provide a basis for development of the health facilities, services, manpower and other resources necessary to assure comprehensive health services.

(2) Provide for representation, through an advisory council or its board of directors, of the major public, private and voluntary agencies concerned with physical, mental and environmental health services, facilities, and manpower and other resources. The applicant may obtain additional representation through subcommittees,

technical advisory committees, and other such means.

(3) Provide that a majority of the membership of the advisory council and/or board of directors shall be consumers of health services reflecting geographic, socio-economic, ethnic and age groups in the area. The members who are health care providers shall also represent broad geographic, professional and ethnic elements of the area.

(4) Provide comment by a cross-section of county, and city governments, and public, private and voluntary health agencies in the area as the agency to be responsible for the comprehensive area-wide health planning program, or for organizing such a comprehensive health planning program.

NEW SECTION. Sec. 10. An approved regional planning agency shall be recognized by the county, city, and other governmental units and public, private and voluntary health agencies in the area as being responsible for the comprehensive area-wide health planning program.

NEW SECTION. Sec. 11. An approved regional planning agency shall:

(1) Identify health problems, needs, and resources; recommend goals and objectives; and promote the development and effective utilization of the health resources of the area.

(2) Plan and assure coordination and optimum utilization of current and future health manpower, services, facilities and resources for health care and prevention of disease and injury within the area and with state-wide programs.

(3) Prepare and maintain a long-range plan for all health facilities, services, manpower and other resources within the geographic area served by the agency.

(4) Within sixty days of receipt or a specified further period not to exceed an additional thirty days, approved by the secretary, evaluate all applications for certificates of need within the agency's area and make recommendations to the department.

(5) Establish methods of plan revision and amendment to allow responsiveness to changing needs and conditions.

(6) Individually and in cooperation with other regional planning agencies and the state planning agency, make recommendations and otherwise further the state comprehensive health planning program.

(7) Provide other assistance or certification as required by state or federal legislation or upon request by any state agency.

NEW SECTION. Sec. 12. Construction shall not be instituted or commenced after the effective date of this chapter except upon application for and receipt of a certificate of need as provided herein: PROVIDED, That in any case in which, prior to the effective

date of this chapter, there has been proposed the construction of a new facility or the expansion of an existing facility and preliminary plans have been submitted to the planning and construction unit of the division of health of the department of social and health services, the secretary may waive all or any portion of the review process, but said facility shall proceed with its plans in an orderly and expeditious manner and commence construction no later than July 1, 1972.

NEW SECTION. Sec. 13. Certificates of need shall be issued or denied, suspended, revoked or reinstated by the secretary in accordance with the provisions and intent of this chapter and rules, regulations and policies adopted by the board. Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for an administrative hearing in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 14. Application for a certificate of need shall be made to the department, and shall include the following information:

- (1) The general geographic area to be served.
- (2) The population to be served, and the characterization of the population, as well as projections of population growth by an official federal or state agency.
- (3) A description of the service or services to be provided.
- (4) The anticipated demand for the hospital or nursing home service or services to be provided.
- (5) Utilization of existing programs within the area to be served offering the same or similar health care services.
- (6) The benefit to the community or the population to be served which will result from the proposed project as well as the anticipated impact on other facilities offering the same or similar services in the area.
- (7) A statement showing the existing working relationship among the hospitals or nursing homes within the defined population or area to be served.
- (8) A description of how the hospital or nursing home fits into the comprehensive health program of the region.
- (9) Evaluation and recommendation as to need by the regional planning agency or if no capable regional planning agency has been certified for such purpose, or if no area-wide comprehensive health plan exists, the department may utilize such other resources as it deems necessary and appropriate pursuant to section 18 of this act.
- (10) Such other information as may reasonably be required by the department.

NEW SECTION. Sec. 15. A certificate of need shall be issued only where the proposed construction is reasonably necessary to

provide health care to the defined population served or to be served as economically as practicable, consistent with high quality standards and in such a manner as to encourage orderly, coherent, timely and economic development of adequate and effective health services in the area, region and state. In making such determinations, the secretary shall take into consideration:

(1) Recommendations of the regional planning agency and, if provided, recommendations of the state planning agency.

(2) The comprehensive health plans and development for the area, region and state, and the relationship of the proposal to such plans and development.

(3) The need for health care services in the area and/or the requirements of the defined population.

(4) The availability and adequacy of health care services in the facilities which are currently serving the defined population and which conform to federal and state standards.

(5) The need for special equipment and services in the area which are not reasonably and economically accessible to the defined population.

(6) The need for research and educational facilities.

(7) The probable economies and improvement in services that may be derived from the operation of joint central services or from joint, cooperative, or shared health resources which are accessible to the defined population.

(8) The availability of sufficient manpower in the professional disciplines required for the facility.

(9) The plans for and development of comprehensive health services and facilities for the defined population to be served. Such services may be either direct or indirect through formal affiliation with other health programs in the area, and shall include preventive, diagnostic, treatment and rehabilitation services.

(10) Whether or not the applicant has obtained all relevant approvals, licenses or consents required by law for its incorporation or establishment.

(11) Relevant information from interested persons and agencies.

(12) The needs of members, subscribers and/or enrollees of institutions and health care plans which operate or support particular hospitals for the purpose of rendering health care to such members, subscribers and/or enrollees.

In the case of an application by a hospital or nursing home established or operated by a religious body or denomination, the needs of the members of such religious body or denomination for care and treatment in accordance with their religious or ethical convictions may be considered to be public need.

NEW SECTION. Sec. 16. In the administration of this chapter, consideration shall be given to the efficiency of the utilization of an existing hospital or nursing home which is or will be serving the defined population to be served by a proposed new hospital or nursing home or expansion of an existing hospital or nursing home so as to avoid unnecessary duplication of facilities, and to encourage maximum efficiency in the use of the hospitals or nursing homes which then serve or will be serving the defined population.

NEW SECTION. Sec. 17. A certificate of need shall be valid for such period of time, not to exceed two years, as may reasonably be required to complete preparation of detailed construction plans, secure necessary funds and building permits and undertake construction of the hospital or nursing home in question: PROVIDED, That, with the advice of the regional planning agency or, when appropriate, the other resources utilized by the department, the secretary may renew the certificate for such further periods as may be reasonable where the applicant has shown that substantial and continuing progress towards commencement of construction has been demonstrated.

NEW SECTION. Sec. 18. The secretary shall have authority to:

(1) Prepare proposed policies, rules and regulations to be considered for adoption by the board in order to effectuate the provisions and purposes of this chapter, including but not limited to the establishment of requirements for a uniform state-wide system of reporting financial and other operating data.

(2) Enter into contracts with any political subdivision, local health department, school of higher education, or nonprofit agency, and such entities are authorized to enter into contracts with the secretary to carry out the purposes of this chapter.

(3) Enter into contracts with consultants or utilize other evaluative or informational resources wherever necessary and feasible in order to effectuate the purposes of this chapter.

(4) Request hospitals or nursing homes to furnish the department such reports and information as he may require in order to carry out the provisions of this chapter.

(5) Cooperate and coordinate with other state departments having jurisdiction over matters affecting the maintenance, care and social well-being of persons using facilities providing hospital or nursing home services.

NEW SECTION. Sec. 19. The issuance of a certificate of need for a specific project in a hospital's or nursing home's long-range plan shall not constitute a guarantee that all future proposals contained in that long-range plan will receive a certificate of need; however, the existence of previously certified projects that reduce the overall cost of future projects shall be taken into account by

the regional planning agency and the secretary in reviewing subsequent proposals.

NEW SECTION. Sec. 20. The secretary may bring an action to enjoin a violation or the threatened violation of any of the provisions of this chapter or any rules or regulations adopted by the board or the department pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

NEW SECTION. Sec. 21. No member, officer or employee of a regional planning agency or its advisory council shall be subject to civil action in any court as the result of any act done or failure to act, or of any statement or opinion made, while discharging his duties as such member, officer or employee: PROVIDED, That he acted in good faith with reasonable care and upon proper cause.

NEW SECTION. Sec. 22. No hospital constructed after the effective date of this chapter shall be eligible to apply for or receive funds under the provisions of chapter 70.40 RCW, the Hospital and Medical Facilities Survey and Construction Act, unless said hospital has applied for and been granted a certificate of need as provided in this chapter.

NEW SECTION. Sec. 23. 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 May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 199

[Engrossed House Bill No. 543]

MASS PUBLIC TRANSIT SYSTEMS--

COLLECTION AND DISTRIBUTION OF SPECIAL MOTOR VEHICLE EXCISE TAX

AN ACT Relating to public transportation; amending section 11, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.276; and amending section 82.44.150, chapter 15, Laws of 1961, as amended by section 15, chapter 255, Laws of 1969 ex. sess. and RCW 82.44.150.

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

Section 1. Section 11, chapter 255, Laws of 1969 ex. sess.

and RCW 35.58.276 are each amended to read as follows:

The excise tax authorized by RCW 35.58.273 shall be due and payable as set forth in RCW 82.44.060 and shall be collected by the county auditor of the county or counties in which such municipality is located or by a designee of the director under RCW 82.44.140, and remitted to the state at no cost to the municipality imposing the tax.

Sec. 2. Section 82.44.150, chapter 15, Laws of 1961, as amended by section 15, chapter 255, Laws of 1969 ex. sess. and RCW 82.44.150 are each amended 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: 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 35.58.273, 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.

Passed the House March 12, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 200

[Engrossed House Bill No. 464]

LEASING AND SALE OF PUBLIC LANDS TO SCHOOL DISTRICTS

AN ACT Relating to public lands and the leasing and sale thereof to school districts; amending section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 46, Laws of 1970 ex. sess. and RCW 79.01.096; adding new sections to chapter 79.01 RCW; creating new sections; and providing penalties.

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

Section 1. Section 24, chapter 255, Laws of 1927 as last amended by section 1, chapter 46, Laws of 1970 ex. sess. and RCW 79.01.096 are each amended to read as follows:

Not more than one hundred and sixty acres of any land granted to the state by the United States shall be offered for sale in one parcel and no university lands shall be offered for sale except by legislative directive or with the consent of the board of regents of the University of Washington.

Any land granted to the state by the United States may be sold or leased for any lawful purpose in such minimum areas as may be fixed by the ((commissioner of public lands, except that upon the application of a school district or institutions of higher education for the purchase of a schoolhouse site or sites or any school land, not less than three nor more than ten acres may be offered for sale, and in all cases where a schoolhouse is or may be erected upon any school land the school district or institutions of higher education to which the schoolhouse belongs shall have the preference right for six months after the filing of the final appraisal of such school land to purchase the schoolhouse sites, to include the land occupied by the schoolhouse and grounds, at the appraised value thereof)) department of natural resources.

Except as otherwise provided in section 2 of this 1971 amendatory act, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department of natural resources may offer such land for sale or lease to such school district or institution of higher education in such maximum acreage

as it may determine, consideration being given upon application of a school district to school site criteria established by the state board of education: PROVIDED, That in the event the department thereafter proposes to offer such land for sale or lease at public auction such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board of natural resources.

Land granted to the state shall not be leased for a longer period than ten years: PROVIDED, That such lands may be leased for the purpose of prospecting for, developing and producing oil, gas and other hydrocarbon substances or for the mining of coal subject to the provisions of chapter 79.14 RCW and RCW 79.01.692: PROVIDED FURTHER, That such lands may be leased for agricultural purposes for any period not to exceed twenty-five years: PROVIDED FURTHER, That such lands may be leased for public school, college or university purposes for any period not exceeding seventy-five years: PROVIDED FURTHER, That such lands may be leased for commercial, residential, business or recreational purposes for any period not exceeding fifty-five years: AND, PROVIDED FURTHER, That, as to lands under lease of July 30, 1967 for commercial, residential, business or recreational purposes for a period of not to exceed twenty years, the lessee shall have an option for a new lease for such lands for an additional period not exceeding thirty-five years, the terms and conditions of said new lease to be fixed by the department: AND, PROVIDED FURTHER, That if during the term of the lease of any state lands for commercial, residential, business or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee, alter and amend the terms and conditions of such lease as to the types and conditions of commercial, residential, business or recreational enterprises conducted on such leased premises and the rent to be paid.

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 79.01.096 or any other provision of law, any school district or institution of higher education, that on the effective date of this 1971 amendatory act is leasing land granted to the state by the United States and on which land by January 1, 1976, such district or institution has placed improvements as defined in RCW 79.01.036 shall be afforded the opportunity by the department of natural resources at any time prior to January 1, 1976, to purchase such land, excepting land over which the department retains management responsibilities, for the purposes of schoolhouse construction and/or necessary supporting facilities or

structures at the appraised value thereof less the value that any improvements thereon added to the value of the land itself at the time of the sale thereof.

NEW SECTION. Sec. 3. The purchases authorized under section 2 of this 1971 amendatory act shall be classified as for the construction of common school plant facilities under chapter 28A.47 RCW and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.40.100 if the school district involved was under emergency school construction classification as established by the state board of education at any time during the period of its lease of state lands.

NEW SECTION. Sec. 4. In those cases where the purchases, as authorized by sections 2 or 3 of this 1971 amendatory act, have been made on a ten year contract, the board of natural resources, if it deems it in the best interest of the state, may extend the term of any such contract to not to exceed an additional ten years under such terms and conditions as the board may determine.

NEW SECTION. Sec. 5. There is added to chapter 79.01 RCW a new section to read as follows:

Notwithstanding any other provisions of law, annually the board of natural resources shall determine if lands purchased or leased by school districts or institutions of higher education under the provisions of sections 1 and 2 of this 1971 amendatory act are being used for school sites. If such land has not been used for school sites for a period of seven years the title to such land shall revert to the original trust for which it was held.

NEW SECTION. Sec. 6. If any provision of this 1971 amendatory act, or its application to any person or circumstances 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 May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 201

[Engrossed House Bill No. 411]

WASHINGTON STATE BOARD OF PHARMACY--

FEEES

AN ACT Relating to fees payable to the Washington state board of pharmacy; amending section 10, chapter 121, Laws of 1899 as last amended by section 2, chapter 38, Laws of 1963, and RCW

18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 3, chapter 38, Laws of 1963, and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949 as amended by section 4, chapter 38, Laws of 1963, and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899 as last amended by section 5, chapter 38, Laws of 1963 and RCW 18.64.047; amending section 3, chapter 180, Laws of 1923 as last amended by section 7, chapter 38, Laws of 1963 and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 9, chapter 38, Laws of 1963, and RCW 18.64.140; amending section 4, chapter 192, Laws of 1939 and RCW 18.81.040; increasing penalties; and declaring an emergency.

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

Section 1. Section 10, chapter 121, Laws of 1899 as last amended by section 2, chapter 38, Laws of 1963, and RCW 18.64.040 are each amended to read as follows:

Every applicant for registration by examination under this chapter shall pay the sum of ~~((ten))~~ twenty dollars before the examination be attempted: PROVIDED, That in case the applicant fails to pass a satisfactory examination he shall have the privilege of a second examination without any charge any time within one year. Every shopkeeper not a pharmacist, desiring to secure the benefits and privileges of this chapter, is hereby required to secure a shopkeeper's license, and he or she shall pay the sum of ~~((ten))~~ fifteen dollars for the same, and annually thereafter the sum of ~~((ten))~~ fifteen dollars for renewal of the same; and shall at all times keep said license or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ~~((ten))~~ fifteen dollars.

Sec. 2. Section 12, chapter 213, Laws of 1909 as last amended by section 3, chapter 38, Laws of 1963, and RCW 18.64.043 are each amended to read as follows:

The owner of each and every drug store, pharmacy or dispensary, shall pay an original license fee of ~~((twenty-five))~~ fifty dollars, and annually thereafter, on or before the first day of June, a fee of ten dollars, for which he shall receive a license and registration of location, which shall entitle the owner to operate such drug store, pharmacy or dispensary at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee as hereinafter provided, file with the state board of pharmacy on a blank therefor provided, a declaration of ownership and location,

which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy, drug store, or dispensary mentioned therein. It shall be the duty of the owner to immediately notify the board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in said drug store, pharmacy or dispensary. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ~~((ten))~~ twenty dollars nor more than ~~((fifty))~~ one hundred dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ~~((ten))~~ twenty dollars.

Sec. 3. Section 5, chapter 153, Laws of 1949 as amended by section 4, chapter 38, Laws of 1963, and RCW 18.64.045 are each amended to read as follows:

Within thirty days after this section takes effect the owner of each and every place of business which manufactures or sells drugs or drug sundries at wholesale shall pay a license fee of ~~((fifty))~~ seventy-five dollars, and annually thereafter, on or before the first day of June, a like fee of ~~((fifty))~~ seventy-five dollars, for which he shall receive a license and registration of location from the state board of pharmacy, which shall entitle such owner to manufacture or to sell drugs and drug sundries at the location specified for the year ending on the next succeeding May 31st, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so files as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof, the owner shall be fined not less than ~~((ten))~~ twenty dollars nor more than ~~((fifty))~~ one-hundred dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ~~((fifty))~~ seventy-five dollars.

Sec. 4. Section 16, chapter 121, Laws of 1899 as last amended by section 5, chapter 38, Laws of 1963, and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor, shopkeeper, or any peddler of any medicine, drug, or nostrum, or preparation for the treatment of disease or injury, shall pay a license fee of (~~ten~~) fifteen dollars annually on or before the first day of June. The state board of pharmacy shall issue a license to such itinerant vendor or peddler on application made to the state board of pharmacy, such license to be signed by the president and attested by the secretary with the seal of the board. Any such itinerant vendor or peddler who shall vend or sell, or offer to sell any such medicine, drug, or nostrum, or preparation without having a license to do so as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty dollars and not exceeding (~~fifty~~) one hundred dollars, for such offense, and each sale or offer to sell shall constitute a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional (~~ten~~) fifteen dollars.

Sec. 5. Section 3, chapter 180, Laws of 1923 as last amended by section 7, chapter 38, Laws of 1963, and RCW 18.64.080 are each amended 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 twenty-one 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 this amendatory act 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 ~~((fifty))~~ seventy-five dollars.

(8) Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of ~~((ten))~~ 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 ~~((biennially))~~ annually, and shall prescribe the form of such registration and information required to be submitted by all applicants.

Sec. 6. Section 11, chapter 121, Laws of 1899 as last amended by section 9, chapter 38, Laws of 1963, and RCW 18.64.140 are each amended to read as follows:

Every registered pharmacist who desires to ~~((continue the))~~ practice ~~((of))~~ his profession shall secure from the board a ~~((renewal))~~ registration license, the fee for which shall be twenty dollars ~~((; with registered pharmacists whose last name begins with the initial A through E paying ten dollars on or before June 1, 1963; and twenty dollars on or before June 1, 1964; and biennially thereafter; with registered pharmacists whose last name begins with the initial M through S paying twenty dollars on or before June 1, 1963; and biennially thereafter; and pharmacists registered after June 1, 1963; will pay ten dollars if the license will expire within one year; and twenty dollars biennially thereafter))~~ and the annual renewal fee shall be fifteen dollars payable on or before June 1st of each year. Pharmacists shall pay an additional twenty dollars for the late renewal of their license. Every certificate of registration or the current renewal thereof shall be conspicuously exposed in the drug store, pharmacy or dispensary to which it applies: PROVIDED, That commencing with the license year starting June 1, 1971, all pharmacists shall pay the fees provided for in this section irrespective of when the pharmacist licenses previously issued expire, however those which would have expired after June 1, 1971, shall receive a credit in the amount of the fee previously paid times the ratio of the expressed remaining license period to the total license period.

Sec. 7. Section 4, chapter 192, Laws of 1939 and RCW 18.81.040 are each amended to read as follows:

The fee for a wholesale dealer's license shall be ~~((twenty-five))~~ fifty dollars and for a retail dealer's license shall

be ((one)) ten dollars. A separate license shall be required for each store, warehouse, establishment or place of business from which sales are made. All licenses shall expire on the thirty-first day of May next following the date of issue, and shall be renewed and expire annually as in the case of the original license. The board shall issue the license required upon application and exhibition of a duplicate receipt showing payment to the state treasurer of the prescribed fee.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 202

[Engrossed House Bill No. 372]

ELECTIONS--

REGISTRATION OF VOTERS.

AN ACT Relating to elections; amending section 29.04.020, chapter 9, Laws of 1965 as amended by section 1, chapter 123, Laws of 1965 and RCW 29.04.020; amending section 29.04.080, chapter 9, Laws of 1965 and RCW 29.04.080; amending section 6, chapter 156, Laws of 1965 ex. sess. and RCW 29.04.100; amending section 29.07.010, chapter 9, Laws of 1965 and RCW 29.07.010; amending section 29.07.020, chapter 9, Laws of 1965 and RCW 29.07.020; amending section 29.07.040, chapter 9, Laws of 1965 and RCW 29.07.040; amending section 29.07.050, chapter 9, Laws of 1965 and RCW 29.07.050; amending section 29.07.060, chapter 9, Laws of 1965 and RCW 29.07.060; amending section 29.07.070, chapter 9, Laws of 1965 and RCW 29.07.070; amending section 29.07.080, chapter 9, Laws of 1965 and RCW 29.07.080; amending section 29.07.090, chapter 9, Laws of 1965 and RCW 29.07.090; amending section 29.07.095, chapter 9, Laws of 1965 and RCW 29.07.095; amending section 29.07.100, chapter 9, Laws of 1965 and RCW 29.07.100; amending section 29.07.105, chapter 9, Laws

of 1965 and RCW 29.07.105; amending section 29.07.110, chapter 9, Laws of 1965 and RCW 29.07.110; amending section 29.07.120, chapter 9, Laws of 1965 and RCW 29.07.120; amending section 29.07.130, chapter 9, Laws of 1965 and RCW 29.07.130; amending section 29.07.140, chapter 9, Laws of 1965 and RCW 29.07.140; amending section 29.07.150, chapter 9, Laws of 1965 and RCW 29.07.150; amending section 29.07.160, chapter 9, Laws of 1965 and RCW 29.07.160; amending section 29.07.170, chapter 9, Laws of 1965 and RCW 29.07.170; amending section 29.07.180, chapter 9, Laws of 1965 and RCW 29.07.180; amending section 29.10.020, chapter 9, Laws of 1965 and RCW 29.10.020; amending section 29.10.030, chapter 9, Laws of 1965 and RCW 29.10.030; amending section 29.10.040, chapter 9, Laws of 1965 and RCW 29.10.040; amending section 29.10.060, chapter 9, Laws of 1965 and RCW 29.10.060; amending section 29.10.080, chapter 9, Laws of 1965 as amended by section 3, chapter 109, Laws of 1967 ex. sess. and RCW 29.10.080; amending section 29.10.090, chapter 9, Laws of 1965 and RCW 29.10.090; amending section 29.10.095, chapter 9, Laws of 1965 and RCW 29.10.095; amending section 29.10.100, chapter 9, Laws of 1965 and RCW 29.10.100; amending section 29.10.110, chapter 9, Laws of 1965 as amended by section 1, chapter 156, Laws of 1965 ex. sess. and RCW 29.10.110; amending section 29.10.120, chapter 9, Laws of 1965 and RCW 29.10.120; amending section 3, chapter 156, Laws of 1965 ex. sess. as amended by section 3, chapter 225, Laws of 1967 and RCW 29.10.140; amending section 4, chapter 156, Laws of 1965 ex. sess. and RCW 29.10.150; amending section 8, chapter 156, Laws of 1965 ex. sess. and RCW 29.10.160; amending section 29.36.010, chapter 9, Laws of 1965 and RCW 29.36.010; amending section 29.36.020, chapter 9, Laws of 1965 and RCW 29.36.020; amending section 29.36.095, chapter 9, Laws of 1965 and RCW 29.36.095; amending section 29.48.030, chapter 9, Laws of 1965 and RCW 29.48.030; amending section 29.51.060, chapter 9, Laws of 1965 as last amended by section 9, chapter 109, Laws of 1967 ex. sess. and RCW 29.51.060; amending section 29.51.070, chapter 9, Laws of 1965 and RCW 29.51.070; amending section 29.51.110, chapter 9, Laws of 1965 and RCW 29.51.110; amending section 29.62.150, chapter 9, Laws of 1965 and RCW 29.62.150; adding a new section to chapter 9, Laws of 1965 and to chapter 29.07 RCW; repealing sections 29.10.010 and 29.10.070, chapter 9, Laws of 1965 and RCW 29.10.010 and 29.10.070; and providing penalties.

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

Section 1. Section 29.04.020, chapter 9, Laws of 1965 as amended by section 1, chapter 123, Laws of 1965 and RCW 29.04.020 are

each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all elections, general or special, and it shall be his duty to provide places for holding such elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books or precinct lists of registered voters, and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such elections in the manner provided by law, and to apportion to each city, town, or district, its share of the expense of such elections: PROVIDED, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and 29.13.020, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections.

Sec. 2. Section 29.04.080, chapter 9, Laws of 1965 and RCW 29.04.080 are each amended to read as follows:

The secretary of state shall make rules and regulations not inconsistent with the federal, state, county, city, town, and district election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist local election officers by devising uniform forms and procedures. He shall provide uniform regulations governing the maintenance of voter registration records on electronic or automatic data processing systems so that the records of counties using such systems shall be compatible. He shall supervise the development and use of such systems to insure that they conform to all the provisions of Title 29 RCW and the regulations provided for in this section.

Sec. 3. Section 6, chapter 156, Laws of 1965 ex. sess. and RCW 29.04.100 are each amended to read as follows:

All poll books or current precinct lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish copies of any poll books or current precinct lists of registered voters in his possession, at a uniform cost, to any ((person)) registered voter in the state of Washington requesting such copies; PROVIDED, That such lists shall be used only for political purposes and shall not be used for commercial purposes. Any person who violates any provision of this 1971 amendatory act relating to the use of lists of registered voters shall be guilty of a felony and shall be punished by imprisonment for not more than five years or fine of not more than

five thousand dollars, or by both such fine and imprisonment.

((On the day of any primary or election, general or special, the precinct election officer in charge of the inspector's copy of the poll book shall detach the two carbon copies as each page is filled, and shall make one copy available to the official representative of each major political party as shall have been designated in writing by the respective county chairmen.))

Sec. 4. Section 29.07.010, chapter 9, Laws of 1965 and RCW 29.07.010 are each amended to read as follows:

((The county auditor of each county shall be the registrar of voters for all rural precincts. He shall appoint a deputy registrar from time to time for each precinct or for any number of precincts and may appoint city or town clerks as deputy registrars to register voters residing in rural precincts that are adjacent to the city or town concerned. A deputy registrar must be a registered voter and shall hold office at the pleasure of the county auditor.))

In all counties the county auditor shall be the chief registrar of voters for every precinct within the county. He shall appoint a deputy registrar for each precinct or for any number of precincts and shall appoint city or town clerks as deputy registrars to assist in registering voters residing in cities, towns, and rural precincts within the county.

A deputy registrar shall be a registered voter and, except for city and town clerks, shall hold office at the pleasure of the county auditor.

The county auditor shall be the custodian of the official registration records of each precinct within that county. The expenses of registration shall be apportioned between the county and cities or towns therein in the same manner as provided in RCW 29.07.030.

Sec. 5. Section 29.07.020, chapter 9, Laws of 1965 and RCW 29.07.020 are each amended to read as follows:

The city clerk shall be ((the)) a deputy registrar of voters in all ((city)) precincts within the county. ((In the case of city precincts lying partly within and partly without the city or town limits, the voters within and those without the city or town limits shall be registered in separate registration files.))

Sec. 6. Section 29.07.040, chapter 9, Laws of 1965 and RCW 29.07.040 are each amended to read as follows:

Each deputy registrar ((of a rural precinct or precincts, including)), other than city or town clerks so deputized, shall be entitled to receive a fee of not less than twenty cents, the exact fee to be set by the board of county commissioners, for each elector registered: PROVIDED, That no employee of the county receiving a salary shall be entitled to such fees.

((The compensation of registrars of city precincts shall be provided by the governing body thereof: PROVIDED, That each deputy registrar shall be entitled to receive a fee of not less than twenty cents for each elector registered:

The fees and expenses of registrars of city precincts for delivering the registration files to the polling places or to the county auditor, as the case may be, shall be fixed and paid as election expenses by the board of county commissioners, but mileage in no case shall exceed ten cents per mile for each mile necessarily traveled.))

Sec. 7. Section 29.07.050, chapter 9, Laws of 1965 and RCW 29.07.050 are each amended to read as follows:

((Registrars and deputy registrars of voters, and) The registration officers, including such clerks in ((his)) their office as ((a registrar of voters)) the county auditor may deputize to take registrations, shall take and subscribe to the following oath or affirmation before taking any registrations: "I, A. B., do swear (or affirm) that I will truly, faithfully and impartially perform my duties as registration officer, to the best of my judgment and abilities, and that I will register no person except upon his personal application before me." This oath shall be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the ((registrar)) county auditor.

Sec. 8. Section 29.07.060, chapter 9, Laws of 1965 and RCW 29.07.060 are each amended to read as follows:

((*) The registration officer shall administer to each person applying for registration in person the following oath: "You do solemnly swear (or affirm) that you will fully and truly answer such questions as may be asked you concerning your qualifications as a voter under the laws of this state."

((* registrar and all persons authorized by him to take registrations)) The registration officers including deputized clerks, after they themselves have taken and subscribed to the oath prescribed for them, may administer such oaths and certify to the oath on such affidavits as are required in the procedure of registration of voters.

Sec. 9. Section 29.07.070, chapter 9, Laws of 1965 and RCW 29.07.070 are each amended to read as follows:

Having administered the oath, the registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter of the state, and of the county, city, town, and precinct in which he applies for registration, requiring him to state:

(1) The place and address of the last former registration of the applicant as a voter in the state;

- (2) His full name;
- ((2) Whether he will be twenty-one years of age on the day of the next election;))
- (3) Date of birth;
- (4) Place of birth;
- ((4)) (5) Place of residence, street and number, if any, or post office or rural mail route address;
- ((5) Occupation;))
- (6) Citizenship;
- (7) If a citizen of the United States, whether native born or naturalized;
- (8) If naturalized, whether in his own right or by virtue of his father's naturalization;
- (9) In the case of a woman, not native born, whether naturalized in her own right or by virtue of her father's naturalization or by virtue of her marriage to a citizen of the United States;
- (10) The place and date of the naturalization relied upon and the name of the court in which it took place;
- (11) Whether the applicant having been a native born or naturalized citizen of the United States has ever renounced his allegiance to the United States, and if so, whether he has since been naturalized as a citizen of the United States;
- (12) In case the applicant is of foreign birth and is not a naturalized citizen of the United States, whether he was a legal voter of the Territory of Washington prior to November 11, 1889;
- (13) Whether the applicant was a legal voter of the state of Washington on November 3, 1896, or is able to read and speak the English language so as to comprehend the meaning of ordinary English prose, and in case the registration officer is not satisfied in that regard, he may require the applicant to read aloud and explain the meaning of some ordinary English prose;
- ((14) Whether the applicant has lost his civil rights by reason of being convicted of an infamous crime, and if so, whether such rights have been restored in the manner provided by law;))
- (14) Whether the applicant is presently denied his civil rights as a result of being convicted of an infamous crime;
- (15) Whether the applicant has resided in the state not less than eleven months;
- (16) Length of residence in the county in which registration is applied for, not less than sixty days;
- (17) Length of residence in the precinct in which registration is applied for;
- (18) Whether the applicant is a taxpayer of the state((
- {19} The place and address of the last former registration of

the applicant as a voter in the state)).

Answers to all questions shall be inserted on ((the duplicate)) a registration ((card)) form to be prescribed by the secretary of state.

Sec. 10. Section 29.07.080, chapter 9, Laws of 1965 and RCW 29.07.080 are each amended to read as follows:

If it appears to the satisfaction of the registration officer that the applicant is a qualified elector of a precinct ((within his jurisdiction)) within the county, the registration officer shall register the applicant by entering on ((an original and duplicate)) registration ((card)) form or forms to be prescribed by the secretary of state, under the proper headings:

- (1) The surname of the applicant, followed by his given name, or names, if any;
- (2) Sex;
- (3) ((Whether he will be twenty-one years of age on the day of the next election)) Birthdate;
- (4) ((Occupation)) The post office address, or street and number, if any, of the applicant;
- (5) Whether a native born or naturalized citizen of the United States, or a voter of the ((Territory)) state of Washington;
- (6) Whether able to read and speak the English language, or a voter of this state prior to November 3, 1896;
- (7) Whether a taxpayer of the state of Washington;
- (8) The name of the county, of the city or town, and name and number of the precinct in which registered;
- (9) ((The post office address, or street and number address, if any, of the applicant)) All special taxing districts in which the applicant resides.

He shall then require the applicant to sign an oath ((on the original and duplicate registration cards)) in the following form: "I, the undersigned, do solemnly swear (or affirm) that the foregoing facts touching my qualifications as a voter, ((entered) recorded in my presence by the registration officer, are true"; and the registration officer shall sign and date ((each of)) such ((cards)) oath in verification of the fact that the same ((were)) was signed and sworn to before him in the following form: "Subscribed and sworn to before me this day of 19...., Registration Officer."

Otherwise the registration officer shall refuse to register the applicant.

Sec. 11. Section 29.07.090, chapter 9, Laws of 1965 and RCW 29.07.090 are each amended to read as follows:

At the time of registering any voter, each registration officer shall require him to sign his name upon a ((third)) card upon

which the registrar has entered his surname followed by his given name or names and the name of the county and city or town, with post office and street address, and the name or number of the precinct, in which the voter is registered.

Sec. 12. Section 29.07.095, chapter 9, Laws of 1965 and RCW 29.07.095 are each amended to read as follows:

Any person temporarily residing outside of the county of his permanent residence, but within the state of Washington, may register with the ~~((registrar or deputy registrar))~~ registration officer of the place where he is temporarily residing in the usual manner as required in this chapter: PROVIDED, That such registration in the county other than that of the permanent residence of the applicant may only be made within the period one hundred and twenty days prior to any state general election, subject to limitations as to closing of registration ~~((books))~~ records and other limitations as provided by law. The ~~((registrar or deputy registrar))~~ registration officer administering the oath and receiving the application and registration ~~((cards))~~ forms as provided in RCW 29.07.060 through 29.07.090 shall transmit the same to the ~~((proper registrar or deputy registrar))~~ county auditor of the county where the applicant permanently resides for processing in the same manner as though the applicant had personally applied directly to the registration officer of his residence.

Notwithstanding the provisions of RCW 29.07.160 the registration application shall be received and acted upon immediately by the ~~((registrar))~~ registration officer of the place of permanent residence of the applicant if the application was received and oath administered by the registration officer at the place of temporary residence not less than thirty days preceding the next election.

Sec. 13. Section 29.07.100, chapter 9, Laws of 1965 and RCW 29.07.100 are each amended to read as follows:

Registration officers in incorporated cities and towns shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business: PROVIDED, That in cities of the first class, the ~~((registrar of voters))~~ county auditor shall establish on a permanent basis at least one registration office in each legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such city.

Each such deputy registrar, except for city and town clerks, shall hold office at the pleasure of the ~~((registrar of voters))~~ county auditor and shall maintain a fixed place, conveniently located, for the registration of voters but nothing in this section shall preclude door-to-door registration including registration from

a portable office as in a trailer.

Sec. 14. Section 29.07.105, chapter 9, Laws of 1965 and RCW 29.07.105 are each amended to read as follows:

In all cities of the first, second and third class, the governing body shall by ordinance with the consent of the county auditor provide for additional temporary registration facilities during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state primary election and during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state general election by stationing deputy registrars at stores, public buildings or other temporary locations. The county auditor may deputize additional deputy registrars for the periods of temporary registration if so requested by the governing body of the city. The number of such temporary registration places to be so established and the hours to be maintained shall be, in the judgment of the governing body of the city concerned, adequate to afford ample opportunity for all qualified electors to register for voting, but in no event shall there be less than two such temporary registration places so established. Nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer.

Sec. 15. Section 29.07.110, chapter 9, Laws of 1965 and RCW 29.07.110 are each amended to read as follows:

Every deputy registrar ~~((of rural precincts))~~ located outside the county courthouse shall keep registration ~~((records and))~~ supplies at his usual place of residence or usual place of business at reasonable hours and at the end of each week mail to the county auditor the cards of those who have registered during the week: PROVIDED, That with the written consent of the county auditor a deputy registrar ~~((of rural precincts))~~ may designate some centrally located place for registration in lieu of the usual place where registration ~~((cards))~~ supplies are kept by giving notice thereof in such manner as he may deem expedient stating therein the days and hours when the place will be open for registration: PROVIDED FURTHER, That such consent of the county auditor may include authorization for door-to-door registration including registration from a portable office as in a trailer and the person or persons so deputized may register all eligible electors residing in any ~~((rural))~~ precinct within the county concerned.

Sec. 16. Section 29.07.120, chapter 9, Laws of 1965 and RCW 29.07.120 are each amended to read as follows:

On each Monday next following the registration of any voter each county auditor ~~((and city clerk as registrars))~~ shall transmit all ~~((third))~~ cards required by section 11 of this 1971 amendatory

act which have been executed and received in his office during the prior week to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the registrar that the cards so transmitted are the original (~~third~~) cards, that they were signed by the voters whose names appear thereon and that the voters are registered in the precincts and from the addresses shown thereon.

Sec. 17. Section 29.07.130, chapter 9, Laws of 1965 and RCW 29.07.130 are each amended to read as follows:

The (~~third~~) cards required by section 11 of this 1971 amendatory act shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions and mailing pamphlets required for constitutional amendments and by the initiative and referendum procedure. They shall not be open to public inspection or be used for any other purpose.

Sec. 18. Section 29.07.140, chapter 9, Laws of 1965 and RCW 29.07.140 are each amended to read as follows:

(~~The state auditor through the division of municipal corporations~~) The secretary of state shall prescribe the specifications, including style, form, color, quality and dimensions, for the cards, records, forms, lists, binders, (~~and~~) cabinets or other supplies to be used (~~throughout the~~) in recording and maintaining voter registration (~~procedure~~) records. He shall notify each county auditor (~~and city clerk~~) what the specifications are, and they must in their procurement and use comply with them (~~PROVIDED, That the specifications for binders and cabinets must be general and not specific as to design~~).

Sec. 19. Section 29.07.150, chapter 9, Laws of 1965 and RCW 29.07.150 are each amended to read as follows:

The county auditor shall have custody of the registration (~~files~~) records for each precinct within the county. These records shall (~~consist of~~) be maintained as provided in either subsection (1) or (2) below.

(1) In cabinets or binders, arranged to permit the insertion and securely fastening therein by means of a lock and key, of cards or records for the separate registration of the individual voters of the precinct (~~and~~) In using this system, there shall be prepared for each voter registered two registration (~~cards or~~) records, an original and a duplicate.

The original cards shall be filed alphabetically by the surnames of the voters by precincts and constitute the official registration files of the voters of the various precincts and must contain spaces for recording the dates upon which the voter votes.

The duplicate cards shall bear the same information and signature of the voter (~~but need not contain spaces for recording~~

the voting record. They) and shall be filed alphabetically without regard to precincts ((~~in the discretion of the registrar, shall be retained~~)) in the office of the ((~~registrar~~)) county auditor at all times, and shall not be open to public inspection.

(2) On a list containing such information required by section 10 of this 1971 amendatory act as may be prescribed by the secretary of state as necessary and pertinent to the conduct of the elections and on which all the voters in the county shall be listed alphabetically by their surnames: PROVIDED, That it shall be possible to prepare individual precinct lists of registered voters for each precinct containing only the names and other information required by section 10 of this 1971 amendatory act of all the voters registered in that precinct listed alphabetically by their surnames.

Sec. 20. Section 29.07.160, chapter 9, Laws of 1965 and RCW 29.07.160 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers between counties for thirty days immediately preceding every election and primary to be held in such precincts, respectively, but they shall remain open for an additional fifteen days for transfers of registration from one precinct within ((~~a city or town to another precinct in the same city or town and for transfers of registration from one rural precinct to another rural~~)) the county to another precinct in the same county.

The county auditor shall give notice of the closing of said files for original registration and transfer by one publication in a newspaper of general circulation in the county at least five days before such closing.

Sec. 21. Section 29.07.170, chapter 9, Laws of 1965 and RCW 29.07.170 are each amended to read as follows:

Immediately upon closing his registration files preceding an election, the ((~~registration officer having custody thereof~~)) county auditor shall insert therein his certificate as to the authenticity thereof. He shall then deliver the ((~~original~~)) registration ((~~files~~)) records for each precinct thus certified to the inspector or one of the judges thereof at the proper polling place before the polls open ((~~+~~ PROVIDED, That in the case of any general state or county election the county auditor may require all registration officers to deliver the files to him for delivery thereof by him to the precinct election officers)).

Sec. 22. Section 29.07.180, chapter 9, Laws of 1965 and RCW 29.07.180 are each amended to read as follows:

The ((~~original~~)) registration ((~~files~~)) records of each precinct delivered to the precinct election officers for use on the day of an election held in that precinct shall be returned by them to the county auditor ((~~or city clerk, as the case may be~~)) upon the

registered. Upon the receipt of such authorization, the registrar of the county ((~~7~~ or city or town)) where the previous registration was made, shall cause the signature on the authorization to be compared with the signature on the registration ((~~cards~~) forms) of such voter, and if it appears that the signatures were made by the same person, the former registration record shall be canceled forthwith; but if it shall not so appear, it shall be the duty of the registrar receiving such authorization to notify the registrar of the county ((~~7~~ or city or town)) forwarding such authorization of the apparent fraud, and the registrar receiving such notification shall cancel the new registration, and note on the cards or forms the reason for such cancellation, and shall notify the person so registered anew, by mail of such cancellation and the reason therefor.

Sec. 27. Section 29.10.060, chapter 9, Laws of 1965 and RCW 29.10.060 are each amended to read as follows:

If the boundaries of any city, township, or rural precinct are changed in the manner provided by law, the ((~~city clerk, town clerk, or~~) county auditor ((~~7~~ as the case may be)) shall transfer the registration cards of every registered voter whose place of residence is affected thereby to the files of the proper precinct, noting thereon the name or number of the new precinct, ((~~and~~) or change the addresses, the precinct names or numbers, and the special district designations for those registered voters on the voter registration lists of the county. It shall not be necessary for any registered voter whose residence has been changed from one precinct to another, by a change of boundary, to apply to the registration officer for a transfer of registration. The ((~~city clerk, town clerk, or~~) county auditor ((~~7~~ as the case may be)) shall mail to each registrant in the new precinct a notice that this precinct has been changed from to, and that thereafter he will be entitled to vote in the new precinct, giving the name or number.

Sec. 28. Section 29.10.080, chapter 9, Laws of 1965 as amended by section 3, chapter 109, Laws of 1967 ex. sess. and RCW 29.10.080 are each amended to read as follows:

On the first day of April of each odd-numbered year, or as soon thereafter as is practicable, ((~~every city clerk, town clerk, and~~) every county auditor shall examine the registration ((~~files~~) records) in his custody, and if, from such examination, he finds that any registered voter has failed, for a period of thirty months preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for thirty months" and the date of such cancellation or shall remove the name and other registration information of such voter from the

registration lists of the county and place them on a list identified with the date of cancellation and the words, "canceled for failure to vote for thirty months". He shall also notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than thirty months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

Sec. 29. Section 29.10.090, chapter 9, Laws of 1965 and RCW 29.10.090 are each amended to read as follows:

The local registrar of vital statistics in cities of the first class shall submit monthly to the ((city clerk)) county auditor a list of the names and addresses, if known, of all persons over twenty-one years of age who have died.

The registrar of vital statistics of the state shall supply such monthly lists for each county of the state, exclusive of cities of the first class, to the county auditor thereof. ((The county auditor shall prepare from said lists a separate list of deceased persons for each city or town within the county, except cities of the first class, and mail the same to the city clerks thereof.)) The ((various city clerks and)) county auditors shall compare such lists with the registration records and cancel the registrations of deceased voters.

In addition to the above manner of canceling registration records of deceased voters, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his personal knowledge or belief another registered voter is deceased. This statement may be filed with any registration officer and the deputy registrar shall promptly forward such statement to the county auditor. Upon the receipt of such signed statement, the ((appropriate registration officer)) county auditor shall cancel the registration records concerned and so notify the secretary of state. Upon receipt of such notice, the secretary of state shall in turn cancel his copy of said registration record.

The secretary of state as chief elections officer shall cause such form to be designed to carry out the provisions of this section. The ((respective)) county auditors ((and city and town clerks)) shall have such forms available for public use. Further, each such public officer having jurisdiction of an election shall make available a reasonable supply of such forms for the use of the precinct election officers at each polling place on the day of an election.

Sec. 30. Section 29.10.095, chapter 9, Laws of 1965 and RCW 29.10.095 are each amended to read as follows:

On or before the fifteenth day of July and quarterly thereafter, the local registrar of vital statistics in cities of the first class and the registrar of vital statistics of the state shall file a sworn statement with the secretary of state. The form of said statement shall be furnished by the secretary and shall recite the number of deaths that have occurred during the three months' period immediately preceding the date of said report and the fact that the county auditor ((or city clerk, as the case may be,)) has been notified. The number of deaths shall be further segregated as to city, town or rural areas.

Sec. 31. Section 29.10.100, chapter 9, Laws of 1965 and RCW 29.10.100 are each amended to read as follows:

On the Monday next following the transfer or cancellation of the registration of any voter, each ((registrar of voters)) county auditor must certify to all transfers or cancellations made during the prior week to the secretary of state. The certificate shall set forth the name of each voter whose registration has been transferred or canceled, the county, city or town, and precinct in which he was registered and, in case of a transfer, also the name of the county and city or town, the name or number of the precinct and the post office address (including street and number) to which the registration of the voter was transferred.

Sec. 32: Section 29.10.110, chapter 9, Laws of 1965 as amended by section 1, chapter 156, Laws of 1965 ex. sess. and RCW 29.10.110 are each amended to read as follows:

Every ((city clerk and)) county auditor shall carefully preserve in a separate file or list, to be kept in his office for that purpose, all original and duplicate registration ((cards)) records canceled. The files or lists for the preservation of canceled registration ((cards)) records shall be arranged and kept in alphabetical order irrespective of the precincts from which the canceled ((cards)) records were ((received and)) taken. The signed statement or an index reference to file of such signed statements used as the authority for cancellation as provided in RCW 29.10.090, 29.10.110, 29.10.130 through 29.10.160, 29.04.100 and 29.51.060 shall be firmly affixed to the canceled ((duplicate)) registration ((card {Permanent Registration Form No. 2})) record.

The ((city or town clerk and)) county auditor may destroy all original ((cards {Permanent Registration Form No. 1} that)) registration forms after they have been canceled for a period of ((four)) two years or more.

Sec. 33. Section 29.10.120, chapter 9, Laws of 1965 and RCW 29.10.120 are each amended to read as follows:

On or before August 1st of the odd-numbered year, each county auditor ((or city or town clerk)) shall execute a sworn statement and

file same with the secretary of state within ten days after date of execution. Said statement shall be furnished by the office of secretary of state and shall be in substantially the following form:

State of Washington)
)ss.

County of.....)

I,, do solemnly swear that I have caused to be examined the permanent voting record of each registered voter under my jurisdiction and have canceled those registrations of said voters who have failed to cast a ballot at any election held during the ((~~four year~~) thirty month period immediately prior to the first day of April of this year as provided by law.

Further, the number of said cancellations totaled A notice has been mailed to each elector concerned and the office of the secretary has been notified of said cancellations as reported on Permanent Registration Form No. 8.

.....
(Signature) (Title)

Subscribed and sworn to.

Sec. 34. Section 3, chapter 156, Laws of 1965 ex. sess. as amended by section 3, chapter 225, Laws of 1967 and RCW 29.10.140 are each amended to read as follows:

All such signed forms shall be delivered to the appropriate ((~~registration officer~~) county auditor who shall cancel the registration records of the voters concerned on the thirtieth day following date of mailing or as soon thereafter as is practicable: PROVIDED, That notice of intent to cancel the registration on account of a claimed change of residence shall be mailed by certified mail to that address at which the challenged voter actually resides in order to assure that proper notice will be recieved by the challenged voter.

Any voter, whose registration has been so questioned, who believes that the allegation is not true, shall within twenty days of such mailing or publication file a written protest with ((~~his registration officer~~) the county auditor. ((~~Said registration officer~~) The county auditor shall immediately notify, by certified mail, the challenger and the challenged voter to appear at a meeting to be held at a place, day and hour certain to be stated in the notice, for determination of the validity of such registration: PROVIDED, That should the challenged voter be unable to appear in person he may file a reply by means of an affidavit stating therein under oath the reasons he believes his registration to be valid and should the challenger be unable to appear in person he may file a statement by means of affidavit stating the reasons he believes the registration to be invalid.

The hearing shall take place at the time and place designated by the ~~((registration officer))~~ county auditor. In the event both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of such affidavits by the ~~((registration officer))~~ county auditor shall constitute a hearing for the purposes of this section.

~~((At the meeting to be held by the registration officer, he shall hear both parties according to the facts presented and his ruling shall be final, unless ordered otherwise by a court of competent jurisdiction.))~~ The county auditor shall hold a hearing at which time both parties shall present their facts and arguments. After reviewing the facts and arguments, the county auditor shall rule as to the validity or invalidity of the challenge. His ruling shall be final subject only to a petition for judicial review by the superior court under the provisions of chapter 34.04 RCW, as it is now or hereafter amended. If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the ~~((registration officer))~~ county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified.

Sec. 35. Section 4, chapter 156, Laws of 1965 ex. sess. and RCW 29.10.150 are each amended to read as follows:

The secretary of state as chief elections officer shall cause appropriate forms to be designed to carry out the provisions of RCW 29.04.100, 29.10.110, 29.10.130 through 29.10.160 and 29.51.060. The ~~((respective))~~ county auditors and ~~((city and town clerks))~~ registrars shall have such forms available. Further, a reasonable supply of such forms shall be at each polling place on the day of a primary or election, general or special.

Sec. 36. Section 8, chapter 156, Laws of 1965 ex. sess. and RCW 29.10.160 are each amended to read as follows:

At the time ~~((any registration officer))~~ the county auditor inspects the permanent registration records in his possession, to determine whether or not any voter's record should be canceled for failure to vote as provided in section RCW 29.10.080, as ~~((it))~~ now ~~((exists))~~ or hereafter amended, he shall also compare the voter registration record with the signature and address of each voter as it appears in the poll book used at the most recent preceding state general election. If the address of any voter, as written by the voter, in the poll book does not agree with the address of the voter as stated on his permanent registration records, the registration officer shall:

(1) Send a notice, by certified mail to addressee only, with return receipt requested, showing address where delivered, to the

voter, using the address as given in the poll book and advising him that he must either have his registration transferred or register anew, as the case may be. Such notice shall also contain a prepaid postcard form addressed to the ((registration officer)) county auditor for the convenience of the voter to indicate what action the voter intends to take.

(2) If the voter believes that his registration record should not be changed, he shall so notify ((his registration officer)) the county auditor who, in turn, shall promptly arrange for a hearing unless it is manifestly apparent that the voter's reasons are valid for keeping his record unchanged. If a hearing is necessary, any ruling issued by the registration officer shall be final, subject only to ((an appeal to)) a petition for judicial review by the superior court under the provisions of chapter 34.04 RCW, as now or hereafter amended.

(3) If the notice mailed by the ((registration officer)) county auditor is either returned as undeliverable or the voter does not respond within thirty days from the date of mailing, the ((registration officer)) county auditor shall cancel the registration record concerned and notify the secretary of state of such cancellation. If the voter received the notice, as evidenced by the return receipt, the ((registration officer)) county auditor shall further notify such voter by first class mail that his registration has been canceled.

Sec. 37. Section 29.36.010, chapter 9, Laws of 1965 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter providing that one of the following conditions is applicable:

(1) The voter expects to be absent from his precinct during the polling hours on the day of the primary or election; or

(2) The voter is unable to appear in person at his polling place to cast a ballot because of illness or physical disability; or

(3) The voter, because of his religious tenets, cannot with clear conscience cast his ballot on the day of the primary or election.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor ((or city clerk (if he lives in a city or town))) no earlier than forty-five days nor later than the day prior to any election or primary.

Such application must contain the voter's signature and may be made in person or by mail or messenger. If by mail or messenger, the registrar must honor a written application in any form if it states that the applicant cannot vote in person for any one of the three reasons enumerated in this section: PROVIDED, That no application

for an absentee ballot shall be approved unless the voter's signature upon the certificate or application compares favorably with the voter's signature upon his permanent registration record.

Sec. 38. Section 29.36.020, chapter 9, Laws of 1965 and RCW 29.36.020 are each amended to read as follows:

The certificate to be issued by a county (~~or city registrar~~) auditor honoring a request for an absentee ballot shall state that:

- (1) The registrar can identify the applicant by his signature;
- (2) The applicant is a voter, registered and qualified to vote, giving the county (~~or~~) a city or town, if any, and precinct in which he is qualified to vote and also his place of residence;
- (3) The applicant has affixed his signature to the certificate in the place provided therefor in the presence of the registrar; or the registrar has identified the applicant from the signature on his written application.

The certificate must be made in duplicate. If the voter is making his application in person, he shall sign both copies of said certificate. If the voter is making application by mail, the original certificate shall be affixed to his application.

All original certificates, together with applications affixed thereto, must be delivered to the officer having jurisdiction of the election, or his duly authorized representative, before an absentee ballot can be issued.

The duplicate certificate shall be securely attached to the applicant's permanent registration (~~card~~) record or a notation to this effect shall be made by the applicant's name on the appropriate precinct lists of registered voters until after the election.

Sec. 39. Section 29.36.095, chapter 9, Laws of 1965 and RCW 29.36.095 are each amended to read as follows:

After the completion of the canvass of the election returns of any primary or election, the canvassing authority shall cause the names of the persons casting absentee ballots to be listed alphabetically and by precincts (~~(, according to incorporated and unincorporated areas)~~). Such lists of absentee voters shall be (~~sent to the appropriate registration officer who shall~~) used to enter on the respective voters registration record in the space provided for that purpose, the month, day and year of the primary or election (for example 11/2/54) or otherwise credit the voter with having participated in that election: PROVIDED, That no precinct office shall appear upon an absentee ballot.

Sec. 40. Section 29.48.030, chapter 9, Laws of 1965 and RCW 29.48.030 are each amended to read as follows:

Before the hour for opening the polls at any primary or election and allowing a reasonable time for preparation thereof, the county auditor or other officer in charge of such primary or election

shall deliver to the inspector or one of the judges of each precinct:

(1) Two poll books or two copies of the precinct list of registered voters for use in recording the names and signature of all persons who vote at the election;

(2) Ballots equal in number to one hundred ten percent of the number of voters registered therein or such further number as the county auditor or other officer in charge of such primary or election may certify to be necessary, except where voting machines are used in which case a less number may be delivered;

(3) A suitable ballot box (except when voting machines are in use), with lock and key, having an opening through the lid thereof of no larger size than sufficient to admit a single folded ballot;

(4) Two cards of instructions to voters printed in English in large clear type containing full instruction to voters as to how:

(a) To obtain ballots for voting;

(b) To prepare the ballots for deposit in the ballot boxes;

(c) To obtain a new ballot in the place of one spoiled by accident or mistake;

(5) The voters' registration files or precinct lists of registered voters pertaining to the precinct;

(6) Two tallying books which must be printed in relation to the sample ballots: PROVIDED, That at primary elections (except where machines are used) there must be furnished to each precinct two sets of tally books for each political party having candidates to be voted for and the first sheet of each tally book shall be headed: "Tally book for(name of political party).....(name of city).....(county).....(ward).....(precinct) for the primary election held(date)." The names of the candidates shall be placed on the tally sheets in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(7) Two certificates printed in relation to the sample ballots or two sample ballots prepared as blanks, for certification of the result by the precinct election officers;

(8) Sample ballots;

(9) Two oaths for each inspector, each judge and each clerk;

(10) Three pamphlets containing arguments on measures for submission to voters;

(11) One U. S. flag;

(12) All other supplies necessary for conducting the election or primary.

Sec. 41. Section 29.51.060, chapter 9, Laws of 1965 as last amended by section 9, chapter 109, Laws of 1967 ex. sess. and RCW 29.51.060 are each amended to read as follows:

If any person appears and offers or demands the right to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require him to sign his name and current address subject to penalties of perjury in one of the official poll books or in a space provided on one of the precinct lists of registered voters, which shall be designated the county auditor's copy ((; and shall compare such signature with the signature upon the registration card of the person registered under the same name. If the election officers, or a majority of them, upon comparing the signatures are satisfied that the person offering to vote is the identical person registered, they shall permit him to vote)): PROVIDED, That if the person registered ((signed his registration card with)) using a cross or mark, and being identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who so signed ((the registration card)), or by a registered voter of the precinct. Unless the identifying witness is personally known to the election officers, or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers shall copy the voter's name and address on the corresponding line in a second poll book or precinct list of registered voters which shall be identified as the inspector's copy. ((Such second poll book shall contain two extra copies of each page and so designed that two carbon copies can be easily made and readily detached-))

Sec. 42. Section 29.51.070, chapter 9, Laws of 1965 and RCW 29.51.070 are each amended to read as follows:

At every primary and election whereat only registered voters may vote, as each voter casts his vote, and, where voting machines are used, before each voter enters the voting machine booth, each clerk shall insert in his list of voters, opposite the voter's name, the letter "V" and the number of his vote or ballot and the inspector or one of the judges shall enter on the voter's registration card or beside his name on the precinct list of registered voters, in the space provided for that purpose, the month, day and year of the primary or election (for example 11/4/30) ((; which entry may be with pen and ink or by a stamp provided for that purpose)) or such other notation as may be prescribed to credit the voter with having participated in the election.

Sec. 43. Section 29.51.110, chapter 9, Laws of 1965 and RCW 29.51.110 are each amended to read as follows:

Upon delivery of each ballot after being marked and folded by a voter, the inspector in an audible tone shall repeat the name of

the voter and the number of the ballot. The election clerks having in charge the registration cards and poll books (~~(7 or either)~~) or precinct lists of registered voters, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" or check a spot so designated opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector shall then separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The numbers removed from the ballots shall be destroyed immediately.

Sec. 44. Section 29.62.150, chapter 9, Laws of 1965 and RCW 29.62.150 are each amended to read as follows:

All officers charged by law with the duty of canvassing the returns of primaries or elections, upon the completion of the canvass of any primary or election shall transmit to the registration officer of each county (~~(7 city and town, respectively,)~~) the registration records used at the primary or election and by law required to be returned by the precinct election officers to the officials charged with the duty of canvassing the primary or election returns.

NEW SECTION. Sec. 45. Section 29.10.010, chapter 9, Laws of 1965 and RCW 29.10.010 are each repealed.

NEW SECTION. Sec. 46. Section 29.10.070, chapter 9, Laws of 1965 and RCW 29.10.070 are each repealed.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 203

[Engrossed House Bill No. 346]

EDUCATION--

LEAVES OF ABSENCE FOR SCHOOL PERSONNEL

AN ACT Relating to education; and amending section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 283, Laws of 1969 ex. sess. and RCW 28A.58.100.

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

Section 1. Section 28A.58.100, chapter 223, Laws of 1969 ex. sess. as amended by section 27, chapter 283, Laws of 1969 ex. sess. and RCW 28A.58.100 are each amended 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 ((and)), 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 ((county and)) 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.

Passed the House May 10, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 204

[Engrossed House Bill No. 277]

COMMUNITY MENTAL HEALTH--

ADMINISTRATIVE BOARD--

PROGRAMS

AN ACT Relating to community health programs; amending section 6, chapter 111, Laws of 1967 ex.sess. and RCW 71.24.060; amending section 15, chapter 111, Laws of 1967 ex.sess. and RCW 71.24.150; and repealing section 18, chapter 111, Laws of 1967 and RCW 71.24.180.

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

Section 1. Section 6, chapter 111, Laws of 1967 ex.sess. and RCW 71.24.060 are each amended to read as follows:

Every county or combination of counties desirous of establishing a community mental health program shall, before it may come within the provisions of this chapter, establish a community mental health program administrative board which shall be composed of not less than nine nor more than fifteen members. The members of such administrative board shall be appointed by the board or boards of county commissioners of the county or counties establishing the community mental health program for three year terms and until their successors are appointed and qualified. Membership of the community mental health program administrative board shall be representative of

((boards of county commissioners, medical societies, local health departments, superior court judges (who may, in such county or counties, select an attorney to serve in their place), local offices of the department of public assistance, hospital boards, lay associations or groups concerned with mental health, labor, business and civic groups, and the general public)) the community and shall include consumer and minority group representation. No more than four elected or appointed city or county officials may serve on such administrative board at the same time. The members of the community mental health program administrative board shall not be compensated for the performance of their duties as members of the administrative board but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Sec. 2. Section 15, chapter 111, Laws of 1967 ex.sess. and RCW 71.24.150 are each amended to read as follows:

Except as hereinafter provided, there shall be paid to each county on account of expenditures made for a community mental health program subject to reimbursement by the department pursuant to the provisions of this chapter, not more than ((fifty)) ninety percent of the amount expended for such program, exclusive of the expenditure of funds secured by a community mental health program from federal sources. Where it is determined by the ((director)) secretary to be necessary for the expansion of existing mental health services or for the development of new mental health services, as described in 71.24.030, and after consultation with the department of revenue regarding the extent to which local funds for the support of mental health services have been exhausted, the state share in any community mental health program may exceed ((fifty)) ninety percent of the total expenditures: PROVIDED, That the state share shall be reduced to not more than ((fifty)) ninety percent of the total expenditures within two years from the starting date of such new services. Reimbursement shall be made on a monthly basis, upon submission to the ((director)) secretary such information as he may require; PROVIDED, FURTHER, That when deemed necessary to maintain proper standards of care in the program, within rules and regulations promulgated by the secretary, the counties shall be required to provide up to fifty percent of the total expended for such program through fees, gifts, contributions, and volunteer services.

NEW SECTION. Sec. 3. Section 18, chapter 111, Laws of 1967 ex.sess. and RCW 71.24.180 are each repealed.

Passed the House March 12, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 205

[Engrossed Substitute House Bill No. 214]

RECALL OF ELECTED PUBLIC OFFICIALS

AN ACT Relating to elected public officials and the recall thereof; amending section 29.82.020, chapter 9, Laws of 1965 and RCW 29.82.020; amending section 29.82.030, chapter 9, Laws of 1965 and RCW 29.82.030; amending section 29.82.100, chapter 9, Laws of 1965 and RCW 29.82.100; adding a new section to chapter 9, Laws of 1965 and to chapter 29.82 RCW; and creating new sections; and declaring an emergency.

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

Section 1. Section 29.82.020, chapter 9, Laws of 1965 and RCW 29.82.020 are each amended to read as follows:

If the recall is demanded of a state-wide elected official, the attorney general shall determine within fifteen days of the filing of the charge whether or not the acts complained of in the charge are acts of malfeasance or misfeasance while in office, or a violation of the oath of office, as specified in the Constitution ((7)) . If the recall is demanded of a member of the State Senate or House of Representatives, and the legislative district of said member lies wholly within one county, the determination shall be made by the prosecuting attorney of such county within fifteen days of the filing of the charge. If the member's legislative district extends into two or more counties, the attorney general shall make the determination within the aforesaid time. If the recall is demanded of any other official, the prosecuting attorney of the county in which the person subject to recall resides shall make such determination within fifteen days of the filing of the charge: PROVIDED, That if the recall is demanded of the attorney general, the determination shall be made by the Chief Justice of the Supreme Court of the State of Washington within fifteen days of the filing of the charge. Upon determination that the recall charges meet the constitutional requirements, the ((officer with whom the charge is filed)) attorney general or the prosecuting attorney, as the case may be, shall, within thirty days of the filing of the charge, formulate a ballot synopsis of such charge of not to exceed two hundred words, which shall set forth the name of the person charged, the title of his office, and a concise statement of the elements of the charge, and shall notify the persons filing the charge of the exact language of such ballot synopsis, and attach a copy thereof to and file the same with the charge, and thereafter such charge shall be designated on all petitions, ballots and other proceedings in relation thereto by

such synopsis.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.82 RCW a new section to read as follows:

The sponsors of a recall demanded of any public officer may obtain and file supporting signatures after the issuance of the ballot synopsis by the appropriate official. Such signatures shall be obtained and filed within the time periods prescribed as follows:

(1) In the case of a person elected for a two year term of office, all petitions must be filed and circulation stopped not less than six months prior to the next general election in which the officer whose recall is demanded is subject to reelection.

(2) In the case of a person elected to a four or six year term of office, all petitions must be filed and circulation stopped within ten months prior to the next general election in which the officer whose recall is demanded is subject to reelection.

Notwithstanding any other provision of law, a recall election shall not be held after the general election when the officer whose recall is demanded was subject to reelection, if such general election is the one immediately following the recall demand.

The sponsors of a recall demanded of an officer elected to a state-wide position shall have a maximum of two hundred and seventy days in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the attorney general subject to the limitations of (1) and (2) of this section. The sponsors of a recall demanded of any other officer shall have a maximum of one hundred and eighty days in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the appropriate official, or after a final determination by a court of competent jurisdiction, whichever is later, subject to the limitations of (1) and (2) of this section.

NEW SECTION. Sec. 3. The sponsors of any recall who have been in the process of obtaining supporting signatures for sixty days or more, on the effective date of this 1971 amendatory act shall have only sixty additional days from such date to complete such process and file such signatures.

Sec. 4. Section 29.82.030, chapter 9, Laws of 1965 and RCW 29.82.030 are each amended to read as follows:

Upon being notified of the language of the ballot synopsis of the charge, the persons filing the charge shall cause to be printed on single sheets of ((white)) paper of good quality twelve inches in width by fourteen inches in length and with a margin of one and three-fourths inches at the top for binding, blank petitions for the recall and discharge of such officer. Such petitions shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be fined, or imprisoned, or both.

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We the undersigned citizens of (the State of Washington or the political subdivision in which the recall is invoked, as the case may be) and legal voters of the respective precincts set opposite our respective names, respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated.

Petitioner's signature	Residence address, street and number, if any	Precinct name or number	City or Town	County
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(Here follow 20 numbered lines divided into columns as below.)

- 1.....
- 2.....
- 3.....
- etc.

Sec. 5. Section 29.82.100, chapter 9, Laws of 1965 and RCW 29.82.100 are each amended to read as follows:

If at the conclusion of the canvass and count, it is found that a petition for recall bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall certify the proposition to the proper authority which shall fix a date, not (~~less than ten nor~~) more than fifteen days after the conclusion of the canvass, for calling a special election to determine whether or not the officer charged shall be recalled and discharged from his office. On the date fixed the election shall be called. The special election shall be held not less than (~~thirty~~) forty-five nor more than (~~forty~~) sixty days from the date of the call, and notice thereof shall be given in the manner required by law

for calling special elections in the state or in the political subdivision, as the case may be.

NEW SECTION. Sec. 6. If any provision of this 1971 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 1971 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 May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 206

[Engrossed House Bill No. 1123]

PROPERTY TAXATION--

EXEMPTIONS FOR NONPROFIT BLOODBANKS

AND CERTAIN SCHOOLS AND COLLEGES

AN ACT Relating to property taxation; exempting the real and personal property of certain nonprofit corporations and associations from taxation; exempting certain school and college properties from taxation; amending section 84.36.050, chapter 15, Laws of 1961, as amended by section 1, chapter 55, Laws of 1970 ex. sess. and RCW 84.36.050; adding a new section to chapter 84.36 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 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation:

All property, whether real or personal, belonging to any nonprofit corporation or association and used exclusively in the business of procuring, processing, storing, distributing, or using whole blood, plasma, blood products, and blood derivatives or in the administration of such business.

Sec. 2. Section 84.36.050, chapter 15, Laws of 1961 as amended by section 1, chapter 55, Laws of 1970 ex. sess. and RCW 84.36.050 are each amended to read as follows:

The following property shall be exempt from taxation:

Property owned or used for any school or college in this state, supported in whole or in part by gifts, endowments, or

charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms. To be exempt, such property must be used solely for educational purposes or the revenue therefrom be devoted exclusively to the support and maintenance of such institution. Real property so exempt shall not exceed four hundred acres in extent and shall be used exclusively for college or campus purposes including but not limited to, buildings and grounds designed for classrooms, dormitories, housing of faculty and other employees, dining halls, parking lots, student unions and recreational buildings, athletic buildings and all other school or college facilities, the need for which would be nonexistent but for the presence of such school or college and which are principally designed to further the educational functions of such college or schools.

Real property owned or controlled by such institution or leased or rented by it for the purpose of deriving revenue therefrom shall not be exempt from taxation under this section.

Before any exemption provided for by this section shall be allowed for any year, the institution claiming such exemption shall file with the county assessor of the county wherein such property is situated, on or before the first day of January in such year, a statement verified by the oath of the president, treasurer, or other proper officer of the institution, containing a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which such revenue was applied, the number of students in attendance at the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The county assessor of the county wherein such property is subject to taxation and such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted from the provisions of this section.

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 May 1, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 207

[House Bill No. 1034]

FOREST PROTECTION

AN ACT Relating to forest protection; amending section 1, chapter 58, Laws of 1951 and RCW 76.04.010; amending section 16, chapter 125, Laws of 1911 as last amended by section 3, chapter 151, Laws of 1959 and RCW 76.04.310; amending section 4, chapter 105, Laws of 1917 as last amended by section 1, chapter 235, Laws of 1951 and RCW 76.04.370; amending section 3, chapter 105, Laws of 1917 as last amended by section 9, chapter 58, Laws of 1951 and RCW 76.04.380; amending section 11, part, chapter 184, Laws of 1923 and RCW 76.04.390; amending section 1, chapter 332, Laws of 1959 and RCW 76.04.510; amending section 2, chapter 193, Laws of 1945 as last amended by section 1, chapter 79, Laws of 1957 and RCW 76.08.010; amending section 5, chapter 193, Laws of 1945 as last amended by section 3, chapter 79, Laws of 1957 and RCW 76.08.050; amending section 6, chapter 193, Laws of 1945 as last amended by section 2, chapter 44, Laws of 1953 and RCW 76.08.060; amending section 9, chapter 125, Laws of 1911 as last amended by section 3, chapter 207, Laws of 1929 and RCW 76.04.180; amending section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360; adding new sections to chapter 76.04 RCW; repealing section 3, chapter 125, Laws of 1911 and RCW 76.04.040; repealing section 2, chapter 223, Laws of 1927, section 2, chapter 207, Laws of 1929, section 1, chapter 140, Laws of 1941, section 1, chapter 102, Laws of 1945, section 3, chapter 58, Laws of 1951, section 8, chapter 142, Laws of 1955, section 1, chapter 154, Laws of 1957 and RCW 76.04.230; making appropriations; and declaring an emergency.

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

Section 1. Section 1, chapter 58, Laws of 1951 and RCW 76.04.010 are each amended to read as follows:

As used in this chapter:

"Additional fire hazard" means a condition of forest land resulting from the existence of forest debris so located and in such amounts and flammability as to readily support, intensify and/or continue the spread of fire beyond the spread that would occur in the absence of such debris or if the debris had been abated in a manner approved by the department of natural resources.

"Department" means the department of natural resources or its authorized representatives.

"Director" means the director of conservation and development

as that term occurred in pre-1957 law and means the department in all subsequent law:

"Supervisor" means the supervisor of forestry as that term occurred in pre-1957 law and means the department in all subsequent law;

"Emergency fire costs" means those costs incurred or approved by the department for emergency forest fire suppression, including the employment of men, rental of equipment, and purchase of supplies over and above costs regularly budgeted and provided for nonemergency fire expenses for the biennium in which such costs occur;

"Forest debris" includes forest slashing, chopping, and any other vegetative residue resulting from activities on forest land;

"Forest fire service" includes all wardens, rangers, and other help employed especially for preventing or fighting forest fires;

"Forest land" means any land which has enough timber, standing or down, or ((inflammable)) flammable material, to constitute in the judgment of the ((director)) department a fire menace to life or property: PROVIDED, That sagebrush and grass areas east of the summit of the Cascade mountains are not included unless such areas are adjacent to or intermingled with areas supporting tree growth;

"Forest landowner" means the owner or the person in possession of any public or private forest land defined in this section;

"Forest material" means forest slashing, chopping, woodland, or brushland;

"Landowner operation" means every activity, and supporting activities, of a forest landowner, his agents, employees, or independent contractors or permittees therewith in the management and use of forest land for the primary benefit of the owner. Such activities may include, but are not limited to, the growing and harvesting of forest products, development of transportation systems, utilization of mineral or other natural resources, disposing of forest debris, and the clearing of land: PROVIDED, That recreational and/or residential activities not associated with the above shall not be included;

"Participating landowner" means an owner of forest land, which land is subject to the forest patrol assessment provided in RCW 76.04.360 as now or hereafter amended, including publicly owned forest land paying a like amount in lieu thereof;

"Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or deemed by the department of natural resources to pose no further threat to life or property.

Sec. 2. Section 16, chapter 125, Laws of 1911 as last amended by section 3, chapter 151, Laws of 1959, and RCW 76.04.310 are each amended to read as follows:

Everyone clearing land or clearing right of way for railroad, public highway, private road, ditch, dike, pipe or wire line, or for any other transmission, or transportation utility right of way, shall pile and burn ~~((on such right of way))~~ or dispose of by other satisfactory ~~((procedure))~~ means, all ~~((refuse timber, brush, and))~~ forest debris cut thereon, as rapidly as the clearing or cutting progresses, or at such other times as the ~~((forester))~~ department may specify, and if during the closed season, in compliance with the law requiring burning permits.

No one clearing any land or right of way, or in cutting or logging timber for any purpose, shall fell, or permit to be felled, any trees so that they may fall on to land owned by another without first obtaining permission from such owner in addition to complying with the terms of this section for the disposal of refuse. All the terms of this section and other forest laws of the state shall be observed in all clearings of right of way or other land on behalf of the state itself or any county thereof, either directly or by contract; and, unless unavoidable emergency prevents, provision shall be made by all officials directing such work for withholding a sufficient portion of the payment therefor until the disposal is completed, to insure the completion of the disposal in compliance with this section.

Sec. 3. Section 4, chapter 105, Laws of 1917 as last amended by section 1, chapter 235, Laws of 1951 and RCW 76.04.370 are each amended to read as follows:

Any land in the state covered wholly or in part by ~~((inflammable))~~ forest debris ~~((created by logging or other forest operations, land clearing, or right of way clearing))~~ and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property, shall constitute ~~((a))~~ an additional fire hazard, and the owner thereof and/or the person responsible for its existence shall take reasonable measures to reduce the danger of fire spreading from the area and may abate such hazard by burning or other satisfactory means. ~~((If the state shall incur any expense from fire fighting made necessary by reason of such hazard, it may recover the cost thereof from the person responsible for the existence of such hazard or the owner of the land upon which such hazard existed, and the state shall have a lien upon the land therefor enforceable in the same manner and with the same effect as a mechanic's lien. Nothing in this section shall apply to land for which a certificate of clearance has been issued.))~~

Notwithstanding the above, the department shall promulgate rules and regulations defining areas of extreme fire hazard including but not limited to high risk areas such as where life or buildings may be endangered, areas adjacent to public highways, and areas of

frequent public use and the owner and/or person responsible shall abate such hazard; and in addition the department may define other conditions of extreme fire hazard with a high potential for fire spreading to lands in other ownerships and may, under rules and regulations adopted after consultation with the advisory board, prescribe additional measures that shall be taken by the owner and/or person responsible to isolate and/or reduce such hazard.

If the owner or person responsible for the existence of such extreme hazard or for the existence of forest debris subject to RCW 76.04.310 as now or hereafter amended, refuses, neglects, or fails to abate, isolate or reduce the ((hazard)) same, the ((supervisor)) department may summarily cause it to be abated, isolated, or reduced as required in this act and twice the actual cost thereof may be recovered from the owner or person responsible therefor ((and)). Such costs shall include all salaries and expenses of men and equipment incurred therein, including those of the department. All such costs shall also be a lien upon the land enforceable in the same manner with the same effect as a mechanic's lien. The summary action may be taken only after ((twenty)) ten days' notice in writing, which shall include a suggested method of abatement and estimated cost thereof, has been given to the owner or reputed owner of the land on which ((the)) such hazard or forest debris subject to RCW 76.04.310 as now or hereafter amended exists, either by personal service or by registered or certified letter addressed to him at his last known place of residence.

Sec. 4. Section 3, chapter 105, Laws of 1917 as last amended by section 9, chapter 58, Laws of 1951 and RCW 76.04.380 are each amended to read as follows:

Any fire on or threatening any forest land burning uncontrolled and without proper action being taken to prevent its spread, notwithstanding the origin of such fire, is a public nuisance by reason of its menace to life and property. ((The owner, operator, or)) Any person ((in possession of land, on which a fire exists, or from which it may have spread)) engaged in any activity on such lands, having knowledge of such fire, notwithstanding the origin or subsequent spread thereof on his own or other forest lands, and/or the landowner, shall make every reasonable effort to ((control and extinguish)) suppress such fire ((immediately after receiving written notice to do so from the supervisor, or a warden or ranger,)) and to prudently report the same to the department. If such ((owner, operator, or)) person ((in possession refuses, neglects, or fails to do so)) has not suppressed such fire, the ((supervisor or any fire warden or forest ranger)) department shall summarily ((abate)) suppress the ((nuisance thus constituted by controlling or extinguishing the)) fire and the cost thereof may be recovered from

((such)) the owner, ((operator, or person in possession and if the work is performed on the property of the offender,)) lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the property or chattels under his ownership. Such lien may be filed by the ((supervisor)) department in the office of the county auditor and foreclosed in the same manner provided by law for the foreclosure of mechanics' liens. The prosecuting attorney shall bring the action to recover the cost or foreclose the lien, upon the request of the ((supervisor)) department: PROVIDED, That in the absence of negligence, no costs, other than those provided in section 5 of this 1971 amendatory act shall be recovered from any landowner for lands subject to the forest patrol assessment with respect to the land on which the fire burns.

((The payment of forest patrol assessment on the land shall be interpreted as a reasonable effort in suppressing and extinguishing any fire on the land except when the fire started on that land as a result of owner/operator negligence and except when extra debris is present as described under laws pertaining to slash responsibility.))

When a fire occurs in a ((logging)) land clearing, right of way clearing, or landowner operation it shall be fought to the full limit of the available employees and equipment, and such fire fighting shall be continued with the necessary crews and equipment in such numbers as are, in the opinion of the ((supervisor or his authorized deputies,)) department sufficient to ((bring)) suppress the fire ((to a patrol basis, and)). The fire shall not be left without a fire fighting crew or fire patrol until authority so to do has been granted in writing by the ((supervisor, or his authorized deputies)) department.

NEW SECTION. Sec. 5. There is added to chapter 76.04 RCW a new section to read as follows:

Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire shall, under the provisions of this section, be entitled to reimbursement for reasonable costs incurred thereby, subject to the following:

(1) If the fire is started in the course of or as a result of a land clearing, right of way clearing, or landowner's operation, the person, firm, or corporation conducting such operation shall supply at his expense the manpower and equipment under his control, within a one-half mile radius of the point of origin of such fire, but in any case never less than five men and one suitable bulldozer, unless, in the opinion of the department, fewer men are needed for the purpose of suppressing the same. If he has no men or equipment within the said one-half mile he shall pay to the department the equivalent of the minimum requirement. If additional manpower and equipment are necessary, in the opinion of the department, he shall supply the

manpower and equipment under his control outside such one-half mile radius, if reasonably available, but he shall be reimbursed for such manpower and equipment as provided herein;

(2) Claims for reimbursement shall be submitted within a reasonable time to the department which shall, upon verifying the amounts therein and the necessity therefor, authorize payment at such rates as established by the department for wages and equipment rental;

(3) No reimbursement provided herein shall be allowed to a person, firm, or corporation negligently responsible for the starting or existence of any fire for which costs may be recoverable by the department pursuant to law.

Reimbursement of emergency fire costs incurred or approved by the department in suppressing a forest fire may be paid from the appropriate contingency account as provided therein. Such payment shall be without restriction to the right of the department to recover costs pursuant to the provisions of RCW 76.04.390 as now or hereafter amended or other laws but any such recovery by the department shall be returned into the account from which it was spent, less reasonable costs of collection.

Sec. 6. Section 11, part, chapter 184, Laws of 1923 and RCW 76.04.390 are each amended to read as follows:

Any person, firm, or corporation negligently responsible for the starting or existence of a fire which spreads on forest land, including permitting the existence of an extreme fire hazard under RCW 76.04.370, as now or hereafter amended, after failure to abate, isolate, or reduce, as required in this 1971 amendatory act, or for the existence of forest debris subject to RCW 76.04.310 as now or hereafter amended, and which contributes to the spread of said fire, shall be liable for any expense made necessary by such negligence, incurred by the state, a municipality, or a forest protective association, in fighting such fire provided that such expense was ((at the time incurred;)) authorized or subsequently approved by the ((state supervisor of forestry or by one of his duly appointed and acting district or state fire wardens)) department. The department or agency incurring such expense shall have a lien for the same against any property of said person, firm, or corporation liable as above provided by filing a claim of lien naming said person, firm, or corporation describing the property against which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place and the period during which the expenses were incurred, and signed by the claimant with post office address. No claim of lien shall be valid unless filed with the county auditor of the county in which the property sought to be charged is located within a period of ninety days after the expenses of the claimant

were incurred. The claimant may recover said expenses incurred in a civil action against said person, firm, or corporation liable therefor, and shall have in addition the lien remedy above provided. Said lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under the statutes of the state of Washington.

Sec. 7. Section 1, chapter 332, Laws of 1959 and RCW 76.04.510 are each amended to read as follows:

There is created a general contingency forest fire suppression account which shall be a separate account in the general fund. The account is for the purpose of paying the emergency fire costs and expenses incurred and/or approved by the department in forest fire suppression ((and shall be used by the department of natural resources for emergency employment of men, rental of equipment, and purchase of supplies over and above those regularly employed, or purchased by the department of natural resources, when such employment, rental, or purchase is made necessary by forest fire suppression)) or in reacting to any potential forest fire situation. When a determination is made that the fire started in the course of or as a result of a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the landowner contingency forest fire suppression account. The ((commissioner of public lands)) department shall transmit to the state treasurer for deposit in the general contingency forest fire suppression account any moneys paid out of said account which are later recovered and said moneys may be spent for purposes set forth herein during the current biennium, without reappropriation. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer.

NEW SECTION. Sec. 8. There is added to chapter 76.04 RCW a new section to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general contingency forest fire suppression account. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account any moneys paid out of said account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating forest landowners at rates to be established by the department, but not to exceed five cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in said account of one million dollars. The assessments with respect to forest lands in western and eastern Washington may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by participating landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest patrol assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.390 as now or hereafter amended, or other laws.

When the department determines that a forest fire was started in the course of or as a result of a participating landowner operation, it shall notify any person, firm, or corporation, public or private, in whose operation the fire started, and the forest fire advisory board of such determination. Such determination shall be final, unless, within ninety days of such notification, the person, firm, or corporation notified, or the forest fire advisory board or any interested party, serves a request for a hearing before the department. Such hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county.

NEW SECTION. Sec. 9. There is added to chapter 76.04 RCW a new section to read as follows:

There is hereby created a forest fire advisory board, consisting of seven members who shall represent private and public forest landowners and other interested segments of the public. The members shall be appointed by the commissioner of public lands and shall serve at his pleasure, without compensation.

The duties of the forest fire advisory board shall be strictly advisory and shall include, but not necessarily be limited to, reviewing forest fire policy and protection budgets of the

department; monitoring expenditures from and recoveries for the landowner contingency forest fire suppression account; recommending appropriate assessments and allocations for establishment and replenishment of said account based upon the proportionate expenditures necessitated by participating landowner operations in western and eastern Washington; recommending to the department appropriate rules and regulations or amendments to existing rules and regulations and reviewing nonemergency rules and regulations, affecting the protection of forest lands from fire, including reasonable alternative means or procedures for the abatement, isolation, or reduction of forest fire hazards. Except where an emergency exists, all rules and regulations as to the above shall be promulgated by the department after consultation with the forest fire advisory board.

Sec. 10. Section 2, chapter 193, Laws of 1945 as last amended by section 1, chapter 79, Laws of 1957 and RCW 76.08.010 are each amended to read as follows:

As used in this chapter:

The term "supervisor" means the supervisor of forestry;

The term "department" means the department of conservation and development;

The term "owner" means the owner of any forest land;

The term "adequate restocking or stocking" means a stand of not less than three hundred thrifty established live seedlings per acre of commercial species predominant on the area cut of which at least one hundred shall be well distributed, or not less than three hundred surviving trees per acre which were established by artificial means;

The term "merchantable stand of timber" means any stand of timber consisting of not less than two thousand board feet per acre of currently merchantable live timber as measured by the Scribner Decimal C log rule, or three hundred cubic feet as measured by the Sorenson log rule, or four standard cords;

The term "seed trees" means trees of commercial species that are sixteen inches or more in diameter breast high having a moderately dense live crown making up at least one-third of the total tree height. Seed trees must be thrifty and must be undamaged;

The term "operator" means any person who engages in logging of timber for commercial purposes from any land within the state;

The term ("~~certificate of clearance~~" means a ~~certificate of slash clearance as defined by RCW 76-04-230~~) "additional fire hazard" means an additional fire hazard as defined in RCW 76.04.010.

Sec. 11. Section 5, chapter 193, Laws of 1945 as last amended by section 3, chapter 79, Laws of 1957 and RCW 76.08.050 are each amended to read as follows:

The provisions of this chapter shall be deemed to have been complied with in the area east of the summit of the Cascade mountains if ((at the time of issuance of a certificate of clearance by the supervisor) the department finds that an additional fire hazard created by logging operations has been abated or five years have elapsed after completion of such logging, and there shall have been reserved a sufficient number of thrifty undamaged seedlings and/or trees to adequately stock the areas cut over or there shall have been left uncut seed trees of commercial species predominant in the stand that are sixteen inches in diameter or larger breast high outside the bark in a quantity sufficient to aggregate four thrifty seed trees per acre well distributed over each forty acre subdivision or portion thereof cut over by the permittee, provided that the distance from seed trees to cut over areas that are not adequately stocked shall not be more than two hundred feet.

On areas which support stands other than Ponderosa pine the permittee may leave five percent of each forty-acre subdivision or portion thereof reserved and uncut and well stocked with thrifty commercial species predominant in the stand that are sixteen inches or more in diameter or are of a diameter representative of the stand harvested.

Sec. 12. Section 6, chapter 193, Laws of 1945 as last amended by section 2, chapter 44, Laws of 1953 and RCW 76.08.060 are each amended to read as follows:

The provisions of this chapter shall be deemed to have been complied with in the area west of the summit of the Cascade mountains, if ((at time of issuance of a certificate of clearance by the supervisor) the department finds an additional fire hazard created by logging operations has been abated or five years have elapsed after completion of such logging, except ten years where fifty percent or more of the volume was cedar, and there ((have)) has been reserved and left uncut not less than five percent of each quarter section, or lesser subdivision, well stocked with commercial coniferous trees not less than sixteen inches in diameter breast high outside the bark until such time as the area is adequately stocked by natural means. On areas that support stands where the average tree is less than sixteen inches in diameter the designated seed area left uncut shall be not less than five percent of each quarter section or lesser subdivision and shall be left untouched unless the entire subdivision is being cut on the basis of thinning for stand improvement. The foregoing may be accomplished by leaving marginal long corners of timber between logged areas, or strips of timber across valleys, or along ridges and natural firebreaks, or by leaving staggered settings and uncut settings.

Sec. 13. Section 9, chapter 125, Laws of 1911 as last amended

by section 3, chapter 207, Laws of 1929, and RCW 76.04.18C are each amended to read as follows:

No one shall burn any forest material or the waste or debris resulting from logging or land clearing operations until such work shall have been done in and around the slashing or chopping and/or the area proposed to be burned over to prevent the spread of fire therefrom as shall be required to be done by the state supervisor of forestry, or any warden or ranger. The said supervisor or any warden or ranger may require the cutting of such dry snags, stumps and dead trees within the area to be burned, which in his judgment constitute a menace or are likely to further the spread of fire therefrom.

When any person shall have obtained permission from the said supervisor, warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion, furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such a man shall serve only until such time as the party burning may be able to keep the fire under control himself.

The said supervisor and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property of the state. The said supervisor, or any warden by special authority of the said supervisor, may provide needed tools and supplies, and transportation when necessary for men so employed.

Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to compensation at a rate to be fixed by the director of the department of conservation and development, and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by said supervisor, the men shall be entitled to receive payment from the state ((in the manner provided for in RCW 76-04-040)).

Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 14. Section 2, chapter 105, Laws of 1917 as last amended by section 1, chapter 123, Laws of 1959 and RCW 76.04.360 are each amended to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, ((the

administrator of) the department ((of natural resources, through the supervisor of natural resources;)) shall provide such protection therefor, notwithstanding the provisions of section 9 of this act, at a cost to the owner of not to exceed nine cents an acre per year on lands west of the summit of the Cascade mountains and seven cents an acre per year on lands east of the summit of the Cascade mountains; PROVIDED, That for the calendar years 1971 and 1972 the cost to the owner for such protection shall be eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains((+)) after which time said additional assessment shall revert to the 1970 level. During said calendar years Legislative Budget Committee shall study the costs of forest fire protection to determine the ratio of financial support to be borne by the state to that of the forest land owner.

The findings of the Legislative Budget Committee shall be considered when establishing the forest patrol assessment for the ensuing biennium.

((and)) For ((that)) the purpose of this act, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties

attached that the next general state and county taxes on the same property are collected, except that errors in assessment may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

NEW SECTION. Sec. 15. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 125, Laws of 1911 and RCW 76.04.040; and

(2) Section 2, chapter 223, Laws of 1927, section 2, chapter 207, Laws of 1929, section 1, chapter 140, Laws of 1941, section 1, chapter 102, Laws of 1945, section 3, chapter 58, Laws of 1951, section 8, chapter 142, Laws of 1955, section 1, chapter 154, Laws of 1957 and RCW 76.04.230.

NEW SECTION. Sec. 16. There is hereby appropriated to the department of natural resources from the landowner contingency forest fire suppression account for the fiscal biennium ending June 30, 1971, the sum of one million dollars, or so much thereof as may be necessary to carry out the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 17. There is hereby appropriated to the

department of natural resources from the landowner contingency forest fire suppression account for the fiscal biennium ending June 30, 1973, the sum of one million dollars, or so much thereof as may be necessary to carry out the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 18. Nothing in this 1971 amendatory act shall be construed to repeal, affect, or limit either directly, indirectly, or by implication any claims or liability for costs incurred by the department or others prior to the effective date of this 1971 amendatory act.

NEW SECTION. Sec. 19. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House May 9, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 208

[Engrossed House Bill No. 876]

INTOXICATING LIQUOR--

LICENSES FOR PUBLIC OWNED CIVIC CENTERS--

REMOVING STATE PARKS FROM THE DEFINITION OF PUBLIC PLACE

AN ACT Relating to intoxicating liquor; amending section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 and RCW 66.24.400; and amending section 2, chapter 13, Laws of 1970 ex. sess. and RCW 66.24.420; and adding a new section to chapter 66.04 RCW.

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

Section 1. Section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 and RCW 66.24.400 are each amended to read as follows:

There shall be a retailer's license, to be known and designated as class H license, to sell beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only. Such class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, and to such other establishments

operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a class H license under the provisions and limitations of this title.

Sec. 2. Section 2, chapter 13, Laws of 1970 ex. sess. and RCW 66.24.420 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

(f) Where the license shall be issued to any corporation,

association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

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

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

(4) Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

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

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

NEW SECTION. Sec. 3. There is added to chapter 66.04 RCW a new section to read as follows:

"Public place" as defined in this title shall not include any of those parks under the control of the state parks and recreation commission.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 209

[Engrossed House Bill No. 743]

STATE CIVIL SERVICE--

EXEMPTING EXECUTIVE ASSISTANTS

FOR PERSONNEL ADMINISTRATION AND LABOR RELATIONS

AN ACT Relating to state civil service; and amending section 7, chapter 1, Laws of 1961 as last amended by section 100, chapter 81, Laws of 1971 and RCW 41.06.070.

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 RCW 41.06.070 are each amended 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) 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.

Passed the House March 30, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 210

[House Bill No. 721]

SALE OF TRUST LANDS FOR PARK AND OUTDOOR RECREATION PURPOSES--
TRUST LAND PURCHASE ACCOUNT CREATED

AN ACT Relating to public trust lands; directing the sale of certain trust lands to the state parks and recreation commission; adding a new section to chapter 3, Laws of 1965 and to chapter 43.51 RCW; and creating a new section.

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

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.51 RCW a new section to read as follows:

(1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of the effective date of this act pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of \$11,024,740 or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands

listed in subsection (2) of this section and any cost of collection pursuant to appropriations from the trust land purchase account created in section 2. The department of natural resources shall not receive any management fee pursuant to the sale. Timber on the trust lands which are the subject of this section shall continue to be under the management of the Department of Natural Resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The legislature hereby requests that the governor include funds for the purchase of said timber in the 1973-1975 biennial budget. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck
- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel
- (n) Sequim Bay
- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach.

NEW SECTION. Sec. 2. There is hereby created the trust land purchase account in the state general funds. Any revenues accruing to this account shall be used exclusively for the purchase of a fee interest or such other interest in state trust lands presently used for park purposes as the State Parks and Recreation Commission shall determine and to reimburse the State Parks and Recreation Commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 211

[House Bill No. 686.]

ENFORCEMENT OF JUDGMENTS

AN ACT Relating to judgments; amending section 1, chapter 133, Laws of 1893 as last amended by section 7, chapter 8, Laws of 1957 and RCW 6.32.010; and creating a new section.

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

Section 1. Section 1, chapter 133, Laws of 1893 as last amended by section 7, chapter 8, Laws of 1957 and RCW 6.32.010 are each amended to read as follows:

At any time within six years after entry of a judgment for the sum of twenty-five dollars or over (and after the return of an execution against property wholly or partially unsatisfied upon proof thereof, by affidavit or other competent written evidence satisfactory to the judge or after issuing of an execution against property and upon proof by the affidavit of a party or otherwise to the satisfaction of the court or a judge thereof, that any judgment debtor has property which he unjustly refuses to apply towards the satisfaction of the judgment) upon application by the judgment creditor, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof.

NEW SECTION. Sec. 2. At any time within six years, after entry of a judgment for a sum of twenty-five dollars or over, upon application by the judgment creditor, such court or judge may by order served on the judgment debtor require such debtor to answer written interrogatories, under oath, in such form as may be approved by the court. No such creditor shall be required to proceed under this section nor shall he waive his rights to proceed under RCW

6.32.010 by proceeding under this section.

Passed the House March 12, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 212

[Engrossed House Bill No. 495]

WASHINGTON WATER WELL CONSTRUCTION ACT

AN ACT Relating to ground water wells; providing for the licensing of water well construction operators and for the regulation of water well construction; adding a new chapter to Title 18 RCW; providing penalties; and declaring an effective date.

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

NEW SECTION. Section 1. The legislature declares that the drilling, making or constructing of water wells using the ground water resources within the state is a business and activity of vital interest to the public. In order to protect the public health, welfare, and safety of the people it is necessary that provision be made for the regulation and licensing of water well contractors and operators and for the regulation of water well construction.

NEW SECTION. Sec. 2. As used in this act, unless a different meaning is plainly required by the context:

(1) "Constructing a well" or "construct a well" means and includes boring, digging, drilling, or excavating and installing casing, sheeting, lining or well screens, whether in the installation of a new well or in the alteration of a existing well.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Examining board" means the board established pursuant to section 9 of this act.

(5) "Ground water" means and includes ground waters as defined in RCW 90.44.035, as now or hereafter amended.

(6) "Operator" means any person, other than a person exempted by section 18 of this act, who is employed by a water well contractor for the control and supervision of the construction of a water well or for the operation of water well construction equipment.

(7) "Water well" means and includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the well is for the location, diversion, artificial recharge, or withdrawal of ground water. "Water

well" does not mean an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas or other products.

(8) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity engaged in the business of constructing water wells.

NEW SECTION. Sec. 3. It is unlawful:

(1) For any water well contractor to construct a water well for compensation without complying with the licensing provisions of this act;

(2) For any water well contractor to construct a water well for compensation without complying with the rules and regulations for water well construction adopted pursuant to this act;

(3) For any water well construction operator to supervise the construction of a water well without having an operators license as provided in this act.

NEW SECTION. Sec. 4. The department shall have the power:

(1) To issue, deny, suspend or revoke licenses pursuant to the provisions of this act;

(2) To enter upon lands for the purpose of inspecting any water well, drilled or being drilled, at all reasonable times;

(3) To call upon or receive professional or technical advice from any public agency or any person;

(4) To make such rules and regulations governing licensing hereunder and water well construction as may be appropriate to carry out the purposes of this act. Without limiting the generality of the foregoing, the department may in cooperation with the department of social and health services make rules and regulations regarding:

(a) Standards for the construction and maintenance of water wells and their casings;

(b) Methods of sealing artesian wells and water wells to be abandoned or which may contaminate other water resources;

(c) Methods of artificial recharge of ground water bodies and of construction of wells which insure separation of individual water bearing formations;

(d) The manner of conducting and the content of examinations required to be taken by applicants for license hereunder;

(e) Reporting requirements of water well contractors;

(f) Limitations on water well construction in areas identified by the department as requiring intensive control of withdrawals in the interests of sound management of the ground water resource.

NEW SECTION. Sec. 5. In order to enable the state to protect the welfare, health and safety of its citizens, any water well

contractor shall furnish a water well report to the director within thirty days after the completion of the construction or alteration by him of any water well. The director, by regulation, shall prescribe the form of the report and the information to be contained therein.

NEW SECTION. Sec. 6. Notwithstanding and in addition to any other powers granted to the department, whenever it appears to the director, or to an assistant authorized by the director to issue regulatory orders under this section, that a person is violating or is about to violate any of the provisions of this act, the director, or his authorized assistant, may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to the addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of this act, and if applicable, the rule or regulation adopted pursuant to this act alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, and shall become final unless review thereof is requested as provided in this act.

NEW SECTION. Sec. 7. Except as provided in section 18 of this act, no person may contract to engage in the construction of a water well and no person may act as an operator without first obtaining a license by applying to the department.

A person shall be qualified to receive a water well construction operators license if he:

- (1) Has made application therefor to the department and has paid to the department an application fee of twenty-five dollars; and
- (2) Has passed a written examination as provided for in section 8 of this act: PROVIDED, That should any applicant establish his illiteracy to the satisfaction of the department, such applicant shall be entitled to an oral examination in lieu of the written examination authorized herein.

Licenses hereunder shall, in order to construct water wells, be exempt from the registration requirements of chapter 18.27 RCW.

NEW SECTION. Sec. 8. The examination, which is made a prerequisite for obtaining a license hereunder, shall be prepared to test knowledge and understanding of the following subjects:

- (1) Washington ground water laws as they relate to well construction;
- (2) Sanitary standards for water well drilling and

construction of water wells;

(3) Types of water well construction;

(4) Drilling tools and equipment;

(5) Underground geology as it relates to water well construction; and

(6) Rules and regulations of the department and the department of social and health services relating to water well construction.

Examinations shall be held at such times and places as may be determined by the department but not later than thirty days after an applicant has filed a completed application with the department. The department shall make a determination of the applicant's qualifications for a license within ten days after the examination.

NEW SECTION. Sec. 9. Examinations hereunder shall be prepared, administered and evaluated by a three member examining board. The director shall accept the examining board's determination with regard to examination results and shall not substitute his judgment in such matter for that of the examining board. The examining board shall be appointed as follows: One member shall be named from the department by the director, one member from the department of social and health services by the secretary, and one member shall be appointed by the governor for a term of two years, expiring on June 30 of each odd-numbered year; the latter being a person other than one employed by the state, actively engaged in water well drilling activities at the time of his appointment. The member appointed by the governor shall serve without compensation, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof he performs services as a board member, and shall be paid his necessary traveling expenses while engaged in the business of the board as prescribed in chapter 43.03 RCW.

NEW SECTION. Sec. 10. The term for the effectiveness of any license issued pursuant to this act shall be one year, commencing on the date the license is issued. Every license shall be renewed annually upon payment of a renewal fee of ten dollars. If a licensee fails to submit an application for renewal, together with the renewal fee, before the end of the effective term of his license, his license shall be suspended for thirty days on notice by the director. If his renewal fee is paid prior to the end of said suspension period, the suspension shall automatically terminate. If during the period of suspension renewal is not completed, his license shall be revoked: PROVIDED, That the director shall give the licensee ten days notice prior to the revocation of any license for failure to renew.

A person whose license is revoked under this section and who thereafter desires to engage in the supervision of construction of water wells must make application for a new license and pay twenty-five dollars as provided in section 7 of this act.

NEW SECTION. Sec. 11. In cases other than those relating to the failure of a licensee to renew a license, any license issued hereunder may be suspended or revoked by the director for any of the following reasons:

(1) For fraud or deception in obtaining the license;

(2) For fraud or deception in reporting under section 5 of this act.

(3) For violating the provisions of this act, or of any lawful rule or regulation of the department or the department of social and health services.

No license shall be suspended for more than six months. No person whose license is revoked shall be eligible to apply for a license for one year from the effective date of the final order of revocation.

NEW SECTION. Sec. 12. Any person with an economic or noneconomic interest may make a complaint against any water well contractor or operator for violating the provisions of this act or any regulations pursuant hereto to the pollution control hearings board established pursuant to chapter 43.21B RCW. The complaint shall be in writing, signed by the complainant, specify the grievances against said licensee and be accompanied by a ten dollar filing fee.

NEW SECTION. Sec. 13. Any person who feels aggrieved by an order of the department issued pursuant to this act shall be entitled to a hearing before the pollution control hearings board upon request. No such request shall be entertained unless it contains the following:

(1) Requestor's name and address;

(2) The date of the order for which the request for review is taken;

(3) A statement of the substance of the order complained of;

(4) Clear, separate and concise statements of each and every error which the requestor alleges to have been committed by the department;

(5) Clear and concise statement of facts upon which the requestor relies to sustain his statements of error;

(6) A statement setting forth the relief sought.

The request shall be delivered to said pollution control hearings board's office in Olympia, Washington, either personally or by registered mail, within thirty days following the rendition of the order sought to be reviewed. All orders issued by the department as to which a hearing has been requested shall be stayed pending the completion of the hearing process and the issuance of a final order by the pollution control hearings board with the exception of regulatory orders issued pursuant to section 6 hereof. Any final

order shall be subject to judicial review in accordance with chapter 43.21B RCW.

The issuance of a regulatory order hereunder, the granting or denial of a license hereunder and the revocation or suspension of a license pursuant to section 11 of this act shall be deemed to be orders for the purposes of this section.

NEW SECTION. Sec. 14. Proceedings authorized by section 13 of this act shall be governed by chapter 43.21B RCW and, to the extent not superseded or modified thereby, by chapter 34.04 RCW.

NEW SECTION. Sec. 15. All receipts realized in the administration of this act shall be paid into the general fund.

NEW SECTION. Sec. 16. Any person who shall violate any provision of this act, shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than two hundred fifty dollars, or imprisonment in a county jail for a term not to exceed thirty days, or both. Criminal prosecutions for violations of this act shall be prosecuted by the prosecuting attorney in the county in which the violation occurred.

NEW SECTION. Sec. 17. The remedies provided for in this act shall be cumulative and nothing herein shall alter, abridge or foreclose alternative actions at common law or in equity or under statutory law, civil or criminal.

NEW SECTION. Sec. 18. No license hereunder shall be required of:

(1) Any individual who personally drills a well on land which is owned or leased by him or in which he has a beneficial interest as a contract purchaser and is used by the individual for farm or noncommercial domestic use only.

(2) Any individual who performs labor or services for a water well contractor in connection with the drilling of a well at the direction and under the supervision and control of a licensed operator.

NEW SECTION. Sec. 19. This act shall be known and may be cited as the "Washington Water Well Construction Act".

NEW SECTION. Sec. 20. This act shall take effect on July 1, 1971.

NEW SECTION. Sec. 21. If any provision of the act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 19 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House May 8, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 213

[House Bill No. 451]

CHILD SUPPORT ENFORCEMENT SERVICES

AN ACT Relating to the department of social and health services; authorizing child support enforcement services; and amending section 5, chapter 322, Laws of 1959 as amended by section 3, chapter 206, Laws of 1963 and RCW 74.20.040.

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

Section 1. Section 5, chapter 322, Laws of 1959 as amended by section 3, chapter 206, Laws of 1963 and RCW 74.20.040 are each amended to read as follows:

Whenever the department of public assistance receives an application for public assistance on behalf of a child and it shall appear to the satisfaction of the department that said child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state to insure that such parent or other person responsible shall pay for the care, support, or maintenance of said dependent child. ((Such action shall be taken by the department only in those cases where the child is or is about to become a recipient of public assistance.))

The secretary may accept applications for support enforcement services from custodians of minor children who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce child support obligations against the parent or parents of said children. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including administrative remedies, to establish and enforce said child support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said minor children.

The secretary may charge a fee to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be agreed on in writing with the custodian of the minor children and shall be limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to all applicants for support enforcement services. The secretary may, on showing of necessity, waive or defer any such fee.

Passed the House March 29, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 214

[House Bill No. 438]

COUNTY FINANCES

AN ACT Relating to counties; providing for the creation of certain funds to be created for certain purposes; amending section 36.33.060, chapter 4, Laws of 1963 and RCW 36.33.060; amending section 21, chapter 1, Laws of 1959 (Initiative No. 23) and RCW 41.14.210; and adding a new section to chapter 36.33 RCW.

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

Section 1. Section 36.33.060, chapter 4, Laws of 1963 and RCW 36.33.060 are each amended to read as follows:

There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall be used for paying the salaries and wages of all officials and employees. In counties smaller than counties of the first class the board of county commissioners may by resolution establish such a salary fund. Said salary fund shall be reimbursed from any county funds budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

((Any surplus in this fund which may accrue from the cancellation of warrants shall be transferred to the current expense fund.))

NEW SECTION. Sec. 2. There is added to chapter 36.33 RCW a new section to read as follows:

The board of county commissioners of any class county may establish by resolution a fund to be known as the claims fund, which

shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

Sec. 3. Section 21, chapter 1, Laws of 1959 (Initiative No. 23) and RCW 41.14.210 are each amended to read as follows:

The ((board of county commissioners)) legislative body of each class AA and A county may provide in the county budget for each fiscal year a sum equal to ((one-half of)) one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 215

[Reengrossed House Bill No. 335]

PRIVATE SCHOOLS--

CONTROLS AND REQUIREMENTS

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 48, Laws of 1971 and RCW 28A.04.120; amending section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 109, Laws of 1969 ex. sess. and RCW 28A.27.010; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

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

Section 1. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 48, Laws of 1971 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive teachers' certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to teachers' certification, and prepare an accredited list of those higher institutions of education of this and other states whose graduates may be awarded teachers' certificates.

(3) Supervise the issuance of teachers' certificates and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Examine and accredit secondary schools and approve, subject to the provisions of section 3 of this 1971 amendatory act, private and/or parochial schools carrying out a program for any or all of the grades one through ~~((eight))~~ twelve: PROVIDED, That no public or private high schools shall be placed upon the accredited list so long as secret societies are knowingly allowed to exist among its students by school officials.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, intermediate school district superintendents and the boards of directors of the common schools.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(11) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public

and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(12) Hear and decide appeals as otherwise provided by law.

Sec. 2. Section 28A.27.010, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 109, Laws of 1969 ex. sess. and RCW 28A.27.010 are each amended 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 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 ((or accredited)) under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

The legislature hereby recognizes that private and/or parochial schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private and/or parochial schools except as hereinafter in this section provided:

(1) Private and/or parochial schools shall comply with the

uniform building codes and fire regulations and rules and regulations of the state fire marshal in carrying out his duties as prescribed by law, and local health and safety ordinances.

(2) Private and/or parochial schools shall comply with RCW 28A.01.010, 28A.01.025 and chapter 28A.27 RCW.

(3) Private and/or parochial schools shall keep required attendance records, achievement data and physical health information, all such records to be stored in fire resistant storage or duplicates of the same to be kept in a separate and distinct area.

(4) Private and/or parochial schools shall see that members of their staff have required and valid health certificates.

(5) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases people of unusual competence but without certification may teach students in certain subject areas such as music, art, and drama, so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(6) Private and/or parochial school curriculum shall include instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

All decisions of policy, philosophy, selection of books, teaching materials, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private and/or parochial school involved.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

(1) Each private and/or parochial school shall submit to the office of the superintendent of public instruction a written statement of its philosophy and specific objectives.

(2) Each private and/or parochial school shall submit to the office of the superintendent of public instruction a written statement of its instructional program. This program statement shall set forth both the content and the organization of the learning experiences or courses in which students will be involved.

(3) Each private and/or parochial school shall submit to the office of the superintendent of public instruction a written statement indicating how it intends to evaluate whether its instructional program is meeting its stated objectives.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

The state recognizes the following rights of every private and/or parochial school:

(1) To teach their religious beliefs and doctrines, if any; to pray in class and in assemblies; to teach patriotism including requiring students to salute the flag of the United States if that be the custom of the particular private and/or parochial school.

(2) To require that there shall be on file the written consent of parents or guardians of students prior to the administration of any psychological test or the conduct of any type of group therapy.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

Any private and/or parochial school may appeal the actions of the state superintendent of public instruction or state board of education as provided in chapter 34 RCW.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

The state board of education shall promulgate rules and regulations for the enforcement of this 1971 amendatory act, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

NEW SECTION. Sec. 8. If any provision of this 1971 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 May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 216

[Engrossed House Bill No. 210]

RETIREMENT AND PENSIONS OF LOCAL LAW ENFORCEMENT OFFICERS
AND FIRE FIGHTERS

AN ACT Relating to the retirement and pensions of local law enforcement officers and fire fighters; amending section 6, chapter 209, Laws of 1969 ex.sess. and RCW 41.26.060; amending section 7, chapter 209, Laws of 1969 ex.sess. and RCW 41.26.070 and adding a new section to chapter 41.26 RCW.

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

Section 1. Section 6, chapter 209, Laws of 1969 ex.sess. and RCW 41.26.060 are each amended to read as follows:

The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to RCW 41.26.050 and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

(5) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

(6) Provide for investment, reinvestment, deposit and withdrawal of funds;

(7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

(8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(9) Perform such other functions as are required for the execution of the provisions of this chapter;

(10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;

(11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

(12) Pay from the retirement system expense fund the expenses incurred in administration of the retirement system from those funds appropriated for that purpose.

(13) Perform any other duties prescribed elsewhere in this chapter: PROVIDED, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this chapter and the retirement board shall have authority to approve or disapprove disability retirement requests only.

Sec. 2. Section 7, chapter 209, Laws of 1969 ex.sess. and RCW 41.26.070 are each amended to read as follows:

A fund is hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this chapter and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by RCW 41.40.071 as now or hereafter amended.

(1) The state treasurer shall be the custodian of all funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(3) Into the retirement system fund shall be paid all moneys received by the retirement board, and paid therefrom shall be all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

(4) There is hereby utilized for the purposes of this chapter, the retirement system expense fund, as provided for in RCW 41.40.080 and from which shall be paid the expenses of the administration of this retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the board; PROVIDED, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

(8) This act shall take effect commencing on January 1, 1972.

NEW SECTION. Sec. 3. There is added to chapter 41.26 RCW a new section 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.

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 May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 217

[Engrossed House Bill No. 40]

STATE TIDE AND SHORE LANDS

AN ACT Relating to certain public lands; and amending section 112, chapter 255, Laws of 1927 and RCW 79.01.448; and adding a new section to chapter 79.01 RCW.

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

Section 1. Section 112, chapter 255, Laws of 1927 and RCW 79.01.448 are each amended to read as follows:

(The owner or owners of land abutting or fronting upon tide or shore lands of the first class platted and appraised by the commissioner of public lands, as in this chapter provided, shall have the right, for sixty days following the filing of the final appraisal of the tide or shore lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide or shore lands in front of the lands so owned) Upon platting and appraisal of tide or shore lands of the first class, as in this chapter provided, if the department of natural resources shall deem it for the best public interests to offer said tide or shore lands of the first class for lease, the department shall cause a notice to be served upon the owner of record of land fronting upon the tide or shore lands to be offered for lease if he be a resident of this state, or if he be a nonresident of this state, shall mail to his last known post office address, as reflected in the county records, a copy of the notice notifying him that the state is offering such tide or shore lands for lease, giving a description and the department's appraised fair market value of such tide or shore lands for lease, and notifying such owner that he has a preference right to apply to lease said tide or shore lands at the appraised value for the lease thereof for a

period of sixty days from the date of service or mailing of said notice. If at the expiration of the sixty days from the service or mailing of the notice, as above provided, there being no conflicting applications filed, and the owner of land fronting upon the tide or shore lands offered for lease has failed to avail himself of his preference right to apply to lease or to pay to the department the appraised value for lease of the tide or shore lands described in said notice, then in that event, said tide or shore lands may be offered for lease and leased in the manner provided for the lease of state lands.

If at the expiration of sixty days two or more claimants asserting a preference right to lease shall have filed applications to lease any tract, conflicting with each other, the conflict between the claimants shall be equitably resolved by the department of natural resources as the best interests of the state require in accord with the procedures prescribed by chapter 34.04 RCW: PROVIDED, That ((if the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide or shore lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed)) any contract purchaser of land or rights, which land qualifies the owner for a preference right under this section, shall have first priority for such preference right.

((If at the expiration of sixty days from and after the filing of the final appraisal with the commissioner of public lands, there being no conflicting applications filed, the applicant shall be deemed to have the right of purchase at the appraised value.

If at the expiration of sixty days two or more applicants claiming a preference right to purchase shall have filed applications to purchase any tract, conflicting with each other, the commissioner of public lands shall forthwith require each applicant, within a time stated, to submit under oath a full statement of facts whereby he claims a preference right of purchase.

In case any applicant shall fail to file such statement within the time stated, he shall, unless good excuse be shown therefor, be deemed to have waived his claim to a right of purchase of the tract described in his application.

After such statements have been filed, if it be deemed advisable or necessary by the commissioner of public lands in order to determine the rights of the parties applying for said tract, he may order a hearing for that purpose.

The commissioner shall determine who has the first right of

purchase to the whole, or any portion of the lot or tract, involved, and shall, unless appeal be taken from his determination to the superior court of the county in which the land is situated, proceed to sell such lands in accordance with his determination.

In case of appeal the court after a hearing de novo shall enter an order determining the rights of the parties to the appeal and the commissioner of public lands shall proceed to sell the lands in accordance with the court's determination.)

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

(1) This section shall only apply to:

- (a) First class tidelands as defined in RCW 79.01.020;
- (b) Second class tidelands as defined in RCW 79.01.024;
- (c) First class shorelands as defined in RCW 79.01.028; and
- (d) Second class shorelands as defined in RCW 79.01.032.

(2) Notwithstanding any other provision of law, from and after the effective date of this 1971 amendatory act, all tidelands and shorelands enumerated in subsection (1) owned by the state of Washington shall not be sold except to public entities as may be authorized by law, and shall not be given away.

(3) Tidelands and shorelands enumerated in subsection (1) may be leased for a period not to exceed fifty-five years: PROVIDED, That nothing herein shall be construed as modifying or canceling any outstanding lease during its present term.

(4) Nothing herein shall:

- (a) be construed to cancel an existing sale contract;
- (b) prohibit sale or exchange of beds and shorelands where the water course has changed and the area now has the characteristics of uplands;
- (c) prevent exchange involving state-owned tide and shorelands.

Passed the House May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 218
[Engrossed House Bill No. 1046]
PUBLIC HOSPITAL DISTRICTS--
CITY OR TOWN INDEBTEDNESS FOR OPEN SPACE
AND PARK FACILITIES

AN ACT Relating to public hospital districts and the fiscal practices

thereof; amending section 1, chapter 143, Laws of 1917 as last amended by section 1, chapter 38, Laws of 1971 and RCW 39.36.020; amending section 6, chapter 264, Laws of 1945 as last amended by section 85, chapter 56, Laws of 1970 ex. sess. and RCW 70.44.060; and amending section 14, chapter 264, Laws of 1945 and RCW 70.44.130.

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

Section 1. Section 1, chapter 143, Laws of 1917 as last amended by section 1, chapter 38, Laws of 1971 and RCW 39.36.020 are each amended to read as follows:

(1) Except as otherwise expressly provided by law or in subsections (2), (3) and (4) of this section, no taxing district shall for any purpose become indebted in any manner to an amount exceeding three-eighths of one percent of the value of the taxable property in such taxing district without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness incurred at any time exceed one and one-fourth percent on the value of the taxable property therein.

(2) Counties, cities ~~((and))~~, towns, and public hospital districts are limited to an indebtedness amount not exceeding three-fourths of one percent of the value of the taxable property in such counties, cities ~~((or))~~, towns, or public hospital districts without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent counties, cities ~~((and))~~, towns, and public hospital districts are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(3) School districts ~~((and public hospital districts))~~ are limited to an indebtedness amount not exceeding three-eighths of one percent of the value of the taxable property in such district without the assent of three-fifths of the voters therein voting at an election held for that purpose. In cases requiring such assent school districts ~~((and public hospital districts))~~ are limited to a total indebtedness of two and one-half percent of the value of the taxable property therein.

(4) No part of the indebtedness allowed in this chapter shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district, or other municipal purposes: PROVIDED, That a city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional, determined as herein provided, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city or town; and a

city or town, with such assent, may become indebted to a larger amount, but not exceeding two and one-half percent additional for acquiring or developing open space and park facilities: PROVIDED FURTHER, That any school district may become indebted to a larger amount but not exceeding two and one-half percent additional for capital outlays.

(5) Such indebtedness may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of indebtedness which could then lawfully be incurred. Such indebtedness may be incurred in one or more series of bonds from time to time out of such authorization but at no time shall the total general indebtedness of any taxing district exceed the above limitation.

The term "value of the taxable property" as used in this section shall have the meaning set forth in RCW 39.36.015.

Sec. 2. Section 6, chapter 264, Laws of 1945 as last amended by section 85, chapter 56, Laws of 1970 ex. sess. and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, nonprofit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: AND PROVIDED, FURTHER, That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other

property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and to issue ~~((bonds therefor, bearing interest at a rate or rates as authorized by the commission, payable semiannually, said bonds not to be sold for less than par and accrued interest))~~ (a) revenue bonds therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof to pay the same as the commissioners of the district may determine, such revenue bonds, to be issued in the same manner and subject to the same provisions as provided for the issuance of revenue bonds by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended or (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 to 70.44.130, inclusive, as may hereafter be amended; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in

force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the three mills herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all other things necessary to carry out the provisions of this chapter.

Sec. 3. Section 14, chapter 264, Laws of 1945 and RCW 70.44.130 are each amended to read as follows:

The principal and interest of such general bonds shall be paid ((from the revenues of such public hospital district after deducting costs of maintenance, operation, and expenses of the public hospital district, and any deficit in the payment of principal and interest of said general bonds shall be paid)) by levying each year a tax upon the taxable property within the district sufficient, together with other revenues of the district available for such purpose, to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be sold in such manner as the commission shall deem for the best interests of the district. All bonds and warrants issued under the authority of this chapter shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

NEW SECTION. Sec. 4. Notwithstanding any other provision of law, including RCW 70.44.040, whenever the boundary line between contiguous hospital districts bisects an irrigation block unit placing part of the unit in one hospital district and the balance thereof in another such district, the county auditor, upon his approval of a request therefor after public hearing thereon, shall change the hospital district boundary lines so that the entire farm unit of the person so requesting shall be wholly in one of such hospital districts and give notice thereof to those hospital district and county officials as he shall deem appropriate therefor.

Passed the House April 2, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 219

[Engrossed House Bill No. 841]

PUBLIC BUILDINGS--

FACILITIES FOR HANDICAPPED PERSONS

AN ACT Relating to public health and safety; requiring that provision be made for handicapped persons in public accommodations; and creating new sections.

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

NEW SECTION. Section 1. It is the intent of the legislature that hereafter, and notwithstanding any existing law to the contrary, every plan and specification for the erection of any public accommodation shall make provision for the following:

(1) Access into and within said building to accomodate the aging, as well as physically handicapped persons;

(2) Toilet facilities designed for use by the physically handicapped: and

(3) Any additional facilities specified in the latest edition of "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped".

NEW SECTION. Sec. 2. The standards and specifications set forth in this act shall apply to all buildings, structures and improved areas used primarily as a public accommodation by the general public, which are constructed, remodeled or rehabilitated by the use of private funds. For the purpose of this act a "public accommodation" shall mean a building, structure or improved area which is used primarily by the general public as a place of gathering or amusement including, but not limited to, theatres, restaurants, hotels, and stadiums. All such buildings and facilities constructed in this state after the effective date of this act shall conform to the standards and specifications prescribed herein, excepting in the case of those buildings or facilities for which contracts for the planning or design have been awarded prior to the effective date, and unless the administrative authority determines, after considering all circumstances applying to the building, structure, or improved area that full compliance is impracticable. This act shall apply to temporary or emergency construction as well as permanent buildings.

NEW SECTION. Sec. 3. (1) The minimum standards and specifications required by this act shall be those set forth in the booklet entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent A117.1-1961), approved October 31, 1961, by the American Standards Association, Incorporated, or in the latest published edition of such booklet: PROVIDED, That in no event shall any standard be required which would exceed the standards for publicly funded buildings.

(2) In cases of practical difficulty, unnecessary hardship or extreme differences, the administrative authorities responsible for the enforcement of this act may grant exceptions from the literal requirements of the standard specifications set forth in this act to permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection is thereby secured: PROVIDED, That this act shall not limit the authority or power of any county, city, town or other political subdivision of the state to enact and enforce under power and authority given by law, any ordinance, rule or regulation requiring equal, higher, or better standards and specifications than those required by this act.

NEW SECTION. Sec. 4. (1) Existing buildings, structures and/or improved areas undergoing major remodeling or rehabilitation, after the effective date of this act, shall meet the requirements of this act except where the administrative authority determines that full compliance is impracticable. However, those buildings and facilities for which contracts for the planning or design have been awarded prior to the effective date of this act shall not be required to meet the requirements of this act.

(2) The standards and specifications shall be applicable only to those portions or parts of the building being remodeled or rehabilitated.

NEW SECTION. Sec. 5. The responsibility for enforcement of this act shall lie with the building department of each county, city, town, or political subdivision of the state.

Passed the House March 26, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 220

[Engrossed House Bill No. 813]

PREQUALIFICATION OF ELECTRICAL CONTRACTORS
DOING BUSINESS WITH ELECTRICAL UTILITIES

AN ACT Relating to municipal corporations; requiring the prequalification of electrical contractors doing business with electrical utilities; amending section 3, chapter 124, Laws of 1955 and RCW 54.04.080; adding a new section to chapter 7, Laws of 1965 and to chapter 35.92 RCW; amending section 2, chapter 124, Laws of 1955 and RCW 54.04.070; and adding a new section to chapter 54.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.92 RCW a new section to read as follows:

Any city or town owning an electrical utility shall require that bid proposals upon any electrical construction or improvement shall be made upon contract proposal form supplied by the governing authority of such utility, and in no other manner. The governing authority shall, before furnishing any person, firm or corporation desiring to bid upon any electrical work with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability

and experience of such person, firm, or corporation in performing electrical work. Such questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at such other times as the governing authority may require. Whenever the governing authority is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement or whenever the governing authority determines that such person, firm, or corporation does not meet all of the requirements hereinafter set forth it may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm or corporation shall have all of the following requirements:

- (1) Adequate financial resources, or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

Such refusal shall be conclusive unless appeal therefrom to the superior court of the county where the utility district is situated or Thurston county be taken within fifteen days, which appeal shall be heard summarily within ten days after the same is taken and on five days' notice thereof to the governing authority of the utility.

NEW SECTION. Sec. 2. There is added to chapter 54.04 RCW a new section to read as follows:

A district shall require that bid proposals upon any construction or improvement of any electrical facility shall be made upon contract proposal form supplied by the district commission, and in no other manner. The district commission shall, before furnishing any person, firm or corporation desiring to bid upon any electrical work with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing electrical work. Such questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at

such other times as the district commission may require. Whenever the district commission is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement or whenever the district commission determines that such person, firm, or corporation does not meet all of the requirements hereinafter set forth it may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm or corporation shall have all of the following requirements:

- (1) Adequate financial resources, or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

Such refusal shall be conclusive unless appeal therefrom to the superior court of the county where the utility district is situated or Thurston county be taken within fifteen days, which appeal shall be heard summarily within ten days after the same is taken and on five days' notice thereof to the district commission.

Sec. 3. Section 3, chapter 124, Laws of 1955 and RCW 54.04.080 are each amended to read as follows:

The notice shall state generally the work to be done, or the material to be purchased and shall call for proposals for ~~((doing))~~ 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 prequalified according to the provisions of section 2 of this 1971 amendatory act 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.

Sec. 4. Section 2, chapter 124, Laws of 1955 and RCW 54.04.070 are each amended to read as follows:

((All)) Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of five thousand dollars, exclusive of sales tax shall be by contract: PROVIDED, That a district may make purchases of the same kind of items of materials, equipment and supplies not exceeding five thousand dollars in any calendar month without a contract, purchasing any excess thereof over five thousand dollars by contract. ((and)) Any work ordered by a district commission, the estimated cost of which is in excess of ((five)) ten thousand dollars exclusive of sales tax, shall be by contract, except that a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. Prudent utility management means performing work with regularly employed personnel utilizing material of a worth not exceeding thirty thousand dollars in value without a contract: PROVIDED, That such limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project. Before awarding such a contract, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least ((thirty)) twenty days before the letting of the contract, inviting sealed proposals for the work or materials; plans and specifications of which shall at the time of the publication be on file at the office of the district subject to public inspection: PROVIDED, That any

published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission and may consider such price as a bid without a deposit or bond: PROVIDED, That where an emergency arises endangering the public safety, or threatening property damage, the commission may purchase materials or order work performed by others in addition to regularly employed personnel in any amount necessary without calling for bids after having taken precautions to secure the lowest price practicable under the circumstances.

Passed the House May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 221

[House Bill No. 800]

COOPERATIVE ASSOCIATIONS--

CONVERSION--MERGER

AN ACT Relating to cooperative associations; establishing procedures for conversion of a cooperative association to an ordinary business corporation or for merger with another cooperative association or ordinary business corporation; defining certain terms; and creating new sections.

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

NEW SECTION. Section 1. For the purposes of this act a "domestic" cooperative association or "domestic" corporation is one formed under the laws of this state, and an "ordinary business" corporation is one formed or which could be formed under Title 23A RCW.

NEW SECTION. Sec. 2. (1) A cooperative association may be converted to a domestic ordinary business corporation pursuant to the following procedures:

(a) The board of trustees of the association shall, by

affirmative vote of not less than two-thirds of all such trustees, adopt a plan for such conversion setting forth:

(i) The reasons why such conversion is desirable and in the interests of the members of the association;

(ii) The proposed contents of articles of conversion with respect to items (ii) through (ix) of subparagraph (c) below; and

(iii) Such other information and matters as the board of trustees may deem to be pertinent to the proposed plan.

(b) After adoption by the board of trustees, the plan for conversion shall be submitted for approval or rejection to the members of the association at a special meeting of such members duly called and held. The notice of the meeting shall be accompanied by a full copy of the proposed plan for conversion or by a summary of its provisions. Members shall have the right to vote upon the proposal in person, or by written proxy, or by mail. If not less than two-thirds of all of the members of the association vote in favor thereof, the plan for conversion shall thereby be approved.

(c) Upon approval by the members of the association, the articles of conversion shall be executed in triplicate by the association by its president and by its secretary and verified by one of its officers and shall set forth:

(i) The dates and vote by which the plan for conversion was adopted by the board of trustees and members respectively;

(ii) The corporate name of the converted organization. The name shall comply with requirements for names of business corporations formed under Title 23A RCW, and shall not contain the term "cooperative";

(iii) The purpose or purposes for which the converted corporation is to exist;

(iv) The duration of the converted corporation;

(v) The capitalization of the converted corporation and the class or classes of shares of stock into which divided, together with the par value, if any, of such shares, in accordance with statutory requirements applicable to ordinary business corporations, and the basis upon which outstanding shares of the association are converted into shares of the converted corporation;

(vi) Any provision limiting or denying to shareholders the preemptive right to acquire additional shares of the converted corporation;

(vii) The address of the converted corporation's initial registered office and its initial registered agent at such address;

(viii) The names and addresses of the persons who are to serve as directors of the converted corporation until the first annual meeting of shareholders of the converted corporation or until their successors are elected and qualify;

(ix) Any additional provisions, not inconsistent with law, provided for by the plan for conversion for the regulation of the internal affairs of the converted corporation, including any provision restricting the transfer of shares or which under Title 23A RCW is required or permitted to be set forth in bylaws.

(d) The executed triplicate originals of the articles of conversion shall be delivered to the secretary of state. If the secretary of state finds that the articles of conversion conform to law, he shall, when all the fees have been paid as in this section prescribed:

(i) Endorse on each of such originals the word "Filed", and the month, day and year of such filing;

(ii) File one of such originals in his office; and

(iii) Issue a certificate of conversion to which he shall affix one of such originals.

The certificate of conversion together with the original of the articles of conversion affixed thereto by the secretary of state, and the other remaining original shall be returned to the converted corporation. The remaining original shall be filed in the office of the county auditor of the county in which the converted corporation's registered office is situated. The original affixed to the certificate of conversion shall be retained by the converted corporation.

(e) Upon filing the articles of conversion the converted corporation shall pay, and the secretary of state and county auditor shall collect, the same filing and license fees as for filing with them respectively of articles of incorporation of a newly formed business corporation similarly capitalized.

(2) Upon issuance by the secretary of state of the certificate of conversion, the conversion of the cooperative association to an ordinary business corporation shall become effective; the articles of conversion shall thereafter constitute and be treated in like manner as articles of incorporation; and the converted corporation shall be subject to all laws applicable to corporations formed under Title 23A RCW, and shall not thereafter be subject to laws applying only to cooperative associations. The converted corporation shall constitute and be deemed to constitute a continuation of the corporate substance of the cooperative association and the conversion shall in no way derogate from the rights of creditors of the former association.

(3) A member of the cooperative association who dissents from the plan for conversion shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.

NEW SECTION. Sec. 3. (1) A cooperative association may merge

with one or more domestic cooperative associations, or with one or more domestic ordinary business corporations, in accordance with the procedures and subject to the conditions set forth or referred to in this section.

(2) If the merger is into another domestic cooperative association, the board of trustees of each of the associations shall approve by vote of not less than two-thirds of all the trustees, a plan of merger setting forth:

- (a) The names of the associations proposing to merge;
- (b) The name of the association which is to be the surviving association in the merger;
- (c) The terms and conditions of the proposed merger;
- (d) The manner and basis of converting the shares of each merging association into shares or other securities or obligations of the surviving association;
- (e) A statement of any changes in the articles of association of the surviving association to be effected by such merger; and
- (f) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

(3) Following approval by the boards of trustees, the plan of merger shall be submitted to a vote of the members of each of the associations at special meetings of the members called for the purpose. The notice of the meeting shall be in writing stating the purpose or purposes of the meeting and include or be accompanied by a copy or summary of the plan of merger. At the meeting members may vote upon the proposed merger in person, or by proxy, or by mailed ballot. The affirmative vote of not less than two-thirds of all of the members of the association shall be required for approval of the plan of merger.

(4) Upon approval by the members of the associations proposing to merge, articles of merger shall be executed in triplicate by each association by its president and by its secretary and verified by one of the officers of each association signing such articles, and shall set forth:

- (a) The plan of merger;
- (b) As to each association, the number of members and number of shares outstanding; and
- (c) As to each association, the number of members who voted for and against such plan, respectively.

(5) Triplicate originals of the articles of merger shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as in this section prescribed:

- (a) Endorse on each of such originals the word "Filed", and the month, day and year of such filing;

(b) File one of such originals in his office; and
(c) Issue a certificate of merger to which he shall affix one of such originals.

(6) The certificate of merger, together with the duplicate original of the articles of merger affixed thereto by the secretary of state, and the other remaining original, shall be returned to the surviving association or its representative. Such remaining original shall then be filed in the office of the county auditor of the county in which the principal place of business of the surviving association is located. If the principal place of business of the merged association has been located in a different county from that of the surviving association, a copy of the articles of merger, certified by the secretary of state, shall likewise be filed with the county auditor of such different county.

(7) For filing articles of merger hereunder the secretary of state and county auditor shall charge and collect the same fees, respectively, as apply to filing of articles of merger of ordinary business corporations.

(8) If the plan of merger is for merger of the cooperative association into a domestic ordinary business corporation, the association shall follow the same procedures as hereinabove provided for merger of domestic cooperative associations and the ordinary business corporation shall follow the applicable procedures set forth in chapter 23A.20 RCW.

(9) At any time prior to filing of the articles of merger, the merger may be abandoned pursuant to provisions therefor, if any, set forth in the plan of merger.

(10) A member of a cooperative association, or shareholder of the ordinary business corporation, who dissents from the plan of merger shall have the same right of dissent and payment and in accordance with the same applicable procedures, as are provided for dissenting shareholders with respect to merger of ordinary business corporations under chapter 23A.24 RCW.

NEW SECTION. Sec. 4. (1) Upon issuance of the certificate of merger by the secretary of state, the merger of the cooperative association into another cooperative association or ordinary business corporation, as the case may be, shall be effected.

(2) When merger has been effected:

(a) The several parties to the plan of merger shall be a single cooperative association or corporation, as the case may be, which shall be that cooperative association or corporation designated in the plan of merger as the survivor.

(b) The separate existence of all parties to the plan of merger, except that of the surviving cooperative association or corporation, shall cease.

(c) If the surviving entity is a cooperative association, it shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a cooperative association organized under chapter 23.86 RCW. If the surviving entity is an ordinary business corporation, it shall have all the rights, privileges, immunities and powers and shall be subject to all the duties and liabilities of a corporation organized or existing under Title 23A RCW.

(d) Such surviving cooperative association or corporation, as the case may be, shall thereupon and thereafter possess all the rights, privileges, immunities, and franchises, both public and private of each of the merging organizations, to the extent that such rights, privileges, immunities, and franchises are not inconsistent with the corporate nature of the surviving organization; and all property, real, personal and mixed, and all debts due on whatever account, including subscriptions to shares, and all other choses in action, and all and every other interest of or belonging to or due to each of the organizations so merged shall be taken and deemed to be transferred to and vested in such surviving cooperative association or corporation, as the case may be, without further act or deed; and the title to any real estate, or any interest therein, vested in any such merged cooperative association shall not revert or be in any way impaired by reason of such merger.

(3) The surviving cooperative association or corporation, as the case may be, shall, after the merger is effected, be responsible and liable for all the liabilities and obligations of each of the organizations so merged; and any claim existing or action or proceeding pending by or against any of such organizations may be prosecuted as if the merger had not taken place and the surviving cooperative association or corporation may be substituted in its place. Neither the right of creditors nor any liens upon the property of any cooperative association or corporation party to the merger shall be impaired by the merger.

(4) The articles of association of the surviving cooperative association or the articles of incorporation of the surviving ordinary business corporation, as the case may be, shall be deemed to be amended to the extent, if any, that changes in such articles are stated in the plan of merger.

Passed the House March 30, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 222

[Engrossed House Bill No. 642]

MUTUAL SAVINGS BANKS

AN ACT Relating to mutual savings banks; amending section 32.20.270, chapter 13, Laws of 1955 as last amended by section 7, chapter 145, Laws of 1967 and RCW 32.20.270; amending section 6, chapter 80, Laws of 1955, and RCW 32.20.330; amending section 16, chapter 55, Laws of 1969 and RCW 32.20.255; adding a new section to chapter 13, Laws of 1955 and to chapter 32.04 RCW; adding a new section to chapter 13, Laws of 1955 and to chapter 32.16 RCW; and adding new sections to chapter 13, Laws of 1955 and to chapter 32.20 RCW; and directing the codification of one such section.

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

NEW SECTION. Section 1. There is added to chapter 13, Laws of 1955 and to chapter 32.04 RCW a new section to read as follows:

Any pension payment or retirement benefits payable by a mutual savings bank to a former officer or employee, or to a person or persons entitled thereto by virtue of service performed by such officer or employee, in the discretion of a majority of all the trustees of such bank, may be supplemented from time to time. Whenever the trustees of the bank shall have formulated and adopted a plan providing for such supplemental payments, within ten days thereafter said trustees shall transmit the same to the supervisor of banking. The supervisor of banking shall thereupon examine such plan and investigate the feasibility and practicability thereof and, within thirty days of the receipt thereof by him, notify the bank in writing of his approval or rejection of the same. After the approval of the supervisor the mutual savings bank shall be authorized and empowered to put such plan into effect. The board of trustees of a savings bank may set aside from current earnings, reserves in such amounts as the board shall deem appropriate to provide for the payments of future supplemental payments.

NEW SECTION. Sec. 2. There is added to chapter 13, Laws of 1955 and to chapter 32.16 RCW a new section to read as follows:

In the event a savings and loan association is converted to a mutual savings bank, any person, who at the time of such conversion was a director of the savings and loan association, may serve as a trustee of the mutual savings bank until he reaches the age of seventy-five years or until one year following the date of conversion of such savings and loan association, whichever is later. The bylaws of any mutual savings bank may modify this provision by requiring earlier retirement of any trustee affected hereby.

NEW SECTION. Sec. 3. There is added to chapter 13, Laws of

1955 and to chapter 32.20 RCW a new section to read as follows:

A mutual savings bank may invest its funds in loans to banks or trust companies which mature on the next business day following the day of making such loan. The loans may be evidenced by any writing or ledger entries deemed adequate by the mutual savings bank and may be secured or unsecured. The loans made hereunder are payable on the same basis as are regular deposits in such banks, and therefore the transactions may be characterized for accounting and statement purposes and carried on the books of the mutual savings bank as either a deposit with or a loan to the bank.

NEW SECTION. Sec. 4. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

A mutual savings bank may invest its funds in the purchase of United States government securities from a bank or trust company, subject to the selling bank's or trust company's agreement to repurchase such securities on the business day next following their purchase by the mutual savings bank. The securities may be purchased at par, or at a premium or discount, as the mutual savings bank may agree, and may be characterized for accounting and statement purposes and carried on the books of the mutual savings bank as such securities to the extent of their market value, and as due from such banks or trust companies to the extent that the repurchase price agreed to be paid exceeds such market value.

Sec. 5. Section 32.20.270, chapter 13, Laws of 1955 as last amended by section 7, chapter 145, Laws of 1967 and RCW 32.20.270 are each amended to read as follows:

A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

- (1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien upon the leasehold estate; or
- (2) A policy of title insurance; or
- (3) A duplicate certificate of ownership issued by a registrar of titles.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as

shall be stipulated in the mortgage, the policy to be payable to the savings bank in case of loss, or the proceeds of such policy to be impounded or payable to a trustee for use in repairing or rebuilding or replacing improvements on the leasehold.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying upon such application according to their best judgment the value of the leasehold interest to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

Every leasehold mortgage and every assignment of a leasehold mortgage taken or held by a savings bank shall be taken and held in its own name and shall immediately be recorded in the office of the county auditor of the county in which the property under lease is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of ~~((twenty-five))~~ thirty years, or in any case where the term of the loan will exceed eighty percent of the unexpired term of the lease.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semiannual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least five years prior to the expiration of the lease.

No loan on a leasehold estate shall be for an amount greater than ~~((seventy-five))~~ eighty percent of the value of such leasehold estate. A loan may be made on a leasehold estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

Sec. 6. Section 6, chapter 80, Laws of 1955 and RCW 32.20.330 are each amended to read as follows:

A mutual savings bank may invest not to exceed fifteen percent of its funds in such interest bearing obligations issued, guaranteed or assumed by corporations commonly accepted as industrial corporations or engaged in communications, transportation, furnishing utility or telephone services, manufacturing, mining, merchandising or commercial financing, incorporated under the laws of the United States, or any state thereof, or the District of Columbia, or the Dominion of Canada, or any province thereof, as mature within thirty years from the time of the investment, subject to the following

conditions:

(1) Not more than two percent of said bank's funds shall be invested in such obligations of any one such corporation, pursuant to this section or otherwise.

(2) ((During the five years next preceding the investment for which the necessary statistical data is available; such corporation shall have had

{a} Net sales; or gross income; averaging not less than ten million dollars annually;

{b} Net income; available for dividends averaging not less than one million dollars annually;

{c} Net income; after deducting reserves; regularly recurring charges for amortization of discount; expenses allocable to funded debt; and all other charges except interest; and income and profits taxes; of not less than four times the interest charges during said five years;

{d} Net income; computed as described in subdivision (2) {c} above;

{i} In two or more of said years not less than twice the interest charges during said years;

{ii} In the last year of said years not less than three times the interest charges for that year; including annual interest charges on the funded debt outstanding at the time of the investment (excluding all debt which has been called for redemption or which otherwise matures within six months from the time of the investment; and for the payment of which funds have been set aside in trust);

{3} The latest published balance sheet of such corporation shows:

{a} Its total debt including current liabilities does not exceed fifty percent of its gross assets; less reserves; and

{b} Its current assets are not less than two times current liabilities. In computing current assets and current liabilities; there shall be eliminated from current assets; cash and United States government notes; bonds; treasury bills; and certificates of indebtedness in an amount not in excess of federal income and excess profits taxes included in current liabilities; and there shall be eliminated from current liabilities such federal income and excess profits taxes in an amount not in excess of the amount eliminated from current assets;

{4}) Such obligations ((have been)) at the time of purchase are ((:

{a} Registered with the Securities and Exchange Commission; and

{b}) rated among the ((four)) three highest classifications of two or more nationally recognized investment rating services.

((5) In determining the qualifications of any obligation under this section where a corporation has acquired its property or any substantial part thereof within five years immediately preceding the date of the investment by consolidation or merger, or by the purchase of all or a substantial portion of the property of any other corporation or corporations, the gross operating revenues, net earnings, and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of subdivisions (2) and (3) of this section have been complied with))

NEW SECTION. Sec. 7. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to be codified as RCW 32.20.217, to read as follows:

A mutual savings bank may invest not to exceed five percent of its funds in obligations issued or guaranteed by the Asian Development Bank.

Sec. 8. Section 16, chapter 55, Laws of 1969 and RCW 32.20.255 are each amended to read as follows:

A mutual savings bank may invest its funds in real estate contracts and in loans secured by real estate mortgages or deeds of trust or real estate contracts not otherwise eligible for investment by the savings bank, which are prudent real estate ~~(loans)~~ investments for the bank in the opinion of its board of trustees or of officers or committees designated by the board, whose action is ratified by the board at its regular meeting next following the investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed ~~((twenty-five))~~ fifty percent of the total of its guaranty fund, undivided profits, and unallocated reserves.

NEW SECTION. Sec. 9. If any provision of this 1971 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 March 25, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 223

[Engrossed House Bill No. 622]

CITIES AND TOWNS--

FISCAL PRACTICES

AN ACT Relating to cities and towns; amending section 35.41.010, chapter 7, Laws of 1965 as amended by section 12, chapter 144, Laws of 1967 ex. sess. and RCW 35.41.010; amending section 35.41.030, chapter 7, Laws of 1965 as last amended by section 34, chapter 56, Laws of 1970 ex. sess. and RCW 35.41.030; amending section 35.41.080, chapter 7, Laws of 1965 and RCW 35.41.080; and amending section 35.41.090, chapter 7, Laws of 1965 and RCW 35.41.090.

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

Section 1. Section 35.41.010, chapter 7, Laws of 1965 as amended by section 12, chapter 144, Laws of 1967 ex. sess. and RCW 35.41.010 are each amended to read as follows:

((The legislative body of any city or town;)) For the purpose of providing funds for defraying all or a portion of the costs of planning, purchase, leasing, condemnation, or other acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation of any municipally owned public land, building, facility, or utility, for which the municipality now has or hereafter is granted authority to acquire, condemn, develop, repair, maintain, or operate, ((for which the city receives revenue or for which such municipality charges a fee;)) the legislative body of any city or town may authorize, by ordinance, the creation of a special fund or funds into which the city or town shall be obligated to set aside and pay: Any or all municipal license fees specified in such ordinance creating such special fund, and/or any and all revenues derived from any utility or facility specified in said ordinance creating such special fund. The ordinance may provide that the city or town shall be obligated to set aside and pay into a special fund or funds so created:

(1) A fixed proportion of ((the gross revenues of the facility or utility)) any revenues or fees, or

(2) A fixed amount of, and not to exceed, a fixed proportion of ((the gross revenues thereof)) any revenues or fees, or

(3) A fixed amount without regard to any fixed proportion of ((such revenues)) any revenues or fees, or

(4) An amount of such revenues sufficient, together with any other moneys lawfully pledged to be paid into such fund or funds, to meet principal and interest requirements and to accumulate any reserves and additional funds that may be required.

The legislative body may also authorize the creation of a

special fund or funds to defray all or part of the costs of planning, purchase, condemnation, or other acquisition, construction, improvement, maintenance or operation of any public park in, upon or above property used or to be used as municipally owned off-street parking space and facilities, whether or not revenues are received or fees charged in the course of public use of such park. Part or all of the otherwise unpledged revenues, fees or charges arising from municipal ownership, operation, lease or license of any off-street parking space and facilities, or arising from municipal license of any off-street parking space, shall be set aside and paid into such special fund or funds in accordance with this section.

Sec. 2. Section 35.41.030, chapter 7, Laws of 1965 as last amended by section 34, chapter 56, Laws of 1970 ex. sess. and RCW 35.41.030 are each amended to read as follows:

If the legislative body of a city or town deems it advisable to purchase, lease, condemn, or otherwise acquire, construct, develop, improve, extend, or operate any land, building, facility, or utility, and adopts an ordinance authorizing such purchase, lease, condemnation, acquisition, construction, development, improvement and to provide funds for defraying all or a portion of the cost thereof from the proceeds of the sale of revenue bonds, and such ordinance has been ratified by the voters of the city or town in those instances where the original acquisition, construction, or development of such facility or utility is required to be ratified by the voters under the provisions of RCW 35.67.030 and 35.92.070, such city or town may issue revenue bonds against the special fund or funds created solely from revenues. The revenue bonds so issued shall:

- (1) Be registered or coupon bonds;
- (2) Be issued in such denominations ((of not less than one hundred dollars nor more than one thousand dollars)) as determined by the legislative body of the city or town;
- (3) Be numbered from one upwards consecutively;
- (4) Bear the date of their issue;
- (5) Be serial or term bonds and the final maturity thereof shall not extend beyond the reasonable life expectancy of the facility or utility;
- (6) Bear interest at such rate or rates as authorized by the legislative body of the city or town, ((payable annually or semiannually)) with interest coupons attached unless such bonds are registered as to interest, in which case no interest coupons need be attached;
- (7) Be payable as to principal and interest at such place as may be designated therein;
- (8) State upon their face that they are payable from a special

fund, naming it, and the ordinance creating it, and that they do not constitute a general indebtedness of the city or town;

(9) Be signed by the mayor and bear the seal of the city or town and be attested by the clerk: PROVIDED, That the facsimile signatures of the mayor and clerk may be used when the ordinance authorizing the issuance of such bonds provides for the signatures thereof by an authenticating officer; and

(10) Be printed upon good bond paper.

Sec. 3. Section 35.41.080, chapter 7, Laws of 1965 and RCW 35.41.080 are each amended to read as follows:

The legislative body of any city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service, use, or benefits to those to whom service, use, or benefits from such facility or utility is available, which rates and charges shall be uniform for the same class of service. And, if revenue bonds or warrants are issued against the revenues thereof, the legislative body of the city or town shall fix charges at rates which will be sufficient, together with any other moneys lawfully pledged therefor, to provide for the payment of bonds and warrants, principal and interest, sinking fund requirements and expenses incidental to the issuance of such revenue bonds or warrants; in fixing such charges the legislative body of the city or town may establish rates sufficient to pay, in addition, the costs of operating and maintaining such facility or utility.

Sec. 4. Section 35.41.090, chapter 7, Laws of 1965 and RCW 35.41.090 are each amended to read as follows:

In setting the rates to be charged for the service, use, or benefits derived from such facility or utility, or in determining the cost of the planning, acquisition, construction, reconstruction, development, improvement, extension, repair, maintenance, or operation thereof the legislative body of the city or town may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expense and interest which it is estimated will accrue during the construction period and for ~~((six months))~~ such period of time thereafter deemed by the legislative body to be necessary or desirable on money borrowed, or which it is estimated will be borrowed in connection therewith.

Passed the House April 19, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 224
[House Bill No. 477]
NATURAL RESOURCE MANAGEMENT--
FISCAL PRACTICES

AN ACT Relating to natural resource management; amending section 3b added to chapter 154, Laws of 1923 by section 3, chapter 288, Laws of 1927 as last amended by section 1, chapter 110, Laws of 1969 and RCW 76.12.030; and amending section 4, chapter 178, Laws of 1961 as amended by section 2, chapter 63, Laws of 1967 ex. sess. and RCW 79.64.040.

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

Section 1. Section 3b added to chapter 154, Laws of 1923 by section 3, chapter 288, Laws of 1927 as last amended by section 1, chapter 110, Laws of 1969 and RCW 76.12.030 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the board deems such land necessary for the purposes of this chapter, the county shall, upon demand by the board, deed such land to the board and the land shall become a part of the state forest lands, and upon such deed being made the commissioner of public lands shall be notified and enter and note it upon the records of his office.

Such land shall be held in trust and administered and protected by the board as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed ~~((ten))~~ twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) ~~((Ten percent thereof shall be placed in the forest development account in the state general fund-~~

~~{3}))~~ Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county of the seventh, eighth, or ninth class shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Sec. 2. Section 4, chapter 178, Laws of 1961 as amended by

section 2, chapter 63, Laws of 1967 ex. sess. and RCW 79.64.040 are each amended to read as follows:

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands. The deductions authorized under this section shall in no event exceed ~~((twenty))~~ twenty-five percent of the total sum received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the total gross proceeds received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

Passed the House March 18, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 225

[Engrossed House Bill No. 394]

WATER RESOURCES ACT OF 1971

AN ACT Relating to water; providing for a state plan for water resource management; and creating new sections.

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

NEW SECTION. Section 1. The legislature finds that proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and aesthetic values. The legislature further finds that the availability of waters of the state is being evaluated by interests who desire to remove portions thereof from the state in a manner inconsistent with the public interest of people of the state. It is the purpose of this chapter to set forth fundamentals of water resource policy for the state to insure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials, in carrying out water and related resources programs.

NEW SECTION. Sec. 2. Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served.

(4) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(5) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(6) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state.

(7) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of

water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(8) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(9) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(10) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

NEW SECTION. Sec. 3. For the purpose of insuring that the department is fully advised in relation to the performance of the water resources program provided in section 4 of this act, the department is directed to become informed with regard to all phases of water and related resources of the state. To accomplish this objective the department shall:

(1) Collect, organize and catalog existing information and studies available to it from all sources, both public and private, pertaining to water and related resources of the state;

(2) Develop such additional data and studies pertaining to water and related resources as are necessary to accomplish the objectives of this chapter;

(3) Determine existing and foreseeable uses of, and needs for, such waters and related resources;

(4) Develop alternate courses of action to solve existing and foreseeable problems of water and related resources and include therein, to the extent feasible, the economic and social consequences of each such course, and the impact on the natural environment.

All the foregoing shall be included in a "water resources archive" established and maintained by the department. The department shall develop a system of cataloging, storing and retrieving the information and studies of the archive so that they may be made readily available to and effectively used not only by the department but by the public generally.

NEW SECTION. Sec. 4. (1) The department, through the adoption of appropriate rules, is directed, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people, to develop and implement in accordance with the policies of this chapter a comprehensive state water resources program which will provide a process for making decisions on future water resource allocation and use. The department may develop the program in segments so that immediate attention may be given to waters of a given physioeconomic region of the state or to specific critical problems of water allocation and use.

(2) In relation to the management and regulatory programs relating to water resources vested in it, the department is further directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this act and the program established in (1) of this section.

(3) The department is directed to review all statutes relating to water resources which it is responsible for implementing. When any of the same appear to the department to be ambiguous, unclear, unworkable, unnecessary, or otherwise deficient, it shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of this act, and the department is unable to fully perform as provided in subsection (2) of this section, the department is directed to submit statutory modifications to the legislature which, if enacted, would allow the department to carry out such statutes in harmony with this act.

NEW SECTION. Sec. 5. In conjunction with the programs provided for in section 4(1), whenever it appears necessary to the director in carrying out the policy of this act, the department may by rule adopted pursuant to chapter 34.04 RCW:

(1) Reserve and set aside waters for beneficial utilization in the future, and

(2) When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

Prior to the adoption of a rule under this section, the department shall conduct a public hearing in each county in which waters relating to the rule are located. The public hearing shall be preceded by a notice placed in a newspaper of general circulation published within each of said counties. Rules adopted hereunder shall be subject to review in accordance with the provisions of RCW 34.04.070 or RCW 34.04.080.

NEW SECTION. Sec. 6. To insure that all of the various persons and entities having an interest in the water resources of the state and the programs of the chapter are provided with a full opportunity for involvement not only with the development of the program but the implementation by the department under this act, the following directions are given:

(1) The department shall make reasonable efforts to inform the people of the state about the state's water and related resources and their management. The department in the performance of the responsibilities provided in this act shall not only invite but

actively encourage participation by all persons and private groups and entities showing an interest in water resources programs of this act.

(2) The department shall similarly invite and encourage participation by all agencies of federal, state and local government, including counties, municipal and public corporations, having interests or responsibilities relating to water resources. Said state and local agencies are directed to fully participate to insure that their interests are considered by the department. The department shall, when funds are made available to it for such purposes, provide assistance grants to said state and local agencies for the purposes of financing activities directed to be performed by them under this subsection.

NEW SECTION. Sec. 7. The department shall report to each regular session of the legislature:

(1) On the experience of the department, including the progress made and any difficulties encountered, in formulating, adopting, and maintaining a state management program for water resources as provided in section 4(1) of this act, and

(2) Recommendations on legislation necessary to meet these objectives: PROVIDED, That the department shall submit to the next regular or special session, by the first day of said session, a report setting forth, in addition to the information hereinbefore provided, a detailed outline of the basics of the program developed by the department to carry out the direction of section 4(1) of this act.

NEW SECTION. Sec. 8. The state shall vigorously represent its interest before water resource regulation, management, development, and use agencies of the United States, including among others the federal power commission, environmental protection agency, army corps of engineers, department of the interior, department of agriculture and the atomic energy commission, and of interstate agencies with regard to planning, licensing, relicensing, permit proposals, and proposed construction, development and utilization plans. Where federal or interstate agency plans, activities, or procedures conflict with state water policies, all reasonable steps available shall be taken by the state to preserve the integrity of this state's policies.

NEW SECTION. Sec. 9. Nothing in this act shall affect any existing water rights, riparian, appropriative, or otherwise; nor shall it affect existing rights relating to the operation of any hydroelectric or water storage reservoir or related facility; nor shall it affect any exploratory work, construction or operation of a thermal power plant by an electric utility in accordance with the provisions of chapter 80.50 RCW. Nothing in this act shall enlarge or reduce the department of ecology's authority to regulate the

surface use of waters of this state or structures on the underlying beds, tidelands or shorelands.

NEW SECTION. Sec. 10. All agencies of state and local government, including counties and municipal and public corporations, shall, whenever possible, carry out powers vested in them in manners which are consistent with the provisions of this act. The director of the department of ecology shall submit a report to the legislature, not later than thirty days prior to each regular session, setting forth any failures by such agencies to comply with the mandate of this section, and the circumstances surrounding such failure.

NEW SECTION. Sec. 11. The department of ecology shall as a matter of high priority evaluate the needs for water resource development projects and the alternative methods of financing of the same by public and private agencies, including financing by federal, state and local governments and combinations thereof. Such evaluations shall be broadly based and be included as a part of the comprehensive state water resources program relating to uses and management as defined in section 3 of this act. A report of the department relating to such evaluations, including any recommendations, shall be submitted to the legislature in accordance with section 7 of this act.

NEW SECTION. Sec. 12. The department of ecology is authorized to obtain the benefits including acceptance of grants, of any program of the federal government or any other source to carry out the provisions of this act and is empowered to take such actions as are necessary and appropriate to secure such benefits.

NEW SECTION. Sec. 13. For the purposes of this act, unless the context is clearly to the contrary, the following definitions shall be used:

- (1) "Department" means department of ecology.
- (2) "Utilize" or "utilization" shall not only mean use of water for such long recognized consumptive or nonconsumptive beneficial purposes as domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, thermal power production, mining, recreational, maintenance of wildlife and fishlife purposes, but includes the retention of water in lakes and streams for the protection of environmental, scenic, aesthetic and related purposes, upon which economic values have not been placed historically and are difficult to quantify.

NEW SECTION. Sec. 14. This chapter shall be known and may be cited as the "Water Resources Act of 1971."

Passed the House March 12, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 21, 1971.
Filed in Office of Secretary of State May 21, 1971.

CHAPTER 226
[Engrossed House Bill No. 84]
CHARITABLE TRUSTS

AN ACT Relating to charitable trusts and similar relationships: amending section 2, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.020; amending section 6, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.060; amending section 7, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.070; adding new sections to chapter 53, Laws of 1967 ex. sess. and chapter 19.10 RCW; and repealing section 3, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.030.

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

Section 1. Section 2, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

"Person" means an individual, organization, group, association, partnership, corporation, or any combination of them.

"Trustee" means (1) any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; (~~(2) any corporation which has accepted property to be used for a particular charitable corporate purpose as distinguished from the general purposes of the corporation;~~) and ((3)) (2) a corporation formed for the administration of a charitable trust (~~(7 pursuant to the directions of the settler or at the instance of the trustee)~~) or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes: PROVIDED, That the term "trustee" does not apply to (a) religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such religious corporations nor any officer of any such religious organization who holds property for religious purposes: PROVIDED, That if such organization has not received from the United States government a declaration of current tax exempt status prior to the

time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; or (b) an educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts (~~(c) a hospital which is nonprofit and charitable, other than a hospital initially formed as a trustee pursuant to or in connection with the terms of a charitable trust;~~ (d) any bank or trust company subject to examination by the supervisor of banking of the state of Washington, the comptroller of the currency of the United States or the board of governors of the federal reserve system; and nothing in this chapter shall apply to any such bank or trust company while any such bank or trust company is acting as trustee, executor or court appointed fiduciary; (e) nonprofit charitable foundations known as community foundations incorporated under the laws of the state of Washington and empowered to receive and administer funds in trust contributed for the support of multiple community charitable purposes, when such foundations: (i) are tax exempt under federal law; (ii) are administered, in part, to foster continuity of support for local charities in accordance with changing community needs, thereby reducing the necessity of application of the trust doctrine of cy pres; (iii) are administered by a governing body of a public or representative nature, consisting of at least ten persons; (iv) control or administer trust assets with a total value in excess of two million dollars; (v) make available to the public an annual report of their sources of funds, the uses of their funds, and other information representative of their operations: PROVIDED, That a copy of such report is forwarded to the attorney general)).

Sec. 2. Section 6, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.060 are each amended to read as follows:

Every trustee (~~(subject to this chapter)~~) shall file with the attorney general within two months after receiving possession or control of the trust corpus a copy of the instrument establishing his title, powers, or duties, and an inventory of the assets of such charitable trust. In addition, trustees exempted from the provisions of RCW 19.10.070 shall file with the attorney general a copy of the declaration of the tax-exempt status or other basis of the claim for such exemption; a copy of the instrument establishing the trustee's title, powers or duties; an inventory of the assets of such trust; and, annually, a copy of each publicly available United States tax or information return or report of the trust which the trustee files with the internal revenue service. The trustees of charitable trusts

existing at the time this chapter or this 1971 amendatory act takes effect shall comply with this section within six months thereafter.

Sec. 3. Section 7, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.070 are each amended to read as follows:

Except as otherwise provided every trustee subject to this chapter shall file with the attorney general annual reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the trustee, in accordance with rules and regulations of the attorney general.

The attorney general shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required, to the ends (1) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature which will enable him to ascertain whether they are being properly administered, and (2) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The attorney general may suspend the filing of reports as to a particular charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the attorney general after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the attorney general, may be filed as a report required by this section.

The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than one year after any part of the income or principal is authorized or required to be applied to a charitable purpose. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this act takes effect, the first report, unless the filing thereof is suspended, shall be filed within six months after the effective date of this act.

~~((The willful refusal by a trustee to make or file any report,~~

to perform any other duties expressly required by this chapter, or to comply with any valid rule or regulation promulgated by the attorney general under this chapter, shall constitute a breach of trust and a violation of this chapter.)

NEW SECTION. Sec. 4. There is added to chapter 53, Laws of 1967 ex. sess. and to chapter 19.10 RCW a new section to read as follows:

The following trustees shall be exempt from the provisions of RCW 19.10.070:

(1) A bank or trust company subject to examination by the supervisor of banking of the state of Washington, the comptroller of the currency of the United States or the board of governors of the federal reserve system; which such bank or trust company is acting as trustee, executor or court-appointed fiduciary: PROVIDED, That a bank or trust company which is a co-fiduciary of a trust shall be deemed to be the sole fiduciary of such trust under this section, if the bank or trust company is custodian of the books and records of the trust and has the responsibility for preparing the reports and returns which are filed with the internal revenue service;

(2) The governing body of a nonprofit community foundation or other nonprofit foundation incorporated for charitable purposes, contributions to which are currently allowed as charitable deductions under the United States income tax laws;

(3) The governing body of a hospital which is nonprofit and charitable, other than a hospital initially formed as a trustee pursuant to or in connection with the terms of a charitable trust.

NEW SECTION. Sec. 5. There is added to chapter 53, Laws of 1967 ex. sess. and to chapter 19.10 RCW a new section to read as follows:

A trust is not exclusively for charitable purposes, within the meaning of RCW 19.10.040, when the instrument creating it contains a trust for several or mixed purposes, and any one or more of such purposes is not charitable within the meaning of RCW 19.10.020, as enacted or hereafter amended. Such instrument shall be withheld from public inspection by the attorney general and no information as to such noncharitable purpose shall be made public.

Annual reporting of such trusts to the attorney general, as required by RCW 19.10.060 or 19.10.070 now or as hereafter amended, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

When a trust consists of a vested charitable remainder preceded by a life estate, a copy of the instrument shall be filed by the trustee or by the life tenant, within two months after commencement of the life estate.

If the trust instrument contains only contingent gifts or

remainders to charitable purposes, no charitable trust shall be deemed created until a charitable gift or remainder is legally vested. The first registration or report of such trust shall be filed within two months after trust income or principal is authorized or required to be used for a charitable purpose.

NEW SECTION. Sec. 6. There is added to chapter 53, Laws of 1967 ex. sess. and to chapter 19.10 RCW a new section to read as follows:

The wilful refusal by a trustee to make or file any report or to perform any other duties expressly required by this chapter, or to comply with any valid rule or regulation promulgated by the attorney general under this chapter, shall constitute a breach of trust and a violation of this chapter.

NEW SECTION. Sec. 7. Section 3, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.030 are each hereby repealed.

Passed the House May 5, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 227

[Engrossed Substitute House Bill No. 379]

EXAMINATION OF PERSONS APPLYING TO PRACTICE MEDICINE AND SURGERY,
OSTEOPATHY, OSTEOPATHY AND SURGERY, CHIROPRACTIC, OR CHIROPODY--
USE OF "DOCTOR" OR "DR."

AN ACT Relating to examination of persons applying to practice certain of the healing arts; amending section 14, chapter 5, Laws of 1919 and RCW 18.25.040; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.25 RCW; adding new sections to chapter 43.74 RCW; adding a new section to chapter 18.57 RCW; amending section 15, chapter 5, Laws of 1919 and RCW 18.25.090; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 43.74 RCW a new section to read as follows:

Notwithstanding any provisions of this chapter to the contrary, an applicant for a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, shall be deemed to have satisfied the requirements of the basic science law by giving proof satisfactory to the committee that he has successfully passed an examination in the basic sciences given by the national examining board for osteopathic physicians and surgeons, or by an equivalent

body in the case of applicants for a license to practice medicine and surgery.

NEW SECTION. Sec. 2. There is added to chapter 43.74 RCW a new section to read as follows:

The committee shall not examine a person in the basic sciences when the board or committee examining that person for a certificate to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, or chiropody has waived requirements for that person to be examined in the basic sciences; and that person shall be eligible to be licensed to practice to the same extent as if he had passed the basic science examination provided for in this chapter.

NEW SECTION. Sec. 3. There is added to chapter 18.57 RCW a new section to read as follows:

The board or committee may, in its discretion, waive the examination in basic sciences required under chapter 43.74 RCW of persons applying for a license to practice osteopathy or osteopathy and surgery if, in the sole discretion of the board or committee, the applicant has successfully passed an examination of equal or greater difficulty than the examination being waived.

NEW SECTION. Sec. 4. There is added to chapter 18.71 RCW a new section to read as follows:

The board may waive the examination in basic sciences required under chapter 43.74 RCW for any person applying for a license to practice medicine and surgery if, in the sole discretion of the board, the applicant has successfully passed an examination that is of equal or greater difficulty than the examination being waived.

NEW SECTION. Sec. 5. There is added to chapter 18.25 RCW a new section to read as follows:

The board may, in its discretion, waive any examination required by this chapter of persons applying for a license to practice chiropractic if, in its opinion, the applicant has successfully passed an examination conducted by the national board of chiropractic examiners of the United States that is of equal or greater difficulty than the examination being waived by the board.

Sec. 6. Section 14, chapter 5, Laws of 1919 and RCW 18.25.040 are each amended to read as follows:

Persons licensed to practice chiropractic under the laws of any other state having equal requirements of this chapter, may, in the discretion of the ~~((director))~~ board of chiropractic examiners, and after examination by the board in principles of chiropractic, x-ray and adjusting, as taught by chiropractic schools and colleges, be issued a license to practice in this state without further examination, upon payment of the fee of twenty-five dollars as herein provided.

Sec. 7. Section 15, chapter 5, Laws of 1919 and RCW 18.25.090

are each amended to read as follows:

Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, whether recorded or not, or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in said certificate, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer: PROVIDED, That on all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use ((the word "doctor" abbreviation "Dr." or) the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." may be used only in conjunction with the word "chiropractic" or "chiropractor".

NEW SECTION. Sec. 8. This 1971 amendatory act is necessary for the immediate preservation of the public health and safety and shall take effect immediately.

Passed the House May 3, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 228

[House Bill No. 391]

SALE, LEASE, OR EXCHANGE OF PROPERTY BY WASHINGTON STATE UNIVERSITY

AN ACT Relating to public lands; authorizing the sale, lease, or exchange of certain properties by the board of regents of Washington State University; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. The board of regents of Washington State University is authorized to sell, lease, or exchange for land of equal value, all or any part of the north half of the northeast

quarter of the southwest quarter of the northwest quarter of Section 14, Township 34 North, Range 3 E.W.M., Skagit County, Washington. In the event the land is sold, such sale shall be for at least the appraised value thereof, and the proceeds shall be used to acquire other real estate. In the event the land is exchanged, the land shall be exchanged for land of equal value.

NEW SECTION. Sec. 2. The board of regents of Washington State University is authorized to sell, lease, or exchange for land of equal value, all or any part of a tract of land located in the southeast quarter of the northeast quarter of Section 14, Township 14 North, Range 44 E.W.M., Whitman County, Washington, more particularly described as follows: Beginning at the southeast corner of the northeast quarter of said Section 14; thence north 2°40' east 1025.11 feet along the east line of said northeast quarter to a point; thence south 53°18' west 1733.1 feet to a point on the south line of the said northeast quarter; thence north 89°30' east 1342.0 feet along the said south line of the northeast quarter to the point of beginning. In the event the land is sold, such sale shall be for at least the appraised value thereof, and the proceeds shall be used to acquire other real estate. In the event the land is exchanged, the land shall be exchanged for land of equal value.

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 March 18, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 229
[House Bill No. 362]
PROBATE--
TRUST INSTRUMENTS

AN ACT Relating to probate; and amending section 11.98.050, chapter 145, Laws of 1965 and RCW 11.98.050.

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

Section 1. Section 11.98.050, chapter 145, Laws of 1965 and RCW 11.98.050 are each amended to read as follows:

The provisions hereof shall be applicable to any instrument purporting to create a trust ((which has an effective date subsequent to the effective date of this chapter)) regardless of the date such

instrument shall bear, unless it has been previously adjudicated in the courts of this state.

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 230

[Engrossed House Bill No. 52]

WASHINGTON STATE MILK POOLING ACT

AN ACT Relating to the production of milk; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. This act may be known and cited as the Washington state milk pooling act to provide for equitable pooling among producers.

NEW SECTION. Sec. 2. The production and distribution of milk is hereby declared to be a business affected with the public interest. The provisions of this act are enacted for the purpose of protecting the health and welfare of the people of this state.

NEW SECTION. Sec. 3. It is hereby declared that milk is a necessary article of food for human consumption; that the production and maintenance of an adequate supply of healthful milk of proper chemical and physical content, free from contamination, is vital to the public health and welfare.

NEW SECTION. Sec. 4. It is recognized by the legislature that conditions within the milk industry of this state are such that it may be necessary to establish marketing areas wherein pooling arrangements between producers are necessary, and for that purpose the director shall have the administrative authority, with such additional duties as are herein prescribed, after investigations and public hearings, to prescribe such marketing areas and modify the same when advisable or necessary.

NEW SECTION. Sec. 5. The statement of facts, policy, and application of this act as set forth in sections 1 through 4 is hereby declared a matter of legislative determination.

NEW SECTION. Sec. 6. The purposes of this act are to:

(1) Authorize and enable the director to prescribe marketing areas and to establish pooling arrangements which are necessary due to varying factors of costs of production, health regulations, transportation, and other factors in said marketing areas of this state;

(2) Authorize and enable the director to formulate marketing plans subject to the provisions of this act with respect to the contents of such pooling arrangements and declare such plans in effect for any marketing area;

(3) Provide funds for administration and enforcement of this act by assessments to be paid by producers.

NEW SECTION. Sec. 7. It is the intent of the legislature that the powers conferred in this act shall be liberally construed. Nothing in this act shall be construed as permitting or authorizing the development of conditions of monopoly in the production or distribution of milk.

NEW SECTION. Sec. 8. For the purposes of this act:

(1) "Department" means the department of agriculture of the state of Washington;

(2) "Director" means the director of the department or his duly appointed representative;

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural as the case may be;

(4) "Market" or "marketing area" means any geographical area within the state comprising one or more counties or parts thereof, or one or more cities or towns or parts thereof where marketing conditions are substantially similar and which may be designated by the director as one marketing area;

(5) "Milk" means all fluid milk as defined in chapters 15.32 and 15.36 RCW as enacted or hereafter amended and rules adopted thereunder;

(6) "Milk products" includes any product manufactured from milk or any derivative or product of milk;

(7) "Milk dealer" means any person engaged in the handling of milk in his capacity as the operator of a milk plant, a country plant or any other plant from which milk or milk products are disposed of to any place or establishment within a marketing area other than to a plant in such marketing area;

(8) "Producer" means a person producing milk within this state for sale under a grade A milk permit issued by the department under the provisions of chapter 15.36 RCW as enacted or hereafter amended;

(9) "Classification" means the classification of milk into classes according to its utilization by the department.

(10) "Producer-dealer" means a producer who engages in the production as well as the distribution of milk products.

NEW SECTION. Sec. 9. The director shall in carrying out the provisions of this act and any marketing plan thereunder confer with the legally constituted authorities of other states of the United

States, and the United States department of agriculture, for the purpose of seeking uniformity of milk control with respect to milk coming in to the state and going out of the state in interstate commerce with a view to accomplishing the purposes of this act, and may enter into a compact or compacts which will insure a uniform system of milk control between this state and other states.

NEW SECTION. Sec. 10. Subject to the provisions of this act and the specific provisions of any marketing plan established thereunder, the director is hereby vested with the authority:

(1) To investigate all matters pertaining to the production, processing, storage, transportation, and distribution of milk and milk products in the state, and including but not limited to the authority to:

(a) prescribe the method and time of payment to be made to producers by dealers in accordance with a marketing plan for milk;

(b) determine what constitutes a natural milk market area;

(c) determine by using uniform rules, what portion of the milk produced by each producer subject to the provisions of a marketing plan shall be marketable in fluid form and what proportion so produced shall be considered as surplus; such determination shall also apply to milk dealers who purchase or receive milk, for sale or distribution in such marketing area, from plants whose producers are not subject to such pooling arrangements;

(d) provide for the pooling and averaging of all returns from the sales of milk in a designated market area, and the payment to all producers of a uniform pool price for all milk so sold;

(e) provide and establish distributor pools or market pools for a designated market area with such rules and regulations as the director may adopt;

(f) employ an executive officer, who shall be known as the milk pooling administrator;

(g) employ such persons as may be necessary and incur all expenses necessary to carry out the purposes of this act;

(h) determine by rule, what portion of any increase in the demand for fluid milk subject to a pooling arrangement and marketing plan providing for quotas shall be assigned new producers or existing producers.

(2) To issue subpoenas to compel the attendance of witnesses and/or the production of books, documents, and records anywhere in the state in any hearing affecting the authority of privileges granted by a license issued under the provisions of this act. Witnesses shall be entitled to fees for attendance and travel as provided for in chapter 2.40 RCW as enacted or hereafter amended;

(3) To make, adopt, and enforce all rules necessary to carry out the purpose of this act subject to the provisions of chapter

34.04 RCW concerning the adoption of rules, as enacted or hereafter amended: PROVIDED, That nothing contained in this act shall be construed to abrogate or affect the status, force, or operation of any provision of the public health laws enacted by the state or any municipal corporation or the public service laws of this state.

NEW SECTION. Sec. 11. (1) The director, either upon his own motion or upon petition by ten percent of the producers in any proposed area, shall conduct a hearing to determine whether to establish or discontinue a market area pooling arrangement. Upon determination by the director that in order to satisfy the purposes of this act a pooling arrangement should either be established or terminated, a referendum of affected individual producers shall be conducted by the department.

(a) Sixty-six and two-thirds percent of the producers that vote must be in favor of establishing a market area and pooling plan before it can be put into effect by the director. The director, within one hundred twenty days from the date the results of the referendum are filed with the secretary of state, shall establish a market pool in the market area, as provided for in this act.

(b) If fifty-one percent of those voting representing fifty-one percent of the milk produced in the market area vote to terminate a pooling plan, the director, within one hundred twenty days, shall terminate all the provisions of said market area and pooling arrangement.

NEW SECTION. Sec. 12. (1) The producers qualified to sign a petition, or to vote in any referendum concerning a market pool, shall be all those producers shipping milk to the market area on a regular supply basis and who would or do receive or pay equalization in an existing market pool in a market area, or in a market pool if established in such market area.

(2) The director is authorized during business hours to review the books and records of handlers to obtain a list of the producers qualified to sign petitions or to vote in referendums.

NEW SECTION. Sec. 13. Petitions filed with the director by producers shall:

(1) Consist of one or more pages, each of which is dated at the bottom. The date shall be inserted on each sheet prior to, or at the time the first signature is obtained on each sheet. The director shall not accept a sheet on which such date is more than sixty days, prior to the time it is filed with the director. After a petition is filed, additional pages may be filed if time limits have not expired.

(2) Contain wording at the top of each page which clearly explains to each person whose signature appears thereon the meaning and intent of the petition. Such wording shall also clearly indicate to the director if it is in reference to a request for public

hearing, exactly what matters are to be studied and desired. Similar information must be directed to the director if the matter relates to a referendum. The director has the authority to clarify wording from a petition before making it a part of a referendum.

No informalities or technicalities in the conduct of a referendum, or in any matters relating thereto, shall invalidate any referendum if it is fairly and reasonably conducted by the director.

NEW SECTION. Sec. 14. (1) The director shall establish a system of pooling of all milk used in each market area established under section 11 of this act.

(2) Thereafter the director shall establish a system in each market area for the equalization of returns for all quota milk and all surplus over quota milk whereby all producers selling milk to milk dealers or delivering milk in such market area, will receive the same price for all quota milk and all surplus over quota milk, except that any premium paid to a producer by a dealer above established prices shall not be considered in determining average pool prices.

NEW SECTION. Sec. 15. (1) Under a market pool and as used in this section, "quota" means a producer's portion of the total sales of class I milk in a market area plus a reserve determined by the director.

(2) The director shall in each market area subject to a market plan establish each producer's initial quota in the market area. Such initial quota shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.04 RCW. In making this determination, consideration shall be given to a history of the producer's production record.

In any system of establishing quotas, provision shall be made for new producers to qualify for allocation of quota in a reasonable proportion and for old and new producers to participate in any new class I sales in a reasonable proportion.

All subsequent changes or new quota issued shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.04 RCW.

NEW SECTION Sec. 16. No provision of this act shall be deemed or construed to:

(1) Affect or impair the contracts of any such cooperative association with its members or other producers marketing their milk through such corporation;

(2) Impair or affect any contract which any such cooperative association has with milk dealers or others which are not in violation of this act;

(3) Affect or abridge the rights and powers of any such cooperative association conferred by the laws of this state under which it is incorporated.

NEW SECTION. Sec. 17. Quotas provided for in this act may not in any way be transferred without the consent of the director. Regulations regarding transfer of quotas shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.04 RCW. Any contract for the transfer of quotas, unless the transfer has previously been approved by the director, shall be null and void. The director shall make rules and regulations to preclude any person from using a corporation as a device to evade the provisions of this section. The quotas assigned to any corporation shall become null and void as of any time the corporation does not own the means of production to which the quotas pertain. Quotas shall in no event be considered as property not to be taken or abolished by the state without compensation.

NEW SECTION. Sec. 18. The director shall examine and audit not less than one time each year or at any other such time he considers necessary, the books and records, and may photostat such books, records, and accounts of milk dealers and cooperatives licensed or believed subject to license under this act for the purpose of determining:

(1) How payments to producers for the milk handled are computed and whether the amount of such payments are in accordance with the applicable marketing plan;

(2) If any provisions of this act affecting such payments directly or indirectly have been or are being violated.

No person shall in any way hinder or delay the director in conducting such examination.

NEW SECTION Sec. 19. All milk dealers subject to the provisions of this act shall keep the records as deemed necessary by the director.

NEW SECTION. Sec. 20. Each milk dealer subject to the provisions of this act shall from time to time, as required by rule of the director, make and file a verified report, on forms prescribed by the director, of all matters on account for which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of the purpose of this act. Such reports shall cover a period specified in the order, and shall be filed within a time fixed by the director.

NEW SECTION. Sec. 21. It shall be unlawful for any milk dealer subject to the provisions of a marketing plan to handle milk subject to the provisions of such marketing plan without first obtaining an annual license from the director for each separate place of business where such milk is received or sold. Such license shall be in addition to any other license required by the laws of this state: PROVIDED, That the provisions of this section shall not become effective for a period of sixty days subsequent to the

inception of a marketing plan in any marketing area prescribed by the director.

NEW SECTION. Sec. 22. Application for a license to act as a milk dealer shall be on a form prescribed by the director and shall contain, but not be limited to, the following:

- (1) The nature of the business to be conducted;
- (2) The full name and address of the person applying for the license if an individual; and if a partnership, the full name and address of each member thereof; and if a corporation, the full name and address of each officer and director;
- (3) The complete address at which the business is to be conducted;
- (4) Facts showing that the applicant has adequate personnel and facilities to properly conduct the business of a milk dealer;
- (5) Facts showing that the applicant has complied with all the rules prescribed by the director under the provisions of this act;
- (6) Any other reasonable information the director may require.

NEW SECTION. Sec. 23. (1) Application for each milk dealer's license shall be accompanied by an annual license fee of five dollars.

(2) If an application for the renewal of a milk dealer's license is not filed on or before the first day of an annual licensing period a fee of three dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional assessment shall not apply if the applicant furnishes an affidavit that he has not acted as a milk dealer subsequent to the expiration of his prior license.

NEW SECTION. Sec. 24. The director may deny, suspend, or revoke a license upon due notice and an opportunity for a hearing as provided in chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended, or rules adopted thereunder by the director, when he is satisfied by a preponderance of the evidence of the existence of any of the following facts:

- (1) A milk dealer has failed to account and make payments without reasonable cause, for milk purchased from a producer subject to the provisions of this act or rules adopted hereunder;
- (2) A milk dealer has committed any act injurious to the public health or welfare or to trade and commerce in milk;
- (3) A milk dealer has continued in a course of dealing of such nature as to satisfy the director of his inability or unwillingness to properly conduct the business of handling or selling milk, or to satisfy the director of his intent to deceive or defraud producers subject to the provisions of this act or rules adopted hereunder;
- (4) A milk dealer has rejected without reasonable cause any

milk purchased or has rejected without reasonable cause or reasonable advance notice milk delivered in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated;

(5) Where the milk dealer is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or where a money judgment has been secured against him upon which an execution has been returned wholly or partially satisfied;

(6) Where the milk dealer has been a party to a combination to fix prices, contrary to law; a cooperative association organized under chapter 24.32 RCW and making collective sales and marketing milk pursuant to the provisions of such act shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly;

(7) Where there has been a failure either to keep records or to furnish statements or information required by the director;

(8) Where it is shown that any material statement upon which the license was issued is or was false or misleading or deceitful in any particular;

(9) Where the applicant is a partnership or a corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act for which a license may be denied, suspended, or revoked, pursuant to the provisions of this act or rules adopted hereunder;

(10) Where the milk dealer has violated any provisions of this act or rules adopted hereunder;

(11) Where the milk dealer has ceased to operate the milk business for which the license was issued.

NEW SECTION. Sec. 25. There is hereby levied upon all milk sold or received in any marketing area subject to a marketing plan established under the provisions of this act an assessment, not to exceed five cents per one hundred pounds of all such milk, to be paid by the producer of such milk. Such assessment shall be collected by the first milk dealer who receives or handles such milk from any producer or his agent subject to such marketing plan and shall be paid to the director.

The amount to be assessed and paid to the director under any marketing plan shall be determined by the director within the limits prescribed by this section and shall be determined according to the necessities required to carry out the purpose and provisions of this act under any such marketing plan.

Upon the failure of any dealer to withhold out of amounts due to or to become due to a producer at the time a dealer is notified by the director of the amounts to be withheld and upon failure of such dealer to pay such amounts, the director subject to the provisions of

section 26 of this act, may revoke the license of the dealer required by section 23 of this act. The director may commence an action against the dealer in a court of competent jurisdiction in the county in which the dealer resides or has his principal place of business to collect such amounts. If it is determined upon such action that the dealer has wrongfully refused to pay the amounts the dealer shall be required to pay, in addition to such amounts, all the costs and disbursements of the action, to the director as determined by the court. If the director's contention in such action is not sustained, the director shall pay to the dealer all costs and disbursements of the action as determined by the court.

NEW SECTION. Sec. 26. Each licensee, in addition to other records required under the provisions of this act, shall keep such records and make such reports as the director may require for the purpose of computing payments of assessments by such licensee.

NEW SECTION. Sec. 27. All assessments on milk subject to the provisions of this act and a marketing order shall be paid to the director on or before the twentieth day of the succeeding month for the milk which was received or handled in the previous month.

NEW SECTION. Sec. 28. The director shall establish a separate account for each marketing plan established under the provisions of this act, and all license fees and assessments collected under any such marketing plan shall be deposited in its separate account to be used only for the purpose of carrying out the provisions of such marketing plan: PROVIDED, That the director may deduct from each such account the necessary costs incurred by the department. Such costs shall be prorated among the several marketing plans if more than one is in existence under the provisions of this act.

NEW SECTION. Sec. 29. In addition to any other remedy provided by law, the director in the name of the state shall have the right to sue in any court of competent jurisdiction for the recovery of any moneys due it from any persons subject to the provisions of this act and shall also have the right to institute suits in equity for injunctive relief and for purpose of enforcement of the provisions of this act.

NEW SECTION. Sec. 30. Any violation of this act and/or rules and regulations adopted thereunder shall constitute a misdemeanor: PROVIDED, That this section shall not apply to retail purchasers who purchase milk for domestic consumption.

NEW SECTION. Sec. 31. The provisions of this act shall not apply to a producer who acts as a milk dealer only for milk he produces on his own dairy farm from cows which he owns or is purchasing: PROVIDED, That such producer shall lease or own his processing facilities, or that he shall not have more than

seventy-five percent of the milk he produces processed, bottled, or packaged by another milk dealer or producer who acts as a dealer: PROVIDED FURTHER, That such milk producer shall remain exempt from the provisions of this act if he purchases not more than ten percent of the milk he handled from another producer or milk dealer and if he sells any excess production from his farm or farms to the pool at the lowest use classification price.

NEW SECTION. Sec. 32. 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 provisions to other persons or circumstances, is not affected.

NEW SECTION. Sec. 33. 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 May 1, 1971.

Passed the Senate April 28, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 231

[Engrossed Substitute House Bill No. 69]

REGULATION OF MOBILE HOMES, TRAVEL TRAILERS, AND CAMPERS

AN ACT Relating to the regulation of mobile homes, travel trailers, and campers; amending section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140; amending section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100; amending section 57, chapter 83, Laws of 1967 ex. sess. as amended by section 6, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.111; amending section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030; adding a new section to chapter 46.01 RCW; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.12 RCW; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.70 RCW; prescribing penalties; and providing effective dates.

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

Section. 1. Section 57, chapter 83, Laws of 1967 ex. sess. as

amended by section 6, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.111 are each amended to read as follows:

Unless the owner thereof elects to pay tonnage fees separately on his trailer or semitrailer pursuant to RCW 46.16.115 the maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semitrailer or pole trailer to be towed thereby, to which shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise: PROVIDED, That if the sum of the scale weight and maximum load of such trailer is not greater than four thousand pounds, such sum shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer for the personal use of the owner of the truck or truck tractor and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: PROVIDED, FURTHER, That the weight of any camper as defined in this 1971 amendatory act shall be exempt from the determination of gross weight in the computation of any tonnage fees required under RCW 46.16.070.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat.

NEW SECTION. Sec. 2. There is added to chapter 46.04 RCW a new section to read as follows:

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motorhomes as defined in section 3 of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 46.04 RCW a new section to read as follows:

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

NEW SECTION. Sec. 4. There is added to chapter 46.04 RCW a new section to read as follows:

"Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width, except

as hereinafter specifically excluded, and excluding modular homes.

NEW SECTION. Sec. 5. There is added to chapter 46.04 RCW a new section to read as follows:

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

NEW SECTION. Sec. 6. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in section 2 of this 1971 amendatory act. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

NEW SECTION. Sec. 7. There is added to chapter 46.16 RCW a new section to read as follows:

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) The weight of such camper which shall be the shipping weight thereof as given by the manufacturer thereof;
- (4) Such other information as the director requires.

There shall be paid and collected annually for each calendar year or fractional part thereof and upon each camper a license fee in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

Sec. 8. Section 46.08.090, chapter 12, Laws of 1961 as amended by section 13, chapter 156, Laws of 1965 and RCW 46.01.130 are each amended to read as follows:

The department of motor vehicles shall have the general

supervision and control of the issuing of vehicle licenses and vehicle license number plates and mobile home identification tags and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles and the issuance of mobile home identification tags; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles and the issuance of mobile home identification tags.

Sec. 9. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 14, chapter 156, Laws of 1965 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates and the issuance of mobile home identification tags under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates and to issue mobile home identification tags, collect fees therefor, and receive the payment of property taxes on mobile homes.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration (~~OR~~), the right to operate any vehicle upon the public highways of this state, or the issuance of mobile home identification tags, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 10. Section 46.16.100, chapter 12, Laws of 1961 as amended by section 5, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: PROVIDED FURTHER, That ((no)) a special permit or one-transit permit shall be issued for movement of a ((house trailer as defined in chapter 92.50 RCW unless the applicant therefor has a stamp issued thereunder)) mobile home as defined in section 4 of this 1971 amendatory act pursuant to section 21 of this 1971 amendatory act.

Sec. 11. Section 46.68.030, chapter 12, Laws of 1961 as last amended by section 25, chapter 281, Laws of 1969 ex. sess. and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses and mobile home identification tags under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle basic license fee as provided for in RCW 46.16.060 and each mobile home identification tag fee as provided for in section 16 of this 1971 amendatory act, the state treasurer shall deposit six dollars to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

NEW SECTION. Sec. 12. There is added to chapter 46.01 RCW a new section to read as follows:

In addition to all other powers and duties, the director of motor vehicles shall design and adopt an identification tag to be used by mobile home owners in lieu of the vehicle license and vehicle license number plate requirements of this state. The director shall have the power to adopt such rules and regulations pertaining to mobile homes as the director deems necessary.

NEW SECTION. Sec. 13. There is added to chapter 46.12 RCW a new section to read as follows:

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the director of motor vehicles or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner.

NEW SECTION. Sec. 14. There is added to chapter 46.12 RCW a new section to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: PROVIDED, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

NEW SECTION. Sec. 15. There is added to chapter 46.16 RCW a new section to read as follows:

Vehicle licenses and vehicle license number plates shall not be required for mobile homes and need not be displayed thereon. In lieu of vehicle licenses and vehicle license number plates, the director or his agents, including county auditors, shall issue mobile home identification tags for each calendar year. Such tags shall be issued beginning on the first day of the current licensing period or on the date the mobile home is first purchased or brought into this state and shall be used and displayed from the date of issue or from the thirty-fifth day after the expiration of the preceding motor vehicle licensing period or from the thirtieth day after the mobile home is first purchased or brought into this state whichever date is the latest.

The mobile home identification tag shall be displayed in a conspicuous manner on the mobile home identified by such tag. It shall be unlawful to display on any mobile home, mobile home identification tags other than those furnished by the director or his agents, including county auditors, for such mobile home or to display upon any mobile home any mobile home identification tag which has been in any manner changed, altered, disfigured, or has become illegible.

The director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of mobile home identification tag whereby the same shall be used as long as legible on the mobile home for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the mobile home to signify renewals, in which event the term "mobile home identification tag" as used in any enactment shall be deemed to include in addition

to such tag, the tab or emblem signifying renewal except when such tag contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

NEW SECTION. Sec. 16. There is added to chapter 46.16 RCW a new section to read as follows:

Application for original mobile home identification tag shall be made on a form designed and furnished for the purpose by the director. Such application shall be made by the owner of the mobile home or his duly authorized agent over the signature of such owner or agent and he shall certify that the statements therein are true to the best of his knowledge.

There shall be paid for the issuance of the mobile home identification tag a fee of nine dollars and forty cents which shall be collected by the director or his agents, including county auditors, one-half of which shall be credited to the payment of property taxes due, if any, on such mobile home at that time.

Annually the director shall include the applicable assessed valuation of a mobile home on the application form for a mobile home identification tag together with a notation of the mobile home identification tag fee which shall be transmitted to the county treasurer. The county treasurer shall multiply the applicable assessed valuation by the total applicable millage and determine the property taxes due and payable. The county treasurer shall mail the completed application form showing the property taxes due and payable and the identification tag fee due to the applicant. After payment or legal provision for payment is made, the director or his agents, including county auditors, shall issue the mobile home identification tag and a receipt showing that the fee therefor has been paid and also shall issue a receipt for the property taxes paid.

When the applicant makes an original application for a mobile home identification tag after the close of the thirty-five day registration period as set forth in section 15 of this 1971 amendatory act, the county treasurer shall prorate the amount of property tax for the following year's collection on a monthly basis.

NEW SECTION. Sec. 17. There is added to chapter 46.16 RCW a new section to read as follows:

Upon receipt by agents of the director, including county auditors, of original applications for mobile home identification tags accompanied by the proper fees and taxes as provided for in section 16 of this 1971 amendatory act, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the identification tag fees, to the director.

NEW SECTION. Sec. 18. There is added to chapter 46.16 RCW a

new section to read as follows:

(1) Upon receipt of the application and identification tag fee for an original mobile home identification tag, the director shall make a recheck of the application and in the event there is error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a mobile home identification tag shall be made to the director or his agents, including county auditors, by the owner of a mobile home on a form prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director unless the applicant submits a preprinted application mailed from Olympia and the payment of fees and taxes as may be required by law. Such application shall be handled in the same manner and the fees and taxes transmitted in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered on it the name of the lienholder, if any, of the mobile home concerned.

(3) Persons expecting to be out of the state during the period from January first through February first may, not earlier than December first but prior to January first, secure renewal of a mobile home identification tag and have such tag preissued by making application to the director or his agents, including county auditors, upon forms prescribed by the director. The application must be accompanied by proof of ownership deemed sufficient by the director and be accompanied by the payment of such fees as may be required by law including a special handling fee of one dollar, fifty cents to be retained by the issuing agency and fifty cents to be deposited in the highway safety fund and property tax as may be required by law.

NEW SECTION. Sec. 19. There is added to chapter 46.16 RCW a new section to read as follows:

After receipt of payment of property taxes under the provisions of this 1971 amendatory act, the director or his agents, including county auditors, shall transmit such taxes to the county treasurer who shall receive and collect such taxes as required of county treasurers under the provisions of Title 84 RCW.

NEW SECTION. Sec. 20. The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in section 21 of this 1971 amendatory act and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where

such mobile home will be located: PROVIDED, That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home was located.

NEW SECTION. Sec. 21. When any mobile home, as defined in section 4 of this 1971 amendatory act, except those displaying dealer license plates or transporter license number plates is to be moved upon the public highways of this state from one point to another, the department of highways may issue a special mobile home movement permit therefor upon an application presented to it in such form as approved by the director of the department of highways and upon payment therefor of a fee of five dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, That no special mobile home movement permit shall be issued for movement of a mobile home unless the applicant therefor can prove to the satisfaction of the director of highways that all taxes and fees have been paid on such mobile home. All mobile home movement permit fees received by the director of highways under the provisions of this section shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report and be by him credited to the motor vehicle fund.

NEW SECTION. Sec. 22. Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by section 21 of this 1971 amendatory act shall be guilty of a misdemeanor: PROVIDED, That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home.

NEW SECTION. Sec. 23. There is added to chapter 46.70 RCW a new section to read as follows:

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, salesmen, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

NEW SECTION. Sec. 24. (1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 232

[Engrossed Substitute House Bill No. 772]

AIR POLLUTION CONTROL--
FIRE AND BURNING PERMITS

AN ACT Relating to air pollution control; requiring permits for certain fires; adding new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW; and repealing section 25, chapter 232, Laws of 1957, section 42, chapter 238, Laws of 1967 and RCW 70.94.250.

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

NEW SECTION. Section 1. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Any person who proposes to set fires in the course of the following:

- (1) Weed abatement,
 - (2) Instruction in methods of fire fighting (except forest fires), or
 - (3) Disease prevention relating to agricultural activities,
- shall, prior to carrying out the same, obtain a permit from an air pollution control authority or the department of ecology, as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in section 2 of this act. General criteria of state-wide applicability for ruling on such permits shall be established by the department, by rule or regulation, after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both: PROVIDED, That all permits so issued shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise the applicant is engaged in. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in

this section shall relieve the applicant from obtaining permits, licenses or other approvals required by any other law: PROVIDED FURTHER, That an application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, and development of physiological conditions conducive to increased crop yield, shall be granted within fourteen days from the date such application is filed: PROVIDED, That nothing herein shall prevent a householder from setting fire in the course of burning leaves, clippings or trash when otherwise permitted locally. Nothing contained herein shall prohibit Indian campfires or the sending of smoke signals if part of a religious ritual.

NEW SECTION. Sec. 2. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources shall have the responsibility for issuing and regulating burning permits required by it relating to the following activities declared to be for the protection of life or property and/or in the public welfare:

- (1) Abating a forest fire hazard;
- (2) Prevention of a fire hazard;
- (3) Instruction of public officials in methods of forest fire fighting; and
- (4) Any silvicultural operation to improve the forest lands of the state.

NEW SECTION. Sec. 3. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources in granting burning permits for fires for the purposes set forth in section 2 of this act shall condition the issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources. Such burning shall not cause the state air quality standards for suspended particulate matter to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards for suspended particulate matter shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when the air exceeds or threatens to exceed the standards over such critical areas. The suspended particulate matter shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established primary air mass stations or primary ground level monitoring stations over such designated areas. The department of natural resources shall set forth smoke dispersal objectives designed to minimize any air pollution from smoke from such burning and the

procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging to reduce forest fire hazards and shall encourage development and use of procedures and equipment to burn forest debris in a manner that will produce less smoke. The department of natural resources shall, whenever practical, encourage development and use of alternative acceptable disposal methods. Such alternative methods shall be evaluated as to the relative impact on air, water and land pollution, and their financial feasibility.

NEW SECTION. Sec. 4. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources may extend burning permit requirements to cover the types of burning set forth in this act during the period from October 15 through March 15 in order to protect the air quality, and shall extend such requirements if the department of ecology deems such action necessary to avoid an air pollution emergency where there is a high danger that normal operations at air contaminant sources in the area will be detrimental to the public health or safety.

NEW SECTION. Sec. 5. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

In the regulation of outdoor burning not included in section 2 thereof this act requiring permits from the department of natural resources, said department and the state, local, or regional air pollution control authorities will cooperate in regulating such burning so as to minimize insofar as possible duplicate inspections and separate permits while still accomplishing the objectives and responsibilities of the respective agencies.

Permits shall be withheld by the department of natural resources when so requested by the department of ecology if a forecast, alert, warning or emergency condition exists as defined in the episode criteria of the department of ecology.

NEW SECTION. Sec. 6. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

The department of natural resources and the department of ecology may adopt rules and regulations necessary to implement their respective responsibilities under the provisions of this act.

NEW SECTION. Sec. 7. Section 25, chapter 232, Laws of 1957 as amended by section 42, chapter 238, Laws of 1967 and RCW 70.94.250 are each repealed.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 233

[Engrossed Senate Bill No. 42]

FOREST PROTECTION--
BURNING RESTRICTIONS

AN ACT Relating to forest protection; amending section 8, chapter 125, Laws of 1911 as last amended by section 1, chapter 82, Laws of 1965, and RCW 76.04.150; and amending section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 142, Laws of 1955, and RCW 76.04.170.

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

Section 1. Section 8, chapter 125, Laws of 1911, as last amended by section 1, chapter 82, Laws of 1965, and RCW 76.04.150 are each amended to read as follows:

Except in certain areas designated by the ((supervisor)) department of natural resources, or as permitted under rules and regulations promulgated by the department of natural resources, no one shall burn any inflammable material within any county in this state in which there is a warden or ranger during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or ((between)) during the period beginning the fifteenth day of April and ending on the fifteenth day of October in eastern Washington, unless a different date for such beginning and ending is fixed by order of the ((supervisor)) department of natural resources, after a finding that such different dates are necessary for the protection of life and property, or air quality standards, without first obtaining permission in writing from the ((supervisor)) department of natural resources, any authorized employee thereof, or a warden, or ranger, and afterwards complying with the terms of said permit. However, if such fire is contained in a suitable device sufficient, in the opinion of the ((supervisor)) department of natural resources to prevent the fire from spreading, and such device complies with air pollution requirements as provided under chapter 70.94 RCW, said written permission will not be necessary under this 1971 amendatory act.

The ((supervisor, any of his assistants,)) department of natural resources or authorized employees thereof, or any warden or ranger, may refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property. They may also refuse, suspend, or revoke a permit authorized under this section when necessary in their judgment to prevent air pollution as provided for in chapter 70.94 RCW.

A person violating this section shall, upon conviction, be fined not less than twenty-five dollars nor more than five hundred dollars or be imprisoned in the county jail not exceeding thirty days. Permission for burning shall be given only upon compliance with such rules and regulations as the ((supervisor)) department of natural resources shall prescribe, which shall be only such as the ((supervisor)) department of natural resources deems necessary for the protection of life or property, and air quality.

Sec. 2. Section 1, chapter 223, Laws of 1927 as last amended by section 1, chapter 142, Laws of 1955, and RCW 76.04.170 are each amended to read as follows:

Anyone desiring to dispose of the refuse or waste forest material on or from forest lands, to reduce the potential danger of loss of life or property by burning during the period beginning the fifteenth day of March, and ending on the fifteenth day of October in each year in western Washington, or ((between)) during the period beginning the fifteenth day of April and ending on the fifteenth day of October in eastern Washington, unless different dates for such beginning and ending are fixed by order of the ((supervisor of forestry)) department of natural resources after a finding that such different dates are necessary for the protection of life and property, or air quality, may make application to the ((supervisor)) department of natural resources, authorized employees thereof, or to any warden or ranger, for a permit so to do. The application shall state the location and extent of the area sought to be burned over, and by whom the burning is to be done. Upon receipt of an application the ((supervisor)) department of natural resources may inspect, or cause to be inspected the area described in the application and if satisfied that all requirements relating to fire fighting equipment, the work to be done or precautions to be taken before commencing such burning, have been complied with and that no unreasonable danger will result, and that the burning will be done at a time and in a manner so as to minimize reduction in air quality, the department of natural resources shall issue a permit.

The ((supervisor)) department of natural resources, authorized employees thereof, warden, or ranger may impose reasonable conditions in such permits for the protection of life ((and)), property, or air quality, and may suspend or revoke such permits when conditions warrant. A permit shall be effective only under the conditions and for the period stated therein. Compliance with the terms of the permit shall create a presumption of due care with respect to the starting and control of such fire.

Passed the Senate May 4, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 234

[Engrossed Senate Bill No. 314]

MULTIPLE USE OF STATE-OWNED LANDS--

MANAGEMENT OF WATERSHED AREAS--

LAND USE DATA BANK

AN ACT Relating to lands; creating new sections; amending section 32, chapter 255, Laws of 1927 and RCW 79.01.128; amending section 1, chapter 20, Laws of 1963 and RCW 79.44.003; repealing section 1, chapter 175, Laws of 1933, section 1, chapter 159, Laws of 1949, section 1, chapter 301, Laws of 1955 and RCW 79.56.010; and repealing section 1, chapter 73, Laws of 1939 and RCW 79.56.020.

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

NEW SECTION. Section 1. The legislature hereby directs that a multiple use concept be utilized by the department of natural resources in the management and administration of state-owned lands under the jurisdiction of the department where such a concept is in the best interests of the state and the general welfare of the citizens thereof, and is consistent with the applicable trust provisions of the various lands involved.

NEW SECTION. Sec. 2. "Multiple Use" as used in this 1971 amendatory act shall mean the management and administration of state-owned lands under the jurisdiction of the department of natural resources to provide for several uses simultaneously on a single tract and/or planned rotation of one or more uses on and between specific portions of the total ownership consistent with the provisions of section 1 of this 1971 amendatory act.

NEW SECTION. Sec. 3. "Sustained Yield Plans" as used in this 1971 amendatory act shall mean management of the forest to provide harvesting on a continuing basis without major prolonged curtailment or cessation of harvest.

NEW SECTION. Sec. 4. The department of natural resources shall manage the state-owned lands under its jurisdiction which are primarily valuable for the purpose of growing forest crops on a sustained yield basis insofar as compatible with other statutory directives. To this end, the department shall periodically adjust the acreages designated for inclusion in the sustained yield management program.

NEW SECTION. Sec. 5. Multiple uses additional to and compatible with those basic activities necessary to fulfill the financial obligations of trust management may include but are not limited to:

- (1) Recreational areas;
- (2) Recreational trails for both vehicular and nonvehicular uses;
- (3) Special educational or scientific studies;
- (4) Experimental programs by the various public agencies;
- (5) Special events;
- (6) Hunting and fishing and other sports activities;
- (7) Maintenance of scenic areas;
- (8) Maintenance of historical sites;
- (9) Municipal or other public watershed protection;
- (10) Greenbelt areas;
- (11) Public rights of way;
- (12) Other uses or activities by public agencies;

If such additional uses are not compatible with the financial obligations in the management of trust land they may be permitted only if there is compensation from such uses satisfying the financial obligations.

NEW SECTION. Sec. 6. For the purpose of providing increased continuity in the management of public lands and of facilitating long range planning by interested agencies, the department of natural resources is authorized to identify and to withdraw from all conflicting uses at such times and for such periods as it shall determine appropriate, limited acreages of public lands under its jurisdiction. Acreages so withdrawn shall be maintained for the benefit of the public and, in particular, of the public schools, colleges and universities, as areas in which may be observed, studied, enjoyed, or otherwise utilized the natural ecological systems thereon, whether such systems be unique or typical to the state of Washington. Nothing herein is intended to or shall modify the department's obligation to manage the land under its jurisdiction in the best interests of the beneficiaries of granted trust lands.

NEW SECTION. Sec. 7. The department of natural resources is hereby authorized to carry out all activities necessary to achieve the purposes of this act, including, but not limited to:

- (1) Planning, construction and operation of recreational sites, areas, roads and trails, by itself or in conjunction with any public agency;
- (2) Planning, construction and operation of special facilities for educational, scientific, or experimental purposes by itself or in conjunction with any other public or private agency;
- (3) Improvement of any lands to achieve the purposes of this

1971 amendatory act;

(4) Cooperation with public and private agencies in the utilization of such lands for watershed purposes;

(5) The authority to make such leases, contracts, agreements or other arrangements as are necessary to accomplish the purposes of this 1971 amendatory act: PROVIDED, That nothing herein shall affect any existing requirements for public bidding or auction with private agencies or parties, except that agreements or other arrangements may be made with public schools, colleges, universities, governmental agencies, and nonprofit scientific and educational associations.

NEW SECTION. Sec. 8. The department of natural resources shall foster the commercial and recreational use of the aquatic environment for production of food, fibre, income, and public enjoyment from state-owned aquatic lands under its jurisdiction and from associated waters, and to this end the department may develop and improve production and harvesting of seaweeds and sealife attached to or growing on aquatic land or contained in aquaculture containers, but nothing in this section shall alter the responsibility of other state agencies for their normal management of fish, shellfish, game and water.

NEW SECTION. Sec. 9. The department of natural resources may adopt a multiple use land resource allocation plan for all or portions of the lands under its jurisdiction providing for the identification and establishment of areas of land uses and identifying those uses which are best suited to achieve the purposes of this 1971 amendatory act. Such plans shall take into consideration the various ecological conditions, elevations, soils, natural features, vegetative cover, climate, geographical location, values, public use potential, accessibility, economic uses, recreational potentials, local and regional land use plans or zones, local, regional, state and federal comprehensive land use plans or studies, and all other factors necessary to achieve the purposes of this 1971 amendatory act.

NEW SECTION. Sec. 10. The department of natural resources may confer with other public and private agencies to facilitate the formulation of policies and/or plans providing for multiple use concepts. The department of natural resources is empowered to hold public hearings from time to time to assist in achieving the purposes of this 1971 amendatory act.

Sec. 11. Section 32, chapter 255, Laws of 1927 and RCW 79.01.128 are each amended to read as follows:

In the management of public lands lying within the limits of any watershed over and through which is derived the water supply of any city or town, the department may alter its land management practices to provide water with qualities exceeding standards

established for intrastate and interstate waters by the department of ecology; PROVIDED, That if such alterations of management by the department reduce revenues from, increase costs of management of, or reduce the market value of public lands the city or town requesting such alterations shall fully compensate the department.

((Whenever any state lands except capitol building lands, lie) The exclusive manner, notwithstanding any provisions of the law to the contrary, for any city or town to acquire by condemnation ownership or rights in public lands for watershed purposes within the limits of any watershed over or through which is derived the water supply of any city or town ((in this state, and such city or town shall desire to purchase or condemn the same, it may do so, and, in case of purchase, it shall have the right to purchase the land with the timber, fallen timber, stone, gravel, or other valuable material thereon without a separate appraisalment thereof)) shall be to petition the legislature for such authority. Nothing in this 1971 amendatory act shall be construed to affect any existing rights held by third parties in the lands applied for.

NEW SECTION. Sec. 12. Nothing in this 1971 amendatory act shall be construed to affect or repeal any existing authority or powers of the department of natural resources in the management or administration of the lands under its jurisdiction.

NEW SECTION. Sec. 13. The department of natural resources may comply with county or municipal zoning ordinances, laws, rules or regulations affecting the use of state lands under the jurisdiction of the department of natural resources where such regulations are consistent with the treatment of similar private lands.

Sec. 14. Section 1, chapter 20, Laws of 1963 and RCW 79.44.003 are each amended to read as follows:

As used in this chapter "assessing district" means:

- (1) Incorporated cities and towns;
- (2) Diking districts;
- (3) Drainage districts;
- (4) Port districts;
- (5) Irrigation districts; ((and))
- (6) Water districts;
- (7) Sewer districts;
- (8) Counties; and

(9) Any municipal corporation or public agency having power to levy local improvement or other assessments which by statute are expressly made applicable to lands of the state.

NEW SECTION. Sec. 15. Nothing in this 1971 amendatory act shall be construed to affect, amend, or repeal any existing withdrawal of public lands for state park or state game purposes.

NEW SECTION. Sec. 16. (1) The department of natural

resources shall design expansion of its land use data bank to include additional information that will assist in the formulation, evaluation, and updating of intermediate and long-range goals and policies for land use, population growth and distribution, urban expansion, open space, resource preservation and utilization, and other factors which shape state-wide development patterns and significantly influence the quality of the state's environment. The system shall be designed to permit inclusion of other lands in the state and will do so as financing and time permit.

(2) Such data bank shall contain any information relevant to the future growth of agriculture, forestry, industry, business, residential communities, and recreation; the wise use of land and other natural resources which are in accordance with their character and adaptability; the conservation and protection of the soil, air, water, and forest resources; the protection of the beauty of the landscape; and the promotion of the efficient and economical uses of public resources.

The information shall be assembled from all possible sources, including but not limited to, the federal government and its agencies, all state agencies, all political subdivisions of the state, all state operated universities and colleges, and any source in the private sector. All state agencies, all political subdivisions of the state, and all state universities and colleges are directed to cooperate to the fullest extent in the collection of data in their possession. Information shall be collected on all areas of the state but collection may emphasize one region at a time.

(3) The data bank shall make maximum use of computerized or other advanced data storage and retrieval methods. The department is authorized to engage consultants in data processing to ensure that the data bank will be as complete and efficient as possible.

(4) The data shall be made available for use by any governmental agency, research organization, university or college, private organization or private person as a tool to evaluate the range of alternatives in land and resource planning in the state.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 175, Laws of 1933, section 1, chapter 159, Laws of 1949, section 1, chapter 301, Laws of 1955 and RCW 79.56.010; and

(2) Section 1, chapter 73, Laws of 1939 and RCW 79.56.020.

Passed the Senate May 6, 1971.

Passed the House May 5, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 235

[Engrossed Senate Bill No. 231]

DENTAL HYGIENISTS--

PERFORMANCE OF DENTAL OPERATIONS OR SERVICES

AN ACT Relating to dental hygienists; and amending section 27, chapter 16, Laws of 1923 as amended by section 4, chapter 47, Laws of 1969 and RCW 18.29.050.

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

Section 1. Section 27, chapter 16, Laws of 1923 as amended by section 4, chapter 47, Laws of 1969 and RCW 18.29.050 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, ((and)) may polish and smooth restorations, ((but shall not perform any other operation on the teeth or tissues of the mouth)) may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:

(1) Any surgical removal of tissue of the oral cavity;

(2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician;

(3) Any diagnosis for treatment or treatment planning; or

(4) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Such licensed dental hygienists may ((operate)) perform dental operations and services only under the ((direct)) supervision of a licensed dentist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices; PROVIDED, That the number of hygienists so employed in any dental office shall not exceed twice in number the licensed dentists practicing therein.

Passed the Senate March 16, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 236

[Senate Bill No. 233]

DENTISTRY--

SUPERVISED DENTAL OPERATIONS OR SERVICES

AN ACT Relating to the practice of dentistry; and amending section 1, chapter 130, Laws of 1951 as last amended by section 7, chapter 47, Laws of 1969 and RCW 18.32.030.

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

Section 1. Section 1, chapter 130, Laws of 1951 as last amended by section 7, chapter 47, Laws of 1969 and RCW 18.32.030 are each amended to read as follows:

The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless he undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States army, navy, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved by the board, and the practice of dentistry by students in dental schools or colleges approved by the board, when acting under the direction and supervision of registered and licensed dentists acting as instructors;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them;

(5) The use of roentgen and other rays for making radiograms or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director

of motor vehicles or his authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon extracting teeth or performing oral surgery;

(9) A legal practitioner of another state making a clinical demonstration before a medical or dental society, or at a convention approved by the Washington state medical or dental association or Washington progressive dental society;

(10) Students practicing or performing dental operations, under the supervision of competent instructors, in any reputable dental college;

(11) The performing of dental operations or services by persons not licensed under this chapter when performed under the supervision of a licensed dentist: PROVIDED HOWEVER, That such nonlicensed person shall in no event perform the following dental operations or services unless permitted to be performed by him under other provisions of this chapter or chapter 18.29 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Passed the Senate March 15, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 237

[Engrossed Senate Bill No. 512]

COUNTY OFFICIALS' SALARIES

AN ACT Relating to county government; providing for salaries of officials thereof; amending section 36.17.020, chapter 4, Laws

of 1963 as last amended by section 1, chapter 226, Laws of 1969 ex. sess. and RCW 36.17.020; amending section 36.27.060, chapter 4, Laws of 1963 as amended by section 2, chapter 226, Laws of 1969 ex. sess. and RCW 36.27.060; and repealing section 36.32.320, chapter 4, Laws of 1963 as amended by section 4, chapter 218, Laws of 1967 and RCW 36.32.320; and setting an effective date.

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

Section 1. Section 36.17.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 226, Laws of 1969 ex. sess. and RCW 36.17.020 are each amended to read as follows:

(1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; ((superintendent of schools;)) prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, ((thirteen thousand eight hundred)) fifteen thousand dollars;

Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; ((superintendent of schools;)) prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, ((twelve)) sixteen thousand ((five hundred)) dollars; coroner, ((six)) eight thousand ((two hundred)) dollars;

Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; ((superintendent of schools;)) prosecuting attorney, twenty-one thousand five hundred dollars; members of board of county commissioners, ((ten)) thirteen thousand ((six)) five hundred dollars; coroner, ((three)) five thousand ((six hundred)) dollars;

Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred

dollars; ((superintendent of schools;)) prosecuting attorney, twenty-one thousand five hundred dollars; members of the board of county commissioners, ((nine)) twelve thousand five hundred dollars; coroner, ((two)) three thousand ((four)) six hundred dollars;

Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; ((superintendent of schools; eight thousand four hundred dollars;)) prosecuting attorney, in such a county in which there is no state university, ((ten)) thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ((seven)) ten thousand ((seven hundred)) dollars;

Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; ((superintendent of schools; seven thousand seven hundred dollars;)) prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, ((six)) eight thousand ((six)) five hundred dollars;

Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; ((superintendent of schools; seven thousand dollars;)) prosecuting attorney, nine thousand dollars; members of the board of county commissioners, ((two)) six thousand ((three)) four hundred dollars;

Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; ((superintendent of schools; six thousand eight hundred dollars;)) prosecuting attorney, nine thousand dollars; members of the board of county commissioners, ((two)) five thousand ((three hundred)) nine hundred fifty dollars;

Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, ((six)) nine thousand dollars; ((clerk; four thousand two hundred dollars; superintendent of schools; four thousand dollars;)) members of board of county commissioners, ((one)) five thousand nine hundred fifty ((eight

hundred) dollars;

Counties of the ninth class: Auditor-clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer-assessor, ((five)) seven thousand ((six)) four hundred fifty dollars; ((superintendent of schools; three thousand four hundred dollars;)) prosecuting attorney, nine thousand dollars; members of the board of county commissioners, ((eighteen)) five thousand five hundred dollars ((per diem)).

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, ((assessor; superintendent of schools;)) members of board of county commissioners, coroners, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, twenty-seven thousand five hundred dollars.

((3) The salaries of prosecuting attorneys who are not forbidden under RCW 36-27-060 to engage in the private practice of law shall be six thousand five hundred dollars. The salaries of prosecuting attorneys who are forbidden under RCW 36-27-060 to engage in the private practice of law shall be twenty thousand dollars and an additional five hundred dollars for each judge of the superior court in the county's judicial district. PROVIDED, That no prosecuting attorney's salary shall exceed the salary of a superior court judge.)

One-half of the salary of each prosecuting attorney shall be paid by the state.

((In addition to the compensation provided for herein, county commissioners of counties of the sixth, seventh, eighth and ninth class shall be entitled to additional compensation for the performance of additional duties not a part of their regular duties as provided in RCW 36-32-320, as now law or hereafter amended.))

Sec. 2. Section 36.27.060, chapter 4, Laws of 1963 as amended by section 2, chapter 226, Laws of 1969 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 in counties of the third class the effective date of the foregoing prohibition against engaging in the private practice of law and the compensation for third class counties as set forth in RCW 36-17-020(3) shall be the second Monday in January, 1974: PROVIDED FURTHER, That from August 11, 1969 prosecuting attorneys in counties of the third class shall receive ten thousand five hundred dollars per annum until the second Monday in January, 1974: PROVIDED FURTHER,)) 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.

NEW SECTION. Sec. 3. Section 36.32.320, chapter 4, Laws of 1963 as amended by section 4, chapter 218, Laws of 1967 and RCW 36.32.320 are each repealed.

NEW SECTION. Sec. 4. If any provision of this 1971 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. 5. This act shall take effect on January 1, 1972.

Passed the Senate April 23, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 238

[Engrossed Substitute Senate Bill No. 109]

SUPERINTENDENT OF PUBLIC INSTRUCTION

ORGANIZATION AND SCHOOL PLANT FACILITIES DIVISION CREATED--

WASHINGTON STATE SCHOOL BUILDING SYSTEMS PROJECT

AN ACT Relating to state government and school districts; creating a new division in the office of the superintendent of public instruction; prescribing certain powers and duties of certain public officers; adding a new section to 28A.58 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and providing effective dates.

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

NEW SECTION. Section 1. There is added to chapter 28A.04 RCW a new section to read as follows:

An organization and school plant facilities division of the state office of the superintendent of public instruction is hereby established and required to develop and implement a state schools construction project to be known as the Washington state school building systems project.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

(1) As used in this act "director" means the director of the organization and school plant division of the office of state superintendent of public instruction.

(2) The director shall, subject to the approval of the state board of education, establish reasonable rules and regulations for the proper development and implementation of the school building systems project.

(3) The director, with the approval of the superintendent of public instruction, may employ such other technical and professional assistance as he may see fit, including architectural and engineering firms engaged in private practice who may be employed on a contract basis, and shall cause to be developed and implemented a state school building systems project which will allow flexibility in the use of systems construction procedures to produce schools which will suit the needs of the children of this state, taking into account

- (a) Differences in climatic conditions of the state;
- (b) Differences in size of school enrollment;
- (c) Differences in curricula and educational programs;
- (d) Differences in directional orientation of school buildings;
- (e) Differences in terrain of school sites;
- (f) Differences in various building code requirements of state and local governments.

A board of advisors made up of two educators, two architects, three engineers, (one electrical, one structural, and one mechanical engineer), three contractors, (one mechanical, one electrical and one general contractor), two manufacturers and two representatives from the building trade unions shall be appointed by the state board of education to advise the director regarding the state school building systems project. Advisory committee members shall be reimbursed their expenses on the basis of the allowance provided by RCW 43.03.050 and 43.03.060.

(4) After July 1, 1973, the director shall make the Washington state school building system available to all school districts in the state which may participate in the project on a voluntary basis.

(5) The Washington state school building systems project shall provide the use of building subsystems which shall, insofar as reasonably possible, include, but not be limited to, structure, ceiling and lighting, heating, ventilating and air conditioning, and interior partitions, which shall be produced to meet a performance specification and which may be bid on a state-wide basis for schools participating in the state school building systems project.

(6) The specifications for the state school building systems project shall be prepared with the view toward utilizing system type construction to the fullest extent and toward allowing contractors to utilize to the fullest extent modern industrial techniques of mass production and prefabrication and shall be prepared to encourage uniqueness and individuality of design for the different schools

constructed in the state school building systems project.

(7) This state school building systems project shall have an effective date of July 1, 1971, an implementation date of no later than July 1, 1973, and shall continue for a period to end on June 30, 1977. An evaluation of the systems building project including a cost effectiveness analysis comparing systems project schools with nonsystems schools shall be submitted by the director to the legislature no later than February 15, 1977.

NEW SECTION. Sec. 3. 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, every school district board of directors may expend local funds held for capital projects or improvements for improvements on any building owned by a city or county in which the district or any part thereof is located if an agreement is entered into with such city or county whereby the school district receives a beneficial use of such building commensurate to the amount of funds expended thereon by the district.

Passed the Senate May 7, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 239

[Engrossed Senate Bill No. 170]

REGULATION OF HOTELS AND MOTELS--

LICENSES--FEES

AN ACT Relating to hotels and motels; providing for the licensing and regulation of hotels and motels by the state department of social and health services; providing for licensure fees; amending section 43.22.050, chapter 8, Laws of 1965 and RCW 43.22.050; repealing section 43.22.060, chapter 8, Laws of 1965 and RCW 43.22.060; repealing section 43.22.070, chapter 8, Laws of 1965 and RCW 43.22.070; repealing section 43.22.080, chapter 8, Laws of 1965 and RCW 43.22.080; repealing section 43.22.090, chapter 8, Laws of 1965 and RCW 43.22.090; repealing section 43.22.100, chapter 8, Laws of 1965 and RCW 43.22.100; repealing section 43.22.110, chapter 8, Laws of 1965 and RCW 43.22.110; repealing sections 1 through 6, chapter 169, Laws of 1915, sections 1 through 11, chapter 29, Laws of 1909, sections 1 and 2, chapter 48, Laws of 1905 and RCW 70.62.010 through 70.62.130; creating new

sections; and prescribing penalties.

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

NEW SECTION. Section 1. The purpose of this 1971 amendatory act is to provide for the development, establishment, and enforcement of standards for the maintenance and operation of hotels and motels through a licensing program to promote the protection of the health and welfare of individuals using such accommodations in this state.

NEW SECTION. Sec. 2. The following terms whenever used or referred to in this 1971 amendatory act shall have the following respective meanings for the purposes of this 1971 amendatory act, except in those instances where the context clearly indicates otherwise:

(1) The term "transient accommodation" shall mean any facility such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to travelers and transient guests.

(2) The term "person" shall mean any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

(3) The term "secretary" shall mean the secretary of the Washington state department of social and health services and any duly authorized representative thereof.

(4) The term "board" shall mean the Washington state board of health.

(5) The term "department" shall mean the Washington state department of social and health services.

(6) The term "lodging unit" shall mean one self-contained unit designated by number, letter or some other method of identification.

NEW SECTION. Sec. 3. The person operating a transient accommodation as defined in this 1971 amendatory act shall secure each year an annual operating license and shall pay a fee therefor in the sum of fifteen dollars. The annual licensure period shall run from January 1st through December 31st of each year. The license fee shall be paid to the department prior to the time the license is issued and such license shall be conspicuously displayed in the lobby or office of the facility for which it is issued.

NEW SECTION. Sec. 4. In addition to the annual license fee, the person operating a transient accommodation shall pay an annual inspection fee if an inspection is made during the course of the year in accordance with the following schedule:

3	to	24 lodging units	\$	15.00
25	to	49 lodging units		25.00
50	to	74 lodging units		35.00
75	to	99 lodging units		50.00
100	to	199 lodging units		75.00

200 and up lodging units 100.00

Only one such inspection fee shall be charged during any calendar year regardless of the number of inspections which may be made.

NEW SECTION. Sec. 5. The board shall promulgate such rules and regulations, to be effective no sooner than February 1, 1972, as may be necessary to assure that each transient accommodation will be operated and maintained in a manner consistent with the health and welfare of the members of the public using such facilities. Such rules and regulations shall provide for adequate light, heat, ventilation, cleanliness, and sanitation and shall include provisions to assure adequate maintenance. All rules and regulations and amendments thereto shall be adopted in conformance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 6. The department is hereby granted and shall have and exercise, in addition to the powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this 1971 amendatory act, including but not limited to the power:

(1) To develop such rules and regulations for proposed adoption by the board as may be necessary to implement the purposes of this 1971 amendatory act;

(2) To enter and inspect at any reasonable time any transient accommodation and to make such investigations as are reasonably necessary to carry out the provisions of this 1971 amendatory act and any rules and regulations promulgated thereunder; PROVIDED, That no room or suite shall be entered for inspection unless said room or suite is not occupied by any patron or guest of the transient accommodation at the time of entry.

(3) To perform such other duties and employ such personnel as may be necessary to carry out the provisions of this 1971 amendatory act; and

(4) To administer and enforce the provisions of this 1971 amendatory act and the rules and regulations promulgated thereunder by the board.

NEW SECTION. Sec. 7. No person shall operate a transient accommodation as defined in this 1971 amendatory act without having a valid license issued by the department. Applications for a license to operate a transient accommodation shall be filed with the department prior to July 1, 1971, and one-half of the annual license fee shall be included with the application. All licenses issued under the provisions of this 1971 amendatory act shall expire on the first day of January next succeeding the date of issue. All applications for renewal of licenses shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and

persons named in the application.

NEW SECTION. Sec. 8. Licenses issued under this 1971 amendatory act may be suspended or revoked upon the failure or refusal of the person operating a transient accommodation to comply with the provisions of this 1971 amendatory act, or of any rules and regulations adopted by the board hereunder. All such proceedings shall be governed by the provisions of chapter 34.04 RCW.

Sec. 9. Section 43.22.050, chapter 8, Laws of 1965 and RCW 43.22.050 are each amended to read as follows:

The director of labor and industries, through the division of safety, shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: PROVIDED, HOWEVER, This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof (†

~~{4} Have charge and supervision of the inspection of hotels as provided by law~~)).

NEW SECTION. Sec. 10. Any violation of this 1971 amendatory act or the rules and regulations promulgated hereunder by any person operating a transient accommodation shall be a misdemeanor and shall be punished as such. Each day of operation of a transient accommodation in violation of this 1971 amendatory act shall constitute a separate offense.

NEW SECTION. Sec. 11. Rules and regulations establishing fire and life safety requirements, not inconsistent with the provisions of this act, shall continue to be promulgated and enforced by the state fire marshal's office.

NEW SECTION. Sec. 12. If any section or any portion of any section of this 1971 amendatory act is found to be unconstitutional, the finding shall be to the individual section or portion of section specifically found to be unconstitutional and the balance of the act shall remain in full force and effect.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 43.22.060, chapter 8, Laws of 1965 and RCW 43.22.060;

(2) Section 43.22.070, chapter 8, Laws of 1965 and RCW 43.22.070;

(3) Section 43.22.080, chapter 8, Laws of 1965 and RCW 43.22.080;

(4) Section 43.22.090, chapter 8, Laws of 1965 and RCW 43.22.090;

(5) Section 43.22.100, chapter 8, Laws of 1965 and RCW 43.22.100;

(6) Section 43.22.110, chapter 8, Laws of 1965 and RCW 43.22.110; and

(7) Sections 1 through 6, chapter 169, Laws of 1915, sections 1 through 11, chapter 29, Laws of 1909, sections 1 and 2, chapter 48, Laws of 1905 and RCW 70.62.010 through 70.62.130.

Passed the Senate April 29, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 240

[Substitute Senate Bill No. 770]

REAL PROPERTY ACQUISITION--

RELOCATION ASSISTANCE FOR DISPLACED PERSONS

AN ACT Relating to uniform relocation assistance and real property acquisition policy; repealing section 3, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.030; repealing section 4, chapter 125, Laws of 1965 ex. sess., section 2, chapter 137, Laws of 1967 ex. sess., section 5, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.040; repealing section 5, chapter 125, Laws of 1965 ex. sess., section 6, chapter 236, Laws of 1969 ex. sess.

and RCW 8.25.050; repealing section 5, chapter 125, Laws of 1965 ex. sess., section 7, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.060; repealing section 1, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.080; repealing section 2, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.090; repealing section 3, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.100; repealing section 4, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.110; repealing section 9, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.130; repealing section 10, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.140; repealing section 11, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.150; repealing section 12, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.160; repealing section 13, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.170; repealing section 14, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.180; repealing section 15, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.190; repealing section 4, chapter 137, Laws of 1967 ex. sess., section 16, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.900; repealing section 17, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.910; repealing section 18, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.920; repealing section 19, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.930; prescribing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. The purposes of this act are:

(1) To establish a uniform policy for the fair and equitable treatment of persons displaced as a result of public works programs of the state and local governments in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole; and

(2) To encourage and expedite the acquisition of real property for public works programs by agreements with owners, to reduce litigation and relieve congestion in the courts, to assure consistent treatment for owners affected by state and local programs, and to promote public confidence in state and local land acquisition practices.

NEW SECTION. Sec. 2. As used in this act--

(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 act 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 act 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 the effective date of this act, 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 section 4 and section 7 of this act, the term "displaced person" includes any person who, on or after the effective date of this act, 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 section 4 of this act, 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. 3. (1) Any determination by the head of a state agency or local public body administering a program or project as to payments under this act shall be subject to review pursuant to chapter 34.04 RCW; otherwise, no provision of this act shall be construed to give any person a cause of action in any court.

(2) The provisions of section 18 of this act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(3) Nothing in this act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this act.

NEW SECTION. Sec. 4. (1) Whenever the acquisition of real property for a program or project undertaken by the state or a local public body will result in the displacement of any person on or after the effective date of this act, the acquiring agency shall make a payment to any displaced person, upon proper application as approved by the agency, for--

(a) actual, reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(b) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the acquiring agency; and

(c) actual reasonable expenses in searching for a replacement business or farm.

(2) Any displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive a moving expense allowance, determined according to a schedule established by the state highway commission, not to exceed three hundred dollars; and a dislocation allowance of two hundred dollars.

(3) Any displaced person eligible for payments under subsection (1) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than two thousand five hundred dollars nor more than ten

thousand dollars. In the case of a business no payment shall be made under this subsection unless the acquiring agency is satisfied that the business:

(a) cannot be relocated without a substantial loss of its existing patronage, and

(b) is not a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business. For the purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal or local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the acquiring agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

NEW SECTION. Sec. 5. (1) In addition to payments otherwise authorized by this act, the state or local public body shall make an additional payment not in excess of fifteen thousand dollars to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(a) The amount, if any, which when added to the acquisition costs of the dwelling acquired, equals the reasonable cost of a dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subsection shall be made in accordance with standards established by the state highway commission.

(b) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be determined by

regulations issued pursuant to section 11 of this act.

(c) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the acquiring agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

NEW SECTION. Sec. 6. In addition to amounts otherwise authorized by this act, the state or local public body shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 5 of this act which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either--

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed four thousand dollars, or

(2) the amount necessary to enable such person to make a down payment (including incidental expenses described in section 5 (1) (c) of this act) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars, except that if such amount exceeds two thousand dollars, such person must equally match any such amount in excess of two thousand dollars, in making the down payment.

NEW SECTION. Sec. 7. (1) Whenever the acquisition of real property for a program or project undertaken by the state or a local public body will result in the displacement of any person on or after the effective date of this act, the acquiring agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (2) of this section. If the acquiring agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, the agency may offer such person relocation advisory services under this

program.

(2) Each relocation assistance advisory program required by subsection (1) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to--

(a) determine the need, if any, of displaced persons, for relocation assistance;

(b) provide current and continuing information on the availability, prices, and rentals, of comparable, decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(c) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(d) supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons;

(e) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

(f) secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned proposed governmental actions in the community or near-by area which may affect the carrying out of the relocation program.

NEW SECTION. Sec. 8. (1) If a project of the state or a local public body cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the state or local public body determines that such housing cannot otherwise be made available, such agency may enter into an agreement with any federal agency to obtain financial or other assistance as may be authorized by section 206 (a) of Public Law 91-646 and take such further action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(2) Any state agency or local public body is authorized to move housing onto any lands surplus to the agency's needs which are otherwise suitable for residential housing or to rehabilitate existing housing owned by the agency for the purpose of providing replacement housing.

NEW SECTION. Sec. 9. Whenever the acquisition of real property for a program or project undertaken by the state or a local public body will result in the displacement of any person on or after the effective date of this section, such agency shall assure that, within a reasonable period of time, prior to displacement there will be available, in areas not generally less desirable in regard to

public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment; except that regulations issued pursuant to section 11 of this act may prescribe situations when these assurances may be waived.

NEW SECTION. Sec. 10. No person shall be required to move from his dwelling on or after the effective date of this act, on account of any project of the state or local public body, unless the agency is satisfied that replacement housing, in accordance with section 9 is available to such person.

NEW SECTION. Sec. 11. (1) The director of the planning and community affairs agency after full consultation with the department of highways and the department of general administration shall adopt such rules and regulations consistent with this act and Public Law 91-646, as may be necessary to assure:

(a) That the payments and assistance authorized by this act shall be administered in a manner which is fair and reasonable, and is uniform as practicable;

(b) That a displaced person who makes proper application for a payment authorized for such person by this act shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(c) That any person aggrieved by a determination as to eligibility for payment authorized by this act, or the amount of a payment, may have his application reviewed by the executive head of the state agency or local public body.

(2) The director of the planning and community affairs agency after full consultation with the department of highways and department of general administration may prescribe such other regulations and procedures, consistent with the provisions of this act, as he deems necessary or appropriate to carry out this act.

NEW SECTION. Sec. 12. In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, a state agency or any local public body may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this act through any federal, state or local governmental agency or instrumentality having an established organization for conducting relocation assistance programs. A state agency or local public body shall, in carrying out the relocation assistance activities described in section 11 of this act, whenever practicable, utilize the services of state or local housing agencies,

or other agencies having experience in the administration or conduct of similar housing assistance activities.

NEW SECTION. Sec. 13. Any person aggrieved by a determination as to eligibility for payment authorized by this act, or the amount of a payment, may have his application reviewed by the executive head of the state agency or local public body having authority over the applicable program or project.

NEW SECTION. Sec. 14. No payment received under sections 1 through 13 of this act shall be considered as income for the purposes of any income tax or any tax imposed under Title 82 RCW as now or hereafter amended; or for the purpose of determining the eligibility or extent of eligibility of any person for assistance under the social security act or any other federal law. Such payments shall not be considered as income or resources, and such payments shall not be deducted from any amount to which any recipient would otherwise be entitled, under Title 74 RCW, as now or hereafter amended: PROVIDED, That supplemental rent payments may be considered in determining the amount of public assistance to which a recipient may be entitled to the extent that there is or would be a duplication of a shelter allowance as established by the public assistance standards.

NEW SECTION. Sec. 15. Funds appropriated or otherwise available to any state agency or local public body for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this act as applied to that program or project.

NEW SECTION. Sec. 16. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this act, as a direct result of any project or program which receives federal financial assistance under title I of the Housing Act of 1949 (P.L. 81-171), as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (P.L. 89-754) shall, for the purposes of this act, be deemed to have been displaced as the result of the acquisition of real property.

NEW SECTION. Sec. 17. Any state agency and any city or town or county or the instrumentalities of any of the foregoing are authorized to enter into such agreements with each other or with the United States as may be necessary to comply with the provisions of section 218 of Public Law 91-646 in order to obtain real property from the United States for the purpose of providing replacement housing.

NEW SECTION. Sec. 18. Every state agency and local public body acquiring real property in connection with any program or

project shall, to the greatest extent practicable, be guided by the following policies:

(1) Every reasonable effort shall be made to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during his inspection of the property.

(3) Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation therefore and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The acquiring agency shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate the just compensation for the real property acquired, for damages to remaining real property, and for benefits to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction of condemnation of such property, in accordance with applicable law, for the benefit of the owner an amount not less than the acquiring agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding of such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety days written notice of the date by which such move is required.

(6) If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the time of condemnation be advanced, on

negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.

(8) If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the acquiring agency shall offer to acquire the entire property.

NEW SECTION. Sec. 19. (1) Where any interest in real property is acquired, an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which is required to be removed from such real property or which is determined to be adversely affected by the use to which such real property will be put shall be acquired.

(2) For the purpose of determining the just compensation to be paid for any building, structure or other improvement required to be acquired as above set forth, such building, structure or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure or improvement at the expiration of his term, and the fair market value which such building, structure or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(3) Payment for such buildings, structures or improvements as set forth above shall not result in duplication of any payments otherwise authorized by state law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer and release all his right, title and interest in and to such improvements. Nothing with regard to the above-mentioned acquisition of buildings, structures or other improvements shall be construed to deprive the tenant of any rights to reject payment and to obtain payment for such property interests in accordance with other laws of this state.

NEW SECTION. Sec. 20. A state agency or a local public body acquiring real property, as soon as practicable after the date of payment of the purchase price or the date or deposit in court of funds to satisfy the award of compensation in a condemnation

proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the acquiring agency deems fair and reasonable, for expenses the owner necessarily incurred for--

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the acquiring agency;

(2) penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the prorata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is the earlier.

NEW SECTION. Sec. 21. There is added to chapter 8.25 RCW a new section to read as follows:

(1) A superior court having jurisdiction of a proceeding instituted by a condemnor to acquire real property shall award the condemnee costs including reasonable attorney fees and reasonable expert witness fees if--

(a) there is a final adjudication that the condemnor cannot acquire the real property by condemnation; or

(b) the proceeding is abandoned by the condemnor.

(2) A superior court rendering a judgment for the plaintiff awarding compensation for the taking of real property for public use without just compensation having first been made to the owner, or the attorney general or other attorney representing the acquiring agency in effecting a settlement of any such proceeding shall award or allow to such plaintiff costs including reasonable attorney fees and reasonable expert witness fees.

(3) Reasonable attorney fees and expert witness fees as authorized in this section shall be subject to the provisions of subsection (4) of RCW 8.25.070.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 125, Laws of 1965 ex. sess. and RCW 8.25.030;

(2) Section 4, chapter 125, Laws of 1965 ex. sess., section 2, chapter 137, Laws of 1967 ex. sess., section 5, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.040;

(3) Section 5, chapter 125, Laws of 1965 ex. sess., section 6, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.050;

(4) Section 6, chapter 125, Laws of 1965 ex. sess., section 7, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.060;

(5) Section 1, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.080;

(6) Section 2, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.090;

(7) Section 3, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.100;

(8) Section 4, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.110;

(9) Section 9, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.130;

(10) Section 10, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.140;

(11) Section 11, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.150;

(12) Section 12, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.160;

(13) Section 13, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.170;

(14) Section 14, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.180;

(15) Section 15, chapter 236, Laws of 1969 ex. sess. and RCW

8.25.190;

(16) Section 4, chapter 137, Laws of 1967 ex. sess., section 16, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.900;

(17) Section 17, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.910;

(18) Section 18, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.920; and

(19) Section 19, chapter 236, Laws of 1969 ex. sess. and RCW 8.25.930.

NEW SECTION. Sec. 23. If any provision of this 1971 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. 24. 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 July 1, 1971.

Passed the Senate May 4, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 241

[Senate Bill No. 82]

AUTHORITY TO CONVEY TIDELANDS TO STATE BOARD
FOR COMMUNITY COLLEGE EDUCATION

AN ACT Authorizing conveyance of certain tidelands in King County from the state of Washington to the state board for community college education.

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

NEW SECTION. Section 1. The director of the department of natural resources of the state of Washington is authorized and directed to certify in the manner provided by law to the governor for deed to the state board for community college education the following described tidelands:

The unplatted tidelands of the first class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon Block 5, Ballard Tidelands, and included in a tract described as follows:

Beginning at the southwest corner of said Block 5, and running thence east 549.469 feet along the south line of said block to the southeast corner thereof, thence S 0 degrees 04' 28" W 186.04 feet to the U.S. Government pier head line as established July 15, 1949, thence N 78 degrees 55' 17" W 559.75 feet along said pier head line to a point which is S 0 degrees 03' 28" W of the point of beginning, and thence N 0 degrees 03' 28" E 78.47 feet, to the point of beginning, containing an area of 72,669 square feet, or 1.668 acres.

NEW SECTION. Sec. 2. The governor is authorized and directed to execute, and the secretary of state to attest, a deed to the state board for community college education, conveying all the tidelands described in section 1 of this act.

NEW SECTION. Sec. 3. Whenever the state board for community college education shall cease to hold and use the tidelands described in section 1 of this act for public educational purposes the grant of the tidelands shall be terminated thereby and the tidelands shall revert to the state.

Passed the Senate April 1, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 242
[Engrossed Senate Bill No. 176]
MUNICIPAL OFFICERS--
BOARDS OF FIRE COMMISSIONERS

AN ACT Relating to municipal officers; and boards of fire commissioners; amending section 4, chapter 268, Laws of 1961 and RCW 42.23.030; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 67, Laws of 1969 ex. sess. and RCW 52.12.010; adding a new section to chapter 52.12 RCW; and declaring an emergency.

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

Section 1. Section 4, chapter 268, Laws of 1961 and RCW 42.23.030 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;
(and)

(6) The letting of any other contract ((in such a municipality)) (except a sale or lease ((by the municipality)) as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not

exceed two hundred dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, the total volume of such contract or contracts authorized in this subsection may exceed two hundred dollars in any calendar month but shall not exceed thirty-six hundred dollars in any calendar year:

(7) The leasing by a port district as lessor ((may lease)) of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest.

Section 2. Section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 67, Laws of 1969 ex. sess. and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members of any district which owns or operates motor-powered fire fighting equipment shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged ((om)) in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. ((Only)) A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or

appointed and have qualified.

NEW SECTION. Sec. 3. There is added to chapter 52.12 RCW a new section to read as follows:

In any fire protection district maintaining a fire department consisting wholly of personnel employed on a full time, fully paid basis, there shall be five fire commissioners. The two positions created on boards of fire commissioners by this 1971 amendatory act shall be filled initially as for a vacancy, except that the appointees shall draw lots, one appointee to serve until the next general fire district election after the effective date of this 1971 amendatory act, at which two commissioners shall be elected for six year terms, and the other appointee to serve until the second general fire district election after the effective date of this 1971 amendatory act, at which two commissioners shall be elected for six year terms.

NEW SECTION. Sec. 4. This 1971 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 May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 243

[Senate Bill No. 185]

CONSERVATION FUTURES CREATED--

SPECIAL TAX LEVY AUTHORIZED--

SPECIAL FUND CREATED--

TRANSFERS OF PROPERTY FOR PARK OR RECREATIONAL PURPOSES

AN ACT Relating to the powers of governmental units; authorizing purchases by counties, cities, towns or metropolitan municipal corporations of developmental rights termed "conservation futures" and certain other interests and rights in real property; providing a method of taxation by counties to finance such purchases; providing for property conveyance by governmental units to counties or park and recreation districts for park or recreational purposes; amending section 84.52.010, chapter 15, Laws of 1961 as amended by section 4, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.010; adding a new section to chapter 57.08 RCW; and adding new sections to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW.

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

NEW SECTION. Section 1. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

The legislature finds that the haphazard growth and spread of urban development is encroaching upon, or eliminating, numerous open areas and spaces of varied size and character, including many devoted to agriculture, the cultivation of timber, and other productive activities, and many others having significant recreational, social, scenic, or esthetic values. Such areas and spaces, if preserved and maintained in their present open state, would constitute important assets to existing and impending urban and metropolitan development, at the same time that they would continue to contribute to the welfare and well-being of the citizens of the state as a whole. The acquisition of interests or rights in real property for the preservation of such open spaces and areas constitutes a public purpose for which public funds may properly be expended or advanced.

NEW SECTION. Sec. 2. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

Any county, city or town, or metropolitan municipal corporation may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city or town, or metropolitan municipal corporation may acquire the fee to such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

In accordance with the authority granted in section 2 of this 1971 amendatory act, a county, city or town, or metropolitan municipal corporation may specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of this 1971 amendatory act, such developmental rights shall be termed "conservation futures". The private owner may retain the

right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city or town, or metropolitan municipal corporation may forbid or restrict building thereon, or may require that improvements cannot be made without county, city or town, or metropolitan municipal corporation permission. The land may be alienated or sold and used as formerly by the new owner, subject to the terms of the agreement made by the county, city or town, or metropolitan municipal corporation with the original owner.

NEW SECTION. Sec. 4. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to sections 2 and 3 of this 1971 amendatory act, a county may levy an amount not to exceed one eighth of one mill on the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW 84.52.050.

NEW SECTION. Sec. 5. There is added to chapter 87, Laws of 1970 ex. sess. and to Title 84 RCW a new section to read as follows:

Any board of county commissioners may establish by resolution a special fund which may be termed a conservation futures fund to which it may credit all taxes levied pursuant to section 4 of this 1971 amendatory act. Amounts placed in this fund may be used solely for the purpose of acquiring rights and interests in real property pursuant to the terms of sections 2 and 3 of this 1971 amendatory act. Nothing in this section shall be construed as limiting in any manner methods and funds otherwise available to a county for financing the acquisition of such rights and interests in real property.

Sec. 6. Section 84.52.010, chapter 15, Laws of 1961 as amended by section 4, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.010 are each amended to read as follows:

All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the

limitation set forth in RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law: PROVIDED, That in the event of a levy made pursuant to section 5 of this 1971 amendatory act, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to section 5 of this 1971 amendatory act, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of such limitation.

NEW SECTION. Sec. 7. Any governmental unit, as defined in RCW 36.93.020 (1) as it now exists or is hereafter amended, may convey its real or personal property or any interest or right therein to, or contract for the use of such property by, the county or park and recreation district wherein such property is located for park or recreational purposes, by private negotiation and upon such terms and with such consideration as might be mutually agreed to by such governmental unit and the board of county commissioners or the park and recreation district board of commissioners.

NEW SECTION. Sec. 8. There is added to chapter 57.08 RCW a new section to read as follows:

The provisions of RCW 57.08.015, 57.08.016, 57.08.120 and 57.08.130 shall have no application as to the sale or conveyance of real or personal property or any interest or right therein by a water district to the county or park and recreation district wherein such property is located for park and recreational purposes, but in such cases the provisions of section 7 of this 1971 amendatory act shall govern.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 244

[Engrossed Senate Bill No. 209]

EXEMPTION OF GARBAGE TRUCKS FROM SINGLE AXLE LOAD LIMITATION

AN ACT Relating to motor vehicles; and amending section 46.44.040, chapter 12, Laws of 1961, and RCW 46.44.040.

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

Section 1. Section 46.44.040, chapter 12, Laws of 1961, and RCW 46.44.040 are each amended to read as follows:

(1) It is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds; PROVIDED, That a tolerance of 2,000 pounds may be allowed on the rear axle of a two axle garbage truck; PROVIDED FURTHER, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed 18,000 pounds.

It is (~~lawful~~) unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of twenty-eight thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of thirty-six thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner

to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in subsection (1) above.

Passed the Senate March 17, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 245

[Substitute Senate Bill No. 216]

ESCROW AGENTS

AN ACT Relating to the registration of escrow agents; amending section 1, chapter 153, Laws of 1965 and RCW 18.44.010; amending section 2, chapter 153, Laws of 1965 as amended by section 1, chapter 76, Laws of 1967 ex.sess. and RCW 18.44.020; amending section 4, chapter 153, Laws of 1965 and RCW 18.44.040; amending section 5, chapter 153, Laws of 1965 and RCW 18.44.050; amending section 8, chapter 153, Laws of 1965 and RCW 18.44.080; and adding new sections to chapter 153, Laws of 1965 and to chapter 18.44 RCW.

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

Section 1. Section 1, chapter 153, Laws of 1965 and RCW 18.44.010 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

(1) "Department" means the department of ~~((licenses))~~ motor vehicles.

(2) "Director" means the director of the department of ~~((licenses))~~ motor vehicles, or his duly authorized representative.

(3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

(4) "Escrow agent" means any person engaged in the business of

performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.

(5) "Certificated escrow agent" means any person holding a certificate of registration as an escrow agent under the provisions of this chapter, including corporations, firms, copartnerships and sole proprietors.

(6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

Sec. 2. Section 2, chapter 153, Laws of 1965 as amended by section 1, chapter 76, Laws of 1967 ex.sess. and RCW 18.44.020 are each amended to read as follows:

It shall be unlawful for any person to engage in business as an escrow agent within this state unless such person has been registered with the department and issued a certificate of registration by the director pursuant to this chapter: PROVIDED, That the registration and licensing requirements of this chapter shall not apply to:

(1) Any person doing business under the law of this state or the United States relating to banks, trust companies, mutual savings banks, savings and loan associations, credit unions, insurance companies, title insurance companies, the duly authorized agents of title insurance companies the business of which agents is exclusively devoted to the title insurance business, or any federally approved agency or lending institution under the National Housing Act.

(2) Any person licensed to practice law in this state while engaged in the performance of his professional duties.

(3) Any company, broker, or agent subject to the jurisdiction of the director while performing acts in the course of or incidental to sales or purchases of real or personal property handled or negotiated by such company, broker, or agent: PROVIDED, HOWEVER, That no compensation is received for escrow services.

(4) Any transaction in which money or other property is paid to, deposited with, or transferred to a joint control agent for disbursement or use in payment of the cost of labor, material, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property.

(5) Any receiver, trustee in bankruptcy, executor, administrator, guardian, or other person acting under the supervision or order of any superior court of this state or of any federal court.

Sec. 3. Section 4, chapter 153, Laws of 1965 and RCW 18.44.040 are each amended to read as follows:

Each applicant shall, at the time of applying for registration, file with the director:

(1) Affidavits by any three persons listed in subsections (1) through (3) of RCW 18.44.020, stating that they are acquainted with the applicant or its principal officers and that they believe him to be of good character and reputation.

(2) In the event the applicant is doing business under an assumed name, a certified copy of the certificate of assumed name as filed with the county clerk in the county or counties in which the applicant does business or proposes to do business, as provided in chapter 19.80 RCW.

(3) A commercial type credit and character report from a recognized credit reporting bureau satisfactory to the director.

Sec. 4. Section 5, chapter 153, Laws of 1965 and RCW 18.44.050 are each amended to read as follows:

At the time of filing an application as an escrow agent, or any renewal or reinstatement thereof, the applicant shall satisfy the director that it has obtained a fidelity bond providing fidelity coverage on the applicant and on each officer and employee of the applicant engaged in escrow transactions. Such applicant shall keep said bond in effect at all times while his certificate of registration is in effect. Such bond shall be a primary commercial blanket bond or its equivalent as required by the director and written by an insurer authorized to transact surety insurance business in the state of Washington. Such bond shall provide fidelity coverage in the amount of two hundred thousand dollars and may be canceled by the surety upon delivering thirty days written notice to the director and the principal.

Sec. 5. Section 8, chapter 153, Laws of 1965 and RCW 18.44.080 are each amended to read as follows:

The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, an annual fee of one hundred dollars for the first office or location and five dollars for each additional office or location.

(2) For filing an original or a renewal application for registration as an escrow officer, an annual fee of fifty dollars.

(3) For filing an application for a duplicate of a certificate of registration lost, stolen, destroyed, or for replacement, five dollars.

~~((3))~~ (4) All fees received by the director under this chapter shall be paid by him into the state treasury to the credit of the general fund.

NEW SECTION. Sec. 6. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

Upon application by the director or any other interested party and upon a showing that the interest of the creditors so requires, the superior court may appoint a receiver to take over, operate, or liquidate any escrow office in this state.

NEW SECTION. Sec. 7. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

No escrow agent shall engage in the business of handling escrow transactions unless such transactions are handled by an agent licensed as an "escrow officer": PROVIDED, That (1) in the case of a partnership, one licensed partner may act on behalf of the partnership; (2) in the case of a corporation, one licensed officer thereof may act on behalf of the corporation; and (3) each branch office shall be required to have at least one licensed escrow officer designated by the escrow agent.

NEW SECTION. Sec. 8. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

There is established an escrow commission of the state of Washington. The commission shall consist of five members, which shall consist of the director who shall be chairman, and the remaining members shall be appointed by the governor for a term of four years each: PROVIDED, That one of such appointees shall be selected from persons designated by the governing authority of the escrow association of Washington, and one shall be selected from designees of the governing authority of the Washington state bar association, and the remaining two members shall be selected from persons engaged in the business of handling escrow transactions: PROVIDED FURTHER, That for the first term of office, the two members selected at the governor's discretion shall serve for a term of two years each.

NEW SECTION. Sec. 9. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

Any person desiring to be an escrow officer shall meet the requirement of RCW 18.44.040 and must successfully pass an examination, be a resident of the state of Washington and furnish such other proof as the director may require concerning his honesty, truthfulness, and good reputation.

NEW SECTION. Sec. 10. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

No examination will be given unless the applicant has one year within the three years immediately preceding application of full time experience in the handling of escrow transactions or in comparable or allied fields, as may be determined from time to time by the escrow commission; and the applicant must be twenty-one years of age or older.

Completion of college-level educational courses of the nature and extent prescribed by the escrow commission may be substituted for

the experience requirement.

NEW SECTION. Sec. 11. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

The examination given shall encompass the following:

(1) Appropriate knowledge of the English language, including reading, writing, and arithmetic.

(2) An understanding of the principles of real estate conveyancing, the general purposes and legal effects of deeds, mortgages, deeds of trust, contracts of sale, exchanges, rental and optional agreements, leases, earnest money agreements, personal property transfers, and encumbrances.

(3) An understanding of the obligations between principal and agent.

(4) An understanding of the meaning and nature of encumbrances upon real property.

The examination shall be in such form as prescribed by the director and approved by the commission, and shall be given at least annually.

Upon successful completion of the examination the director shall issue an "escrow officer" license to the applicant which license shall be renewable annually.

NEW SECTION. Sec. 12. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

The commission shall have the authority to hold educational conferences for the benefit of the industry and shall conduct examinations for licenses as an escrow officer.

NEW SECTION. Sec. 13. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section 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 licensed escrow officer and may temporarily suspend or permanently revoke or deny such license for any holder who is guilty of the following:

(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.

(4) Knowingly committing or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the word, representation, or conduct of the licensee acts to his injury or damage.

(5) 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.

(6) 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.

(7) Committing any act of fraudulent or dishonest dealing, 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.

(8) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal.

NEW SECTION. Sec. 14. There is added to chapter 153, Laws of 1967 and to chapter 18.44 RCW a new section to read as follows:

The proceedings for revocation or suspension of a license or refusal to renew a license or accept an application for renewal, and any appeal therefrom or review thereof shall be governed by the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not effected.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 246

[Senate Bill No. 288]

DISPOSAL OF LAND NOT NEEDED FOR STATE PARK PURPOSES--
USE OF STATE SCHOOL LANDS FOR PARK AND RECREATIONAL PURPOSES

AN ACT Relating to the disposal of land not needed for state park purposes; and amending section 43.51.210, chapter 8, Laws of 1965 as amended by section 3, chapter 99, Laws of 1969.

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

Section 1. Section 43.51.210, chapter 8, Laws of 1965 as

amended by section 3, chapter 99, Laws of 1969 and RCW 43.51.210 are each amended to read as follows:

Whenever the state parks and recreation commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission (~~with the approval of the department of natural resources~~), and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the state general fund. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by appraisals to the satisfaction of the (~~department of natural resources~~) commission: PROVIDED, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission.

NEW SECTION. Sec. 2 Whenever there are state school lands currently being used by cities or counties for park and recreational purposes, which state school land cannot presently be used for state park purposes, such recreational or park use shall be considered by the department of natural resources to be the highest and best use of such school lands for all purposes and any lease proposal by cities and counties for such park and recreational use under RCW 79.01.244 shall be considered the best and highest bid for such school lands.

NEW SECTION. Sec. 3. The department of natural resources shall register those school lands, as defined in RCW 79.01.004, which are leased to cities or towns as open space land with the county assessor of the county wherein such land is located and such land shall be approved as such and deemed classified under the provisions of chapter 84.34 RCW.

NEW SECTION. Sec. 4. The department of natural resources shall determine the cost of the lease of such lands to the city or town leasing such lands so that the cost of the lease is equivalent to the

amount of state and local property taxes levied on similar land owned by a private person and classified as "open space land" or "farm and agricultural land" or "timber land" under the definitions of RCW 84.34.020 and registered under the provisions of chapter 84.34 RCW: PROVIDED, That the parcel limitations contained in such definitions shall be disregarded for the purposes of this section only.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 247

[Senate Bill No. 295]

EXPIRATION AND RENEWAL DATES OF LICENSES FOR BOARDING HOMES,
NURSING HOMES, HOSPITALS, AND PRIVATE ESTABLISHMENTS

AN ACT Relating to the licensing of boarding homes, nursing homes, hospitals, and private establishments; amending section 5, chapter 253, Laws of 1957 and RCW 18.20.050; amending section 6, chapter 117, Laws of 1951 as amended by section 4, chapter 160, Laws of 1953 and RCW 18.51.050; amending section 11, chapter 267, Laws of 1955 and RCW 70.41.110; and amending section 71.12.490, chapter 25, Laws of 1959 and RCW 71.12.490.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 5, chapter 253, Laws of 1957 and RCW 18.20.050 are each amended to read as follows:

Upon receipt of an application for license, if the applicant and the boarding home facilities meet the requirements established under this chapter, the department or the department and the authorized health department jointly, shall issue a license. If there is a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and authorized health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the boarding home for a period to be determined by the department, or the department and authorized health department, but not to exceed twelve months, which provisional license shall not be subject to renewal. At the time of the issuance or renewal of a license or provisional license the licensee shall pay a license fee of ten dollars plus one dollar per bed capacity per year, but in no event shall the total exceed fifty dollars. When the license or provisional license is issued jointly by the department and

authorized health department, the license fee shall be paid to the authorized health department. All licenses issued under the provisions of this chapter shall expire on ((the first day of January next succeeding the date of issue)) a date to be set by the board, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed boarding home is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. Section 6, chapter 117, Laws of 1951 as amended by section 4, chapter 160, Laws of 1953 and RCW 18.51.050 are each amended to read as follows:

Upon receipt of an application for license, the department, or the department and the approved health department jointly, shall issue a license or a provisional license if the applicant and the nursing home facilities meet the requirements established under this chapter. At the time of issuance or renewal of the license or provisional license the licensee shall pay a license fee of fifteen dollars plus one dollar per bed capacity per year, but in no event shall the total exceed one hundred dollars. No fee shall be required of government operated institutions. When the license or provisional license is issued jointly by the department and an approved health department, the license fee shall be paid to the approved health department. All licenses issued under the provisions of this chapter shall expire on ((the first day of July next succeeding the date of issue)) a date to be set by the board, but no license issued pursuant to this chapter shall exceed twelve months in duration: PROVIDED, That when the annual license renewal date of a previously licensed nursing home is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. All applications for renewal of license shall be made not later than thirty days prior to the date of expiration of the license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable

except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department, or the department and approved health department, may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the nursing home for a period to be determined by the department, or the department and approved health department, but not to exceed twelve months.

Sec. 3. Section 11, chapter 267, Laws of 1955 and RCW 70.41.110 are each amended to read as follows:

Upon receipt of an application for license and the license fee, the department shall issue a license or a provisional license if the applicant and the hospital facilities meet the requirements of this chapter and the standards, rules and regulations established by the board. All licenses issued under the provisions of this chapter shall expire on ((the first day of January next succeeding the date of issue)) a date to be set by the board, but no license issued pursuant to this chapter shall exceed twelve months in duration; PROVIDED, That when the annual license renewal date of a previously licensed hospital is set by the board on a date less than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. Each license shall be issued only for the premises and persons named in the application, and no license shall be transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises.

If there be a failure to comply with the provisions of this chapter or the standards, rules and regulations promulgated pursuant thereto, the department may in its discretion issue to an applicant for a license, or for the renewal of a license, a provisional license which will permit the operation of the hospital for a period to be determined by the department, but shall not exceed twelve months, unless approved by the board.

Sec. 4. Section 71.12.490, chapter 25, Laws of 1959 and RCW 71.12.490 are each amended to read as follows:

All licenses issued under the provisions of this chapter shall expire on ((the first day of July next succeeding the date of issue)) a date to be set by the state board of health, but no license issued pursuant to this chapter shall exceed twelve months in duration; PROVIDED, That when the annual license renewal date of a previously licensed private establishment is set by the board on a date less

than twelve months prior to the expiration date of a license in effect at the time of reissuance, the license fee shall be prorated on a monthly basis and a credit be allowed at the first renewal of a license for any period of one month or more covered by the previous license. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department of ((health)) social and health services annually, not less than ten days prior to its expiration and if application is not so filed, the license shall be automatically canceled.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 248

[Substitute Senate Bill No. 401]

MOTOR VEHICLES--

PERMITS USE OF HIGHWAYS BY LARGER VEHICLES--

INCREASES FEES--

ISSUANCE OF OVERWEIGHT PERMITS BY CITIES AND COUNTIES

AN ACT Relating to motor vehicles; authorizing the operation of vehicles of certain sizes; amending section 46.44.220, chapter 12, Laws of 1961 as amended by section 1, chapter 43, Laws of 1965 and RCW 46.44.020; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 61, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.030; amending section 2, chapter 137, Laws of 1965 as amended by section 8, chapter 174, Laws of 1967 and RCW 46.44.0941; and amending section 46.44.096, chapter 12, Laws of 1961 as amended by section 31, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.096.

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

Section 1. Section 46.44.020, chapter 12, Laws of 1961 as amended by section 1, chapter 43, Laws of 1965 and RCW 41.44.020 are each amended to read as follows:

It shall be unlawful for any vehicle unladen or with load to exceed a height of thirteen feet and six inches above the level surface upon which the vehicle stands: PROVIDED, That automobile transporters and boat transporters shall not exceed fourteen feet and that these height limitations shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of

vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is thirteen feet six inches or more; or, where such vertical clearance is less than thirteen feet six inches, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

Sec. 2. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 61, chapter 145, Laws of 1967 ex. sess. and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the state highway commission.

It is unlawful for any person to operate on the highways of this state any combination of vehicles which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet (~~without load or in excess of sixty-five feet with load~~).

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or

without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

Sec. 3. Section 2, chapter 137, Laws of 1965 as amended by section 8, chapter 174, Laws of 1967 and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state primary or secondary highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight,	
single trip.....	\$(3.00) <u>5.00</u>
Continuous operation of overlegal loads	
having either overwidth or overheight	
features only for a period not to	
exceed thirty days.....	\$20.00
Continuous operations of overlegal loads	
having overlength only for a period	
not to exceed thirty days.....	\$10.00
((Operation of combination of vehicles	
 composed of more than two vehicles	
 single trip.....	\$ 3.00)
<u>Continuous operation of a vehicle having</u>	
<u> a maximum height not to exceed fourteen</u>	
<u> feet for a period of one year.....</u>	<u>\$150.00</u>
<u>Continuous operation of a combination of</u>	
<u> vehicles not to exceed seventy-three</u>	
<u> feet overall length for a period of</u>	
<u> one year.....</u>	<u>\$60.00</u>

Overweight Fee Schedule

Fee per mile on

state highways

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing the state highway commission to issue annual overweight permits.

1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$1.05
60,000-65,999 pounds	\$1.20
66,000-71,999 pounds	\$1.45
72,000-77,999 pounds	\$1.70
80,000 pounds or more	\$2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

This section shall become effective July 1, 1967.

Sec. 4. Section 46.44.096, chapter 12, Laws of 1961 as amended by section 31, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.096 are each amended to read as follows:

In determining fees according to RCW 46.44.094, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW 46.44.094 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads and/or city streets the fee shall be paid to

the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established ((in RCW 46.44.095)) shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible((; when the use of the vehicle during the permit period will ordinarily be confined to city streets, including state highways within city limits, and the use of county roads and state highways outside of the city limits will be unusual and infrequent, the fee will be paid to and permit issued by the city; when the use of the vehicle during the permit period will ordinarily be confined to county roads and the use of city streets or state highways will be unusual and infrequent, the fee will be paid to and the permit issued by the county; when the use of the vehicle during the permit period will ordinarily be on state highways and will include some use of city streets and county roads, the fee will be paid to and the permit issued by the state.

Each political body will honor the permits of the other political bodies when issued and used in accordance with the preceding paragraph.))

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state highway commission in RCW 46.44.095, the state highway commission shall authorize the use of such additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state highway department that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit.

(2) That the fees paid for such additional tonnage are not less than those established in RCW 46.44.095.

(3) That the city or county issuing such permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction.

(4) That all of the provisions of RCW 46.44.040, 46.44.042 and 46.44.044 shall be observed.

When the department of highways is satisfied that the above conditions have been complied with the state highway department by suitable endorsement on the permit shall authorize its use on such highways as the state highway commission has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways shall be subject to whatever rules and regulations the state highway commission has adopted for such permits.

Passed the Senate March 31, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 249

[Engrossed Senate Bill No. 450]

VIOLATIONS OF SPECIAL LOAD PERMITS--

CITY SPECIAL LOAD PERMITS FOR LOGGING TRUCKS

AN ACT Relating to motor vehicles; amending section 46.44.097, chapter 12, Laws of 1961 and RCW 46.44.097; amending section 46.44.047, chapter 12, Laws of 1961, as amended by section 35, chapter 21, Laws of 1961 ex. sess. and RCW 46.44.047; and prescribing penalties.

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

Section 1. Section 46.44.097, chapter 12, Laws of 1961 and RCW 46.44.097 are each amended to read as follows:

Any person who misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirements and conditions of the special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars or more than one hundred dollars.

Any person who operates any vehicle, the gross weight of which is in excess of the maximum for which such vehicle may be eligible for license, or in excess of legal size limitations, without first obtaining a special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars.

Every special permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

((Any state highway patrol officer who shall find any person operating a vehicle in violation of the conditions of a special

permit issued under RCW 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action:))

Upon the third conviction within a calendar year for violation of the requirements and conditions of a special permit issued under RCW 46.44.095 as now or hereafter amended, the special permit shall be canceled, and the canceled conditions of a special permit issued permit shall be immediately transmitted by the court or the arresting officer to the department of highways, and for the purposes of this section bail forfeiture shall be considered as a conviction. The vehicle covered by such canceled special permit shall not be eligible for a new special permit for a period of thirty days.

Sec. 2. Section 46.44.047, chapter 12, Laws of 1961, as amended by section 35, chapter 21, Laws of 1961 ex. sess. and RCW 46.44.047 are each amended to read as follows:

In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the maximum gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the maximum legal gross weight of the combination of vehicles, when fully licensed as permitted by law, being sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state ((7)) primary ((7)) or secondary highways authorized by the state highway commission and under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the

fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within a calendar year for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer and may be transferred upon application to the department of highways with payment of a two dollar fee.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "((county)) log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or board of county commissioners shall be subject to the penalties prescribed by RCW 46.44.045. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid

in the enforcement of the provisions of this section.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 250

[Engrossed Senate Bill No. 485]

OPEN PUBLIC MEETINGS ACT OF 1971

AN ACT Relating to public officers and agencies; amending section 3, chapter 237, Laws of 1967 and RCW 34.04.024; repealing section 1, chapter 216, Laws of 1953 and RCW 42.32.010; repealing section 2, chapter 216, Laws of 1953 and RCW 42.32.020; and prescribing penalties.

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

NEW SECTION. Section 1. The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

NEW SECTION. Sec. 2. As used in this act unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution or other state agency which is created by or pursuant to statute, other than courts and the legislature.

(b) Any county, city, school district, special purpose district or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance or other legislative act, including but not limited to planning commissions, library or park boards, and other boards, commissions and agencies.

(2) "Governing body" means the multimember board, commission,

committee, council or other policy or rule-making body of a public agency.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

NEW SECTION. Sec. 3. All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this act.

NEW SECTION. Sec. 4. A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

NEW SECTION. Sec. 5. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

NEW SECTION. Sec. 6. No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this act. Any action taken at meetings failing to comply with the provisions of this section shall be null and void.

NEW SECTION. Sec. 7. The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the

conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: PROVIDED, That the notice requirements of this act shall be suspended during such emergency.

NEW SECTION. Sec. 8. A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

NEW SECTION. Sec. 9. The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He shall cause a written notice of the adjournment to be given in the same manner as provided in section 8 of this act for special meetings, unless such notice is waived as provided for special meetings. Whenever any

meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

NEW SECTION. Sec. 10. Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in section 9 of this act for the adjournment of meetings.

NEW SECTION. Sec. 11. Nothing contained in this act shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; the selection of a site or the purchase of real estate, when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

NEW SECTION. Sec. 12. Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this act applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this act does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. Reasonable expenses, including attorney's fees, shall be awarded the person bringing the action if the suit results in assessment of the civil penalty. The members held to be in violation shall be personally liable only for their pro rata share of the expenses.

NEW SECTION. Sec. 13. Any person may commence an action

either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this act by members of a governing body.

NEW SECTION. Sec. 14. If any provision of this 1971 amendatory act conflicts with the provisions of any other statute, the provisions of this 1971 amendatory act shall control: PROVIDED, That this act shall not apply to:

(1) the proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) that portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) matters governed by Title 34 RCW, the administrative procedures act, except as expressly provided in section 17 of this 1971 amendatory act.

NEW SECTION. Sec. 15. The following acts or parts thereof are each hereby repealed:

(1) Section 1, chapter 216, Laws of 1953 and RCW 42.32.010;

(2) Section 2, chapter 216, Laws of 1953 and RCW 42.32.020.

NEW SECTION. Sec. 16. This act may be cited as the "Open Public Meetings Act of 1971".

Sec. 17. Section 3, chapter 237, Laws of 1967 and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment or repeal of any rule, each agency shall:

(a) Give at least twenty days notice of its intended action by filing the notice with the code reviser, mailing the notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings, and giving public notice as provided in ((REW 42-32-040)) this 1971 amendatory act, as now or hereafter amended. Such notice shall include (i) reference to the authority under which the rule is proposed, (ii) a statement of either the terms or substance of the proposed rule or a description of the subjects and issues involved, and (iii) the time when, the place where, and the manner in which interested persons may present their views thereon.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if

requested by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(2) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, or, if an emergency rule designated as such, adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

NEW SECTION. Sec. 18. The purposes of this 1971 amendatory act are hereby declared remedial and shall be liberally construed.

NEW SECTION. Sec. 19. 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 May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 251

[Substitute Senate Bill No. 678]

OPTIONAL MUNICIPAL CODE

AN ACT Relating to the optional municipal code;amending section 35A.02.050, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 52, Laws of 1970 ex. sess. and RCW 35A.02.050; amending section 35A.02.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.080; amending section 35A.02.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.090; amending section 35A.12.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.070; amending section 35A.14.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.030; amending section 35A.14.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.050; amending section

35A.06.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.030; amending section 35A.14.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.160; amending section 35A.58.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.58.030; amending section 35A.14.015, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.015; amending section 35A.14.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.200; amending section 35A.14.210, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.210; creating a new section; repealing section 35A.03.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.150; repealing section 35A.14.800, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.800; and declaring an emergency.

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

Section 1. Section 35A.02.050, chapter 119, Laws of 1967 ex. sess. as amended by section 2, chapter 52, Laws of 1970 ex. sess. and RCW 35A.02.050 are each amended to read as follows:

The first election of officers under a plan of government adopted in the manner provided in RCW 35A.02.020 or 35A.02.030 shall be at the next general municipal election if one is to be held more than ninety days but not more than one hundred and eighty days after certification of a reorganization ordinance or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days from the certification of such ordinance. In the event that the first election of officers as herein provided is to be held at a general municipal election, such election shall be preceded by a primary election pursuant to RCW 29.13.070. In the event that the first election of officers as herein provided is to be held at a special election, and notwithstanding any provisions of any other law to the contrary, such special election shall be preceded by a primary election to be held not less than forty-five nor more than sixty days prior to the date of the special election: PROVIDED, That in the event the ordinances calling for reclassification or reclassification and reorganization under the provisions of Title 35A RCW have been filed with the secretary of state pursuant to RCW 35A.02.040 in an even numbered year at least ninety days prior to a state general election then the election of new officers shall be concurrent with the state primary and general election and shall be conducted as set forth in chapter 35A.29 RCW: PROVIDED, FURTHER, That if the election of officers as provided in this section is for a period of time less than a specified two-year term or less than a specified four-year term, such an election shall not be preceded by a primary election. Declarations of candidacy for any primary election held pursuant to this section shall be filed as provided in RCW 35A.29.110 as amended. The terms of the persons holding office

at the time of such proceedings shall continue until the new officers are elected and qualified as provided in this 1970 amendatory act, and the ordinances, bylaws and resolutions adopted under the former plan of government, where not in conflict with state law, shall continue in force until repealed or amended by the legislative body of the reorganized noncharter code city. The former officers shall, upon the election and qualification of new officers, deliver to the proper officers of the reorganized noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before the reorganization thereof. Officers elected at the first election of officers held pursuant to this amendatory act shall assume office as soon as the election returns have been certified.

Sec. 2. Section 35A.02.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.080 are each amended to read as follows:

((When a proposal to reorganize a city or town as a noncharter code city under a plan of government provided in this title is placed on the ballot for such election by any of the procedures or methods provided in this chapter, candidates for the offices which would be created if the proposed plan of government were approved by the voters may file a declaration of candidacy with the city clerk as provided in RCW 35A.29.110, and their names shall be placed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. If a majority of those voting on the measures approve adoption by the municipality of the classification of noncharter code city and the reorganization of the municipality, the persons elected to offices under the plan of government approved by the voters shall, upon their qualification as provided by law, become the new officers of the noncharter code city.)) If the majority of votes cast at an election for organization under a plan provided in this title favor the plan, the city or town shall elect in accordance with RCW 35A.02.050 the officers for the positions created. The former officers of the municipality shall, upon the election and qualification of the new officers, deliver to the proper officers of the new noncharter code city all books of record, documents and papers in their possession belonging to such municipal corporation before reorganization.

Sec. 3. Section 35A.02.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.090 are each amended to read as follows:

Proposals for each of the plans of government authorized by this title may be placed on the ballots in the same election by timely petition as provided in this chapter((, and candidates for offices under one of the plans of government shall not be disqualified from filing as candidates for offices under the other plan)). When the ballot contains alternative proposals for each of

the plans of government ((and states of candidates for each of the plans;)) the ballot shall clearly state that voters may vote for only one of the plans of government ((but may cast their votes for officers under each of the plans of government to indicate their choice of officers in the event such plan receives a majority of the votes cast; The officers elected by the voters to fill the offices under the plan of government receiving a majority of the votes cast on the measure shall, upon their qualification, become the new officers of the noncharter code city)).

NEW SECTION. Sec. 4. Whenever in any territory forming a part of an incorporated code city which is part of a road district of the county, and road district taxes have been levied but not collected on any property within such territory, the same shall, when collected by the county treasurer, be paid to such code city and placed in the city street fund by the city: PROVIDED, That this section shall not apply to any special assessments due in behalf of such property.

Sec. 5. Section 35A.12.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.070 are each amended to read as follows:

The salaries of the mayor and the councilmen shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase ((or reduction)) in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent if such incumbent is a member of the city legislative body fixing his own compensation or as mayor in a mayor-council code city casts a tie-breaking vote relating to such ordinance: PROVIDED, That if the mayor of such a city does not cast such a vote, his salary may be increased during his term of office.

Until the first elective officers under this mayor-council plan of government may lawfully be paid the compensation provided by such salary ordinance, such officers shall be entitled to be compensated in the same manner and in the same amount as the compensation paid to officers of such city performing comparable services immediately prior to adoption of this mayor-council plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, such first officers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants, the mayor shall be entitled to a salary of one hundred and fifty dollars per calendar month and a councilman shall be entitled to twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants, the mayor shall be entitled to a salary of three hundred and fifty dollars per calendar month and a councilman shall be entitled to one hundred and fifty dollars per calendar month; in cities having more

than fifteen thousand inhabitants, the mayor shall be entitled to a salary of twelve hundred and fifty dollars per calendar month and a councilman shall be entitled to four hundred dollars per calendar month: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the amounts herein provided shall not be construed as fixing the usual salary of such officers. The mayor and councilmen shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

Sec. 6. Section 35A.14.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.030 are each amended to read as follows:

Upon approval of the petition for election by the legislative body of the code city to which such territory is proposed to be annexed, the petition shall be filed with the board of county commissioners for the county in which such territory is located, along with a statement, in the form required by the city, of the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a proposed zoning regulation for the area. A copy of the petition and the statement, if any, shall also be filed with the boundary review board as provided for in chapter 189, Laws of 1967 [chapter 36.93 RCW] or the county annexation review board established by RCW ((35A-44-200)) 35A.14.160, unless such proposed annexation is within the provisions of RCW ((35A-44-200)) 35A.14.220.

Sec. 7. Section 35A.14.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.050 are each amended to read as follows:

After consideration of the proposed annexation as provided in RCW ((35A-44-260)) 35A.14.200, the county annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

(1) Approval of the proposal as submitted.

(2) Modification of the proposal by adjusting boundaries to include or exclude territory; except that any such inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: PROVIDED, That the county annexation review board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the county annexation review board

shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the county annexation review board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the board of county commissioners, at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary review board or the county annexation review board, or at a special meeting to be held within that period, shall set a date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. The question shall be submitted at a general election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter.

Sec. 8. Section 35A.14.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.160 are each amended to read as follows:

There is hereby established in each county of the state, other than counties having a boundary review board as provided for in chapter 189, Laws of 1967 [chapter 36.93 RCW], a board to be known as the "annexation review board for the county of (naming the county)", which shall be charged with the duty of reviewing proposals for annexation of unincorporated territory to charter code cities and noncharter code cities within its respective county; except that proposals within the provisions of RCW (~~35A-14-200~~) 35A.14.220 shall not be subject to the jurisdiction of such board.

In all counties in which a boundary review board is established pursuant to chapter 189, Laws of 1967 [chapter 36.93 RCW] review of proposals for annexation of unincorporated territory to charter code cities and noncharter code cities within such counties shall be subject to chapter 189, Laws of 1967 [chapter 36.93 RCW]. Whenever ((a first class county with a population over one hundred seventy thousand)) any county establishes a boundary review board pursuant to chapter 189, Laws of 1967 [chapter 36.93 RCW] the provisions of this act relating to annexation review boards shall not be applicable.

Except as provided above in this section, whenever one or more

cities of a county shall have elected to be governed by this title by becoming a charter code city or noncharter code city, the governor shall, within forty-five days thereafter, appoint an annexation review board for such county consisting of five members appointed in the following manner:

Two members shall be selected independently by the governor. Three members shall be selected by the governor from the following sources: (1) One member shall be appointed from nominees of the individual members of the board of county commissioners; (2) one member shall be appointed from nominees of the individual mayors of charter code cities within such county; (3) one member shall be appointed from nominees of the individual mayors of noncharter code cities within such county.

Each source shall nominate at least two persons for an available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently. If, at the time of appointment, there are within the county no cities of one of the classes named above as a nominating source, a position which would otherwise have been filled by nomination from such source shall be filled by independent appointment of the governor.

In making appointments independently and in making appointments from among nominees, the governor shall strive to appoint persons familiar with municipal government and administration by experience and/or training.

Sec. 9. Section 35A.58.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.58.030 are each amended to read as follows:

The provisions of chapter 58.16 RCW together with the provisions of a code city's subdivision regulations as adopted by ordinance not inconsistent with the provisions of chapter ((58.16)) 58.17 RCW shall control the platting and subdividing of land into lots or tracts comprising five or more of such lots or tracts or containing a dedication of any part thereof as a public street or highway, or other public place or use: PROVIDED, That nothing herein shall prohibit the legislative body of a code city from adopting reasonable ordinances regulating the subdivision of land into two or more parcels without requiring compliance with all of the requirements of the platting law.

Sec. 10. Section 35A.14.015, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.015 are each amended to read as follows:

When the legislative body of a charter code city or noncharter code city shall determine that the best interests and general welfare of such city would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters

of such territory the proposal for annexation. The resolution shall describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for any then outstanding indebtedness of the city to which said area is annexed, contracted prior to, or existing at, the date of annexation. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the board of county commissioners of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter 189, Laws of 1967 [chapter 36.93 RCW] or the county annexation review board established by RCW 35A.14.200, unless such annexation proposal is within the provisions of RCW ((35A.14.200)) 35A.14.220.

Sec. 11. Section 35A.14.200, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.200 are each amended to read as follows:

The jurisdiction of the county annexation review board shall be invoked upon the filing with the board of a resolution for an annexation election as provided in RCW 35A.14.015, or of a petition for an annexation election as provided in RCW 35A.14.030, and the board shall proceed to hold a hearing, upon notice, all as provided in RCW 35A.14.040. A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit. The board shall make and file its decision, all as provided in RCW 35A.14.050, insofar as said section is applicable to the matter before the board. Dissenting members of the board shall have the right to have their written dissents included as part of the decision. In reaching a decision on an annexation proposal, the county annexation review board shall consider the factors affecting such proposal, which shall include but not be limited to the following:

(1) The immediate and prospective population of the area proposed to be annexed, the configuration of the area, land use and land uses, comprehensive use plans and zoning, per capita assessed valuation, topography, natural boundaries and drainage basins, the

likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years, location and coordination of community facilities and services; and

(2) The need for municipal services and the available municipal services, effect of ordinances and governmental codes, regulations and resolutions on existing uses, present cost and adequacy of governmental services and controls, the probable future needs for such services and controls, the probable effect of the annexation proposal or alternatives on cost and adequacy of services and controls in area and adjacent area, the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units; and

(3) The effect of the annexation proposal or alternatives on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county.

The county annexation review board shall determine whether the proposed annexation would be in the public interest and for the public welfare. The decision of the board shall be accompanied by the findings of the board. Such findings need not include specific data on all the factors listed in this section, but shall indicate that all such factors were considered.

Sec. 12. Section 35A.14.210, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.210 are each amended to read as follows:

Decisions of the county annexation review board shall be final unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property in or residing in the area proposed to be annexed files in the superior court a notice of appeal. The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board. The superior court may affirm the decision of the county annexation review board or remand the case for further proceedings; or the court may reverse the decision and remand if it finds that substantial rights have been prejudiced because the findings, conclusions, or decision of the board are:

- (1) In violation of constitutional provisions; or
- (2) In excess of the statutory authority or jurisdiction of the board; or
- (3) Made upon unlawful procedure; or
- (4) Affected by other error of law; or
- (5) Unsupported by material and substantial evidence in view of the entire record as submitted; or
- (6) Arbitrary or capricious.

Sec. 13. Section 35A.06.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.030 are each amended to read as follows:

By use of the resolution for election or petition for election methods described in RCW 35A.06.040, any noncharter code city which has operated for more than six years under one of the optional plans of government authorized by this title, ~~((or which retained its existing plan of government upon becoming a noncharter code city and has operated thereunder for more than six years,))~~ may abandon such organization and may either adopt another plan of government authorized for noncharter code cities, or may adopt a plan of government authorized by the general law for municipalities of the highest class for which the population of such city qualifies it, or authorized for the class to which such city belonged immediately prior to becoming a noncharter code city, if any. When a noncharter code city adopts a plan of government other than those authorized for noncharter code cities, such city ceases to be governed under this optional municipal code and shall be classified as a city or town of the class selected in the proceeding for adoption of such new plan, with the powers granted to such class under the general law. Any city is authorized to adopt any plan of government provided for noncharter code cities any time after one year from the date of becoming a noncharter code city.

NEW SECTION. Sec. 14. Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the code city and by the city placed in the city street fund: Provided, That this section shall not apply to any special assessments due in behalf of such property.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 35A.03.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.150; and

(2) Section 35A.14.800, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.800.

NEW SECTION. Sec. 16. All distributions of road district taxes that have been levied but not collected or that shall hereafter be levied but not collected shall be distributed to code cities in accordance with sections 4 and 14 of this act.

NEW SECTION. Sec. 17. 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. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, and

the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate May 10, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 252

[Engrossed Senate Bill No. 755]

FRANCHISE INVESTMENT PROTECTION ACT

AN ACT Relating to franchises; creating new sections; defining crimes; providing an effective date; and prescribing penalties.

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

NEW SECTION. Section 1. When used in this act, 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.

(5) "Franchisee" means a person to whom a franchise is offered or granted.

(6) "Franchisor" means a person who grants a franchise to another person.

(7) "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) "Subfranchisor" means a person to whom an area franchise

is granted.

(9) "Franchise broker or selling agent" means a person who directly or indirectly engages in the sale of franchises.

(10) "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 goods or services, 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 bonafide 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 bonafide wholesale price of such goods; (c) a bonafide loan to the franchisee from the franchisor; (d) the purchase or agreement to purchase goods at a bonafide retail price subject to a bonafide commission or compensation plan that in substance reflects only a bonafide wholesale transaction; (e) the purchase or agreement to purchase supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market 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 value.

(11) "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.

(12) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(13) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(14) "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.

NEW SECTION. Sec. 2. It is unlawful for any franchisor or subfranchisor to sell or offer to sell any franchise in this state unless the offer of the franchise has been registered under this act or exempted under section 3 of this act.

NEW SECTION. Sec. 3. The registration requirements of this act 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, marshall, 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 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.

(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.

(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.

(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.

(xvi) A statement describing the training program, supervision, and assistance the franchisor has and will provide the

franchisee.

(5) Any motor vehicle dealer franchise subject to the provisions of 46.70 RCW.

(6) Neither the registration requirements nor the provisions of section 18(2) of this act shall apply to any franchisor:

(a) Who meets the tests and requirements set forth in subsections (4) (a), (4) (b), and (4) (d) 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.

NEW SECTION. Sec. 4. 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; 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 any national security association or national securities exchanges (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 or is subject to any currently effective order relating to business activity 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.

(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 franchisee agreement or by other device or practice whereby the franchise 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.

(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.

(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.

(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.

(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.

NEW SECTION. Sec. 5. 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.

NEW SECTION. Sec. 6. If no stop order is in effect and no proceeding is pending under section 12 of this act, a registration statement becomes effective at 3:00 P.M. Pacific Standard Time on the afternoon of the fifteenth business day after the filing of the registration statement or the last amendment or at such earlier time as the director determines.

NEW SECTION. Sec. 7. (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 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 franchise.

NEW SECTION. Sec. 8. 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 and all supplemental reports of the franchisor and the subfranchisor on file with the director.

NEW SECTION. Sec. 9. (1) Neither (a) the fact that application for registration under this law has been filed nor

(b) the fact that such registration has become effective constitutes a finding by the director that any document filed under this law is true, complete, or not misleading. Neither any such fact or the fact that an exemption is available for a transaction means that the director has passed in any way on the merit or qualifications of or recommended or given approval to any person, franchise, or transaction.

(2) It is unlawful to make or cause to be made to any prospective purchaser or offeree any representation inconsistent with this section.

NEW SECTION. Sec. 10. No persons shall publish in this state any advertisements offering a franchise subject to the registration requirements of this law unless a true copy of the advertisement has been filed in the office of the director at least seven days prior to the publication or such shorter period as the director by rule or order may allow.

NEW SECTION. Sec. 11. No person shall publish in this state any advertisement concerning a franchise subject to the registration requirements of this act 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 15 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, 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.

NEW SECTION. Sec. 12. 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 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 act or any rule or order or condition lawfully imposed under this act 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;

(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.

NEW SECTION. Sec. 13. Upon the entry of a stop order under any part of section 12 of this act, the director shall promptly notify the applicant that the order has been entered and that the

reasons therefore and that within fifteen days after receipt of a written request, the matter will be set down for hearing. If no hearing is requested within fifteen days and none is ordered by the director, the director shall enter his written findings of fact and conclusions of law and 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 hearings to the issuer and to the applicant or registrant shall enter his written findings of fact and conclusions of law and may modify or vacate the order. The director may modify or vacate a stop order if he finds that the conditions which prompted his entry have changed or that it is otherwise in the public interest to do so.

NEW SECTION. Sec. 14. (1) It is unlawful for any person to offer to sell or sell a franchise which is subject to the registration requirements of section 3 (4) (d) or section 4 of this act unless he is registered under this act. It is unlawful for any franchisor, subfranchisor, or franchisee, except if the transaction is exempt under section 3 (1), (2), and (3) of this act 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 section 24 of this act.

(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.

NEW SECTION. Sec. 15. Every person offering franchises for sale shall at all times keep and maintain a complete set of books, records, and accounts of such and the disposition of the proceeds thereof and shall thereafter at such times as are required by the director make and file in the office of the director a report setting forth the franchises sold by it, the proceeds derived therefrom, and the disposition thereof.

NEW SECTION. Sec. 16. Any person who is engaged or hereafter engaged directly or indirectly in the sale or offer to sell a franchise or in business dealings concerning a franchise, either in person or in any other form of communication, shall be subject to the provisions of this act, shall be amenable to the jurisdiction of the

courts of this state and shall be amenable to the service of process under RCW 4.28.180, 4.28.185 and 19.86,160. Every applicant for registration of a franchise under this law (by other than a Washington corporation) shall file with the director in such form as he by rule prescribed, an irrevocable consent appointing the director or his successor in office to be his attorney, to receive service or any lawful process in any noncriminal suit, action, or proceeding against him or his successors, executor, or administrator which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing consent. A person who has filed such a consent in connection with a previous registration under this law need not file another. Service may be made by leaving a copy of the process in the office of the director but it is not as effective unless:

(1) The plaintiff, who may be the director, in a suit, action, or proceeding instituted by him forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the director; and

(2) The plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further times the court allows.

NEW SECTION. Sec. 17. It is unlawful for any person in connection with the offer, sale, or purchase of any franchise directly or indirectly:

(1) To make any untrue statement of a material fact in any application, notice, or report filed with the director under this law or wilfully to omit to state in any application notice or report, any material fact which is required to be stated therein or fails to notify the director of any material change as required by section 7 (3) of this act.

(2) To sell or offer to sell a franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made in light of the circumstances under which they were made not misleading.

(3) To employ any device, scheme, or artifice to defraud.

(4) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

(5) To violate any order of the director.

NEW SECTION. Sec. 18. Without limiting the other provisions of this act, 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 act and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition 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.
 - (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 proper and justifiable distinctions considering the purposes of this act, 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 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.
 - (g) Require franchisee to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this act.
 - (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 act, and is not arbitrary.
 - (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 act, 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.

(3) The provisions of this act 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.

NEW SECTION. Sec. 19. (1) The commission of any unfair or deceptive acts or practices or unfair methods of competition prohibited by section 18 of this act 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 act 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 section 17 of this act rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or admission 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.

(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.

(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 act 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.

NEW SECTION. Sec. 20. The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or 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 act shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceeding: 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.

NEW SECTION. Sec. 21. (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 act provided shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

Every person who violates sections 2, 8, 15 and 17 of this act 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.

(3) Any person who wilfully violates any provision of this act or who wilfully violates any rule or order under this act 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 act more than five years after the alleged

violation.

(4) Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION. Sec. 22. In any proceeding under this act, the burden of proving an exception or an exemption from definition is upon the person claiming it.

NEW SECTION. Sec. 23. The director may refer such evidence as may be available concerning violations of this act or any rule or order hereunder to the attorney general or the proper prosecuting attorney who may in his discretion with or without such a reference institute the appropriate criminal proceeding under this act.

NEW SECTION. Sec. 24. The director shall charge and collect fees fixed by this section. All fees collected under this act shall be deposited in the state treasury and shall not be refundable except as herein provided:

(1) The fee for filing an application for registration on the sale of franchise under section 4 of this act is five hundred dollars;

(2) The fee for filing an application for renewal of a registration under section 7 of this act is one hundred dollars;

(3) The fee for filing an amendment to the application filed under section 4 of this act is one hundred dollars;

(4) The fee for registration of a franchise broker or selling agent shall be fifty dollars for original registration and twenty-five dollars for each annual renewal.

NEW SECTION. Sec. 25. 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 act including rules and forms governing applications and reports and defining any terms whether or not used in this act insofar as the definitions are consistent with this act.

NEW SECTION. Sec. 26. The Administrative Procedure Act, chapter 34.04 RCW, shall wherever applicable herein govern the rights, remedies, and procedures respecting the administration of this act.

NEW SECTION. Sec. 27. The director shall appoint a competent person to administer this act who shall be designated administrator of securities. The director shall delegate to the administrator such powers, subject to the authority of the director, as may be necessary to carry out the provisions of this act. The administrator shall hold office at the pleasure of the director.

NEW SECTION. Sec. 28. The provisions of this act shall be applicable to all franchises and contracts existing between franchisors and franchisees and to all future franchises and

contracts.

NEW SECTION. Sec. 29. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy available at law.

NEW SECTION. Sec. 30. This act shall become effective May 1, 1972: PROVIDED, That the director is authorized and empowered to undertake and perform duties and conduct activities necessary for the implementation of this act prior to that date.

NEW SECTION. Sec. 31. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provisions, or part thereof not adjudged invalid or unconstitutional.

NEW SECTION. Sec. 32. This act shall be known and designated as the "Franchise Investment Protection Act".

Passed the Senate May 6, 1971.

Passed the House May 5, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 253

[Engrossed Substitute Senate Bill No. 796]

COLLECTION AGENCY ACT

AN ACT Relating to the regulation of collection agencies; creating new sections; repealing section 1, chapter 90, Laws of 1929 and RCW 19.16.010; repealing section 2, chapter 90, Laws of 1929 and RCW 19.16.020; repealing section 3, chapter 90, Laws of 1929 and RCW 19.16.030; repealing section 4, chapter 90, Laws of 1929 and RCW 19.16.040; repealing section 5, chapter 90, Laws of 1929 and RCW 19.16.050; providing an effective date; and prescribing penalties.

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

NEW SECTION. Section 1. DEFINITIONS. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this act shall have the following meanings:

(1) "Person" includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) "Collection agency" does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this act, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer; or

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks.

(4) "Claim" means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(5) "Director" means the director of the department of motor vehicles.

(6) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

(7) "Licensee" means any person licensed under this act.

(8) "Board" means the Washington state collection agency board.

(9) "Debtor" means any person owing or alleged to owe a claim.

NEW SECTION. Sec. 2. LICENSE REQUIRED. No person shall act, assume to act, or advertise as a collection agency as defined in this act, except as authorized by this act, without first having applied for and obtained a license from the director.

Nothing contained in this section shall be construed to require a regular employee of a collection agency duly licensed under

this act to procure a collection agency license.

NEW SECTION. Sec. 3. APPLICANTS FOR LICENSES--REQUIREMENTS AND QUALIFICATIONS--GRANDFATHER CLAUSE. No license or any renewal thereof may be granted to any applicant unless:

(1) An individual applicant is at least eighteen years of age, a citizen of the United States, and a resident of this state.

(2) An applicant which is not an individual is authorized to do business in this state.

(3) The application is complete, the fees required by section 5 of this act have been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by section 10 has been filed with the director.

(4) Neither an individual applicant nor any owner, officer, director, or managing employee of a nonindividual applicant:

(a) Has knowingly made a false statement of a material fact in his or its current application or in any data attached thereto or in any application (or data attached thereto) made under this act within two years of the date of the current application;

(b) Has had a license to engage in the business of a collection agency as defined in this act revoked by this state or any other state or foreign country within two years of the date of the current application for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements;

(c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and the application is made within two years of the completion of the sentence for such conviction;

(d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and the application is made within two years of the date of the entry of the final judgment in said action;

(e) Has had his license to practice law suspended or revoked and the application is made within two years of the date of such suspension or revocation, unless he has been relicensed to practice law in this state:

(f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of the provisions of RCW 19.86.020 and the application is made within two years of the date of the entry of the final judgment in any said action: PROVIDED, That said judgment shall not be a ground for the denial of a license to any applicant unless the judgment arises out of and is based on acts of the applicant while acting as a collection agency.

Any person who is engaged in the collection agency business as of the effective date of this act shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this act, be issued a license hereunder.

NEW SECTION. Sec. 4. LICENSE--APPLICATION--FORM--CONTENTS. Every application for a license shall be in writing, under oath, and in the form prescribed by the director.

Every application shall contain such relevant information as the director may require.

The applicant shall furnish the director with such evidence as the director may reasonably require to establish that the requirements and qualifications for a licensee have been fulfilled by the applicant.

Every application for a license shall state, among other things that may be required, the name of the applicant with the name under which the applicant will do business and the location by street and number, city and state of each office of the business for which the license is sought.

No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county, or municipal governmental function or agency or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public or in any name which would otherwise tend to be deceptive or misleading. The foregoing shall not necessarily preclude the use of a name which may be followed by a geographically descriptive title which would distinguish it from a similar name licensed but operating in a different geographical area.

NEW SECTION. Sec. 5. LICENSE--APPLICATION--FEES. Each applicant when submitting his application shall pay a licensing fee of one hundred dollars and an investigation fee of one hundred dollars. If a license is not issued in response to the application, the one hundred dollar license fee shall be returned to the applicant.

An annual license fee of one hundred dollars shall be paid to the director on or before January first of each year. If the annual license fee is not paid on or before January first, the licensee shall be assessed a penalty for late payment in the amount of fifty dollars. If the fee and penalty are not paid by January thirty-first, it will be necessary for the licensee to submit a new application for a license: PROVIDED, That no license shall be issued upon such new application unless and until all fees and penalties previously accrued under this section have been paid.

Any license or branch office certificate issued under the provisions of this act shall expire on December thirty-first following the issuance thereof.

NEW SECTION. Sec. 6. BRANCH OFFICE CERTIFICATE REQUIRED. If a licensee maintains a branch office, he or it shall not operate a collection agency business in such branch office until he or it has secured a branch office certificate therefor from the director. A licensee, so long as his or its license is in full force and effect and in good standing, shall be entitled to branch office certificates for any branch office operated by such licensee upon payment of the fee therefor provided in this act.

Each licensee when applying for a branch office certificate shall pay a fee of fifty dollars. An annual fee of fifty dollars for a branch office certificate shall be paid to the director on or before January first of each year. If the annual fee is not paid on or before January first, a penalty for late payment in the amount of ten dollars shall be assessed. If the fee and the penalty are not paid by January thirty-first, it will be necessary for the licensee to apply for a new branch office certificate: PROVIDED, That no such new branch office certificate shall be issued unless and until all fees and penalties previously accrued under this section have been paid.

NEW SECTION. Sec. 7. LICENSE AND BRANCH OFFICE CERTIFICATE--FORM--CONTENTS--DISPLAY. Each license and branch office certificate, when issued, shall be in the form and size prescribed by the director and shall state in addition to any other matter required by the director:

- (1) The name of the licensee;
- (2) The name under which the licensee will do business;
- (3) The address at which the collection agency business is to be conducted; and
- (4) The number and expiration date of the license or branch office certificate.

A licensee shall display his or its license in a conspicuous place in his or its principal place of business and, if he or it conducts a branch office, the branch office certificate shall be conspicuously displayed in the branch office.

NEW SECTION. Sec. 8. PROCEDURE UPON CHANGE OF NAME OR BUSINESS LOCATION. Whenever a licensee shall contemplate a change of his or its trade name or a change in the location of his or its principal place of business or branch office, he or it shall give written notice of such proposed change to the director. The director shall approve the proposed change and issue a new license or a branch office certificate, as the case may be, reflecting the change.

NEW SECTION. Sec. 9. ASSIGNABILITY OF LICENSE OR BRANCH

OFFICE CERTIFICATE. (1) Except as provided in subsection (2) of this section, a license or branch office certificate granted under this act is not assignable or transferable.

(2) Upon the death of an individual licensee, the director shall have the right to transfer the license and any branch office certificate of the decedent to the personal representative of his estate for the period of the unexpired term of the license and such additional time, not to exceed one year from the date of death of the licensee, as said personal representative may need in order to settle the deceased's estate or sell the collection agency.

NEW SECTION. Sec. 10. SURETY BOND REQUIRED. (1) Each applicant shall, at the time of applying for a license, file with the director a surety bond in the sum of five thousand dollars. The bond shall be annually renewable on January first of each year, shall be approved by the director as to form and content, and shall be executed by the applicant as principal and by a surety company authorized to do business in this state as surety. Such bond shall run to the state of Washington as obligee for the benefit of the state and conditioned that the licensee shall faithfully and truly perform all agreements entered into with the licensee's clients or customers and shall, within thirty days after the close of each calendar month, account to and pay to his client or customer the net proceeds of all collections made during the preceding calendar month and due to each client or customer less any offsets due licensee under sections 12 and 13 of this act. The bond required by this section shall remain in effect until canceled by action of the surety or the licensee or the director.

(2) An applicant for a license under this act may furnish, file, and deposit with the director, in lieu of the surety bond provided for herein, a cash deposit or other negotiable security acceptable to the director. The security deposited with the director in lieu of the surety bond shall be returned to the licensee at the expiration of one year after the collection agency's license has expired or been revoked if no legal action has been instituted against the licensee or on said security deposit at the expiration of said one year.

(3) A surety may file with the director notice of his or its withdrawal on the bond of the licensee. Upon filing a new bond or upon the revocation of the collection agency license or upon the expiration of sixty days after the filing of notice of withdrawal as surety by the surety, the liability of the former surety for all future acts of the licensee shall terminate.

(4) The director shall immediately cancel the bond given by a surety company upon being advised that the surety company's license to transact business in this state has been revoked.

(5) Upon the filing with the director of notice by a surety of his withdrawal as the surety on the bond of a licensee or upon the cancellation by the director of the bond of a surety as provided in this section, the director shall immediately give notice to the licensee of the withdrawal or cancellation. The notice shall be sent to the licensee by registered or certified mail with request for a return receipt and addressed to the licensee at his or its main office as shown by the records of the director. At the expiration of thirty days from the date of mailing the notice, the license of the licensee shall be terminated, unless the licensee has filed a new bond with a surety satisfactory to the director.

(6) All bonds given under this act shall be filed and held in the office of the director.

NEW SECTION. Sec. 11. ACTION ON BOND. In addition to all other legal remedies, an action may be brought in any court of competent jurisdiction upon the bond or cash deposit or security in lieu thereof, required by section 10 of this act, by any person to whom the licensee fails to account and pay as set forth in such bond or by any client or customer of the licensee who has been damaged by failure of the licensee to comply with all agreements entered into with such client or customer: PROVIDED, That the aggregate liability of the surety to all such clients or customers shall in no event exceed the sum of such bond.

An action upon such bond or security shall be commenced by serving and filing of the complaint within one year from the date of the cancellation of the bond or, in the case of a cash deposit or other security deposited in lieu of the surety bond, within one year of the date of expiration or revocation of license: PROVIDED, That no action shall be maintained upon such bond or such cash deposit or other security for any claim which has been barred by any nonclaim statute or statute of limitations of this state. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the surety. The director shall transmit one of said copies of the complaint served on him to the surety within forty-eight hours after it shall have been received.

The director shall maintain a record, available for public inspection, of all suits commenced under this act upon surety bonds, or the cash or other security deposited in lieu thereof.

In the event of a judgment being entered against the deposit or security referred to in section 10 (2) of this act, the director shall, upon receipt of a certified copy of a final judgment, pay said judgment from the amount of the deposit or security.

NEW SECTION. Sec. 12. ACCOUNTING AND PAYMENTS BY LICENSEE TO CUSTOMER. A licensee shall within thirty days after the close of

each calendar month account in writing to his or its customers for all collections made during that calendar month and pay to his or its customers the net proceeds due and payable of all collections made during that calendar month except that a licensee need not account to the customer for:

(1) Court costs recovered which were previously advanced by licensee or his or its attorney.

(2) Attorney's fees and interest or other charges incidental to the principal amount of the obligation legally and properly belonging to the licensee, if such charges are retained by the licensee after the principal amount of the obligation has been accounted for and remitted to the customer. When the net proceeds are less than ten dollars at the end of any calendar month, payments may be deferred for a period not to exceed three months.

NEW SECTION. Sec. 13. ACCOUNTING AND PAYMENTS BY CUSTOMER TO LICENSEE. Every customer of a licensee shall, within thirty days after the close of each calendar month, account and pay to his or its collection agency all sums owing to the collection agency for payments received by the customer during that calendar month on claims in the hands of the collection agency.

If a customer fails to pay a licensee any sums due under this section, the licensee shall, in addition to other remedies provided by law, have the right to offset any moneys due the licensee under this section against any moneys due customer under section 12 of this act.

NEW SECTION. Sec. 14. LICENSEE--RECORDS TO BE KEPT. (1) Every licensee shall keep a record of all sums collected by him or it and all disbursements made by him or it. All such records shall be kept and maintained in this state.

(2) Licensees shall maintain and preserve accounting records of collections and payments to customers for a period of six years from the date of the last entry thereon.

NEW SECTION. Sec. 15. LICENSEE--TRUST FUND ACCOUNT. Each licensee shall at all times maintain a separate bank account in this state in which all moneys collected by the licensee shall be deposited except that negotiable instruments received may be forwarded directly to a customer. Moneys received must be deposited within ten days after posting to the book of accounts. In no event shall moneys received be disposed of in any manner other than to deposit such moneys in said account or as provided in this section.

The bank account shall bear some title sufficient to distinguish it from the licensee's personal or general checking account, such as "Customer's Trust Fund Account". There shall be sufficient funds in said trust account at all times to pay all moneys due or owing to all customers and no disbursements shall be made from

such account except to customers or to remit moneys collected from debtors on assigned claims and due licensee's attorney or to refund over payments except that a licensee may periodically withdraw therefrom such moneys as may accrue to licensee.

Any money in such trust account belonging to a licensee may be withdrawn for the purpose of transferring the same into the possession of licensee or into a personal or general account of licensee.

NEW SECTION. Sec. 16. PROHIBITED PRACTICES. No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this act shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States Postal Department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "deadbeat lists" or threaten to do so.

(4) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he is licensed to do business;

(b) The name of the original creditor to whom the debtor owed

the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain the name of such person and provide this name to the debtor;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or its behalf or on the behalf of a customer or assignor;

(vi) Any other charge or fee that the licensee is attempting to collect on his or its own behalf or on the behalf of a customer or assignor.

(9) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim: PROVIDED, That if the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall upon receipt of written notice from the debtor that any part of the claim is disputed, forward a copy of such written notice to the credit reporting bureau;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment; and

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(10) Threaten the debtor with impairment of his credit rating if a claim is not paid.

(11) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or it again receives notification in writing that an attorney is representing the debtor.

(12) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week;

(b) It is made with a debtor at his or her place of employment more than one time in a single week;

(c) It is made with the debtor or spouse at his or her place

of residence between the hours of 9:00 p.m. and 7:30 a.m.

(13) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(14) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(15) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(16) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made.

(17) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(18) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs.

(19) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, and, in the case of suit, attorney's fees and taxable court costs.

NEW SECTION. Sec. 17. LICENSING PREREQUISITE TO SUIT. No collection agency may bring or maintain an action in any court of this state involving the collection of a claim of any third party without alleging and proving that he or it is duly licensed under this act and has satisfied the bonding requirements hereof: PROVIDED, That in any case where judgment is to be entered by default, it shall not be necessary for the collection agency to prove such matters.

A copy of the current collection agency license, certified by the director to be a true and correct copy of the original, shall be prima facie evidence of the licensing and bonding of such collection agency as required by this act.

NEW SECTION. Sec. 18. PRESUMPTION OF VALIDITY OF ASSIGNMENT. In any action brought by licensee to collect the claim of his or its customer, the assignment of the claim to licensee by his or its customer shall be conclusively presumed valid, if the assignment is

filed in court with the complaint, unless objection is made thereto by the debtor in a written answer or in writing five days or more prior to trial.

NEW SECTION. Sec. 19. BOARD CREATED--COMPOSITION OF BOARD--QUALIFICATION OF MEMBERS. There is hereby created a board to be known and designated as the "Washington state collection agency board". The board shall consist of five members, one of whom shall be the director and the other four shall be appointed by the governor. The director may delegate his duties as a board member to a designee from his department. The director or his designee shall be the executive officer of the board and its chairman.

At least two but no more than two members of the board shall be licensees hereunder. Each of the licensee members of the board shall be actively engaged in the collection agency business at the time of his appointment and must continue to be so engaged and continue to be licensed under this act during the term of his appointment or he will be deemed to have resigned his position: PROVIDED, That no individual may be a licensee member of the board unless he has been actively engaged as either an owner or executive employee or a combination of both of a collection agency business in this state for a period of not less than five years immediately prior to his appointment.

No board member shall be employed by or have any interest in, directly or indirectly, as owner, partner, officer, director, agent, stockholder, or attorney, any collection agency in which any other board member is employed by or has such an interest.

No member of the board other than the director or his designee shall hold any other elective or appointive state or federal office.

NEW SECTION. Sec. 20. BOARD--INITIAL MEMBERS. The initial members of the board shall be named by the governor within thirty days after the effective date of this act. At the first meeting of the board, the members appointed by the governor shall determine by lot the period of time from the effective date of this act that each of them shall serve, one for one year; one for two years; one for three years; and one for four years. In the event of a vacancy on the board, the governor shall appoint a successor for the unexpired term.

Each member appointed by the governor shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

Any member of the board other than the director or his designee may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, after being given a written statement of the charges against him and sufficient

opportunity to be heard thereon.

NEW SECTION. Sec. 21. BOARD MEETINGS--QUORUM--EFFECT OF VACANCY. The board shall meet as soon as practicable after the governor has appointed the initial members of the board. The board shall meet at least once a year and at such other times as may be necessary for the transaction of its business.

The time and place of the initial meeting of the board and the annual meetings shall be at a time and place fixed by the director. Other meetings of the board shall be held upon written request of the director at a time and place designated by him, or upon the written request of any two members of the board at a time and place designated by them.

A majority of the board shall constitute a quorum.

A vacancy in the board membership shall not impair the right of the remaining members of the board to exercise any power or to perform any duty of the board, so long as the power is exercised or the duty performed by a quorum of the board.

NEW SECTION. Sec. 22. BOARD--COMPENSATION--REIMBURSEMENT OF EXPENSES. Each member of the board appointed by the governor shall receive as compensation twenty-five dollars for each day, or portion thereof, in which he is actually engaged in the official business and duties of the board and in addition thereto shall be reimbursed for necessary expenses incurred while on official business of the board and in attending meetings thereof, in accordance with the provisions of RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 23. BOARD--TERRITORIAL SCOPE OF OPERATIONS. The board may meet, function and exercise its powers and perform its duties at any place within the state.

NEW SECTION. Sec. 24. BOARD--IMMUNITY FROM SUIT. Members of the board shall be immune from suit in any civil action based upon an official act performed in good faith as members of such board.

NEW SECTION. Sec. 25. BOARD--RECORDS. All records of the board shall be kept in the office of the director. Copies of all records and papers of the board, certified to be true copies by the director, shall be received in evidence in all cases with like effect as the originals. All actions by the board which require publication, or any writing shall be over the signature of the director or his designee.

NEW SECTION. Sec. 26. BOARD--POWERS--DUTIES. The board, in addition to any other powers and duties granted by this act:

(1) May adopt, amend and rescind such rules and regulations for its own organization and procedure and such other rules and regulations as it may deem necessary in order to perform its duties hereunder.

(2) Shall have the power, after due notice and hearing, to

order the denial, nonrenewal, suspension or revocation of a license issued or applied for hereunder.

NEW SECTION. Sec. 27. LICENSES--DENIAL, SUSPENSION, REVOCATION--REQUEST FOR HEARING. (1) Whenever the director shall have reasonable cause to believe that grounds exist for denial of a license under section 3 of this act or for suspension or revocation of a license under section 28 of this act or that a licensee has failed to qualify for renewal of a license, he shall notify the applicant or licensee in writing by certified or registered mail, with return receipt requested, stating the grounds upon which it is proposed that the license be denied, suspended, revoked, or not renewed.

(2) Within thirty days from the receipt of notice of the alleged grounds for denial, suspension, revocation, or lack of renewal, the applicant or licensee may serve upon the director a written request for hearing before the board. Service of a request for a hearing shall be by certified mail and shall be addressed to the director at his office in Thurston county. Upon receiving a request for a hearing, the director shall fix a date for which the matter may be heard by the board, which date shall be not less than thirty days from the receipt of the request for such hearing. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended, revoked, or not renewed.

(3) Whenever a licensee who has made timely and sufficient application for the renewal of a license, receives notice from the director that it is proposed that his or its license is not to be renewed, and said licensee requests a hearing under subsection (2) of this section, the licensee's current license shall not expire until the last day for seeking review of the board's decision expires or if judicial review of the board's decision is sought until final judgment has been entered by the superior court, or in the event of an appeal or appeals, until final judgment has been entered by the last appellate court in which review has been sought.

NEW SECTION. Sec. 28. LICENSE--DENIAL, SUSPENSION, REVOCATION--GROUNDS. When an applicant or licensee has requested a hearing under section 27 of this act, the board shall meet and after notice and hearing before the board:

(1) May deny any application for a license hereunder or may fail to renew the license of a licensee if the applicant or licensee seeking renewal has not satisfied the requirements of section 3 of this act.

(2) May deny the issuance of a license, fail to renew a license issued hereunder, or revoke a license if it finds that any employee of the applicant or licensee, or any partner, director, officer, shareholder or trustee of the applicant or licensee, has

previously had an application for a license hereunder denied, not renewed or revoked for any reason other than for the nonpayment of licensing fees or failure to provide a surety bond.

(3) May suspend or revoke any license issued hereunder if the board finds that an individual applicant or licensee, or an owner, officer, director, or managing employee of a nonindividual applicant or licensee:

(a) Has failed to file or renew the surety bond or make deposit in lieu thereof required by this act;

(b) Was previously the holder of a license issued under this act, which was revoked for cause and never reissued by the board, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or conspiracy to defraud, and two years have not elapsed since the completion of the sentence for such conviction;

(d) Has had any judgment entered against him or it in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or conspiracy to defraud, and two years have not elapsed since the entry of such judgment;

(e) Has had his license to practice law suspended or revoked, and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state;

(f) Has knowingly made a false statement of a material fact in his or its application for a current license under this act or in any application made under this act within two years of the date of his or its current license;

(g) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 or 19.86.020 and two years have not elapsed since the entry of such judgment: PROVIDED, That said judgment shall not be a ground of denial, suspension or revocation of a license unless such judgment arises out of and is based on acts of the licensee while acting as or employed by a collection agency;

(4) May suspend or revoke any license issued hereunder if the board finds that an individual applicant or licensee, or an owner, officer, director, or a nonindividual applicant or licensee or any employee of an applicant or licensee has knowingly failed to comply with or violated any provisions of this act or failed to comply with or violated any rule or regulation issued pursuant to this act.

(5) The board also, after notice and hearing before the board may deny any application for a license hereunder and may fail to renew, suspend or revoke any license issued hereunder if the

applicant or licensee is insolvent in the sense that his or its liabilities exceed his assets or in the sense that he or it cannot meet his or its obligations as they mature.

(6) It shall be the duty of the board within thirty days after the last day of the hearing to notify the applicant of its decision.

NEW SECTION. Sec. 29. ADMINISTRATIVE PROCEDURE ACT. Except as specifically provided in this act, the rules adopted and the hearings conducted shall be in accordance with the provisions of chapter 34.04 RCW (Administrative Procedure Act).

NEW SECTION. Sec. 30. PERSONAL SERVICE OF PROCESS OUTSIDE STATE. Personal service of any process in an action under this act may be made upon any person outside the state if such person has engaged in conduct in violation of this act which has had the impact in this state which this act reprehends. Such persons shall be deemed to have thereby submitted themselves to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185.

NEW SECTION. Sec. 31. INVESTIGATIONS OR PROCEEDINGS--POWERS OF DIRECTOR OR DESIGNFES--PENALTY. (1) The director on his own motion, or when any person or the attorney general has filed with the director a written statement alleging acts of misconduct or violations of this act or any rule or regulation established thereunder by a licensee or employee of a licensee, may initiate and conduct investigations as may be reasonably necessary to establish the existence of such alleged acts of misconduct or such violations. For the purpose of any investigation or proceeding under this act, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(2) If any individual fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the court, to show cause why he should not be compelled to obey the subpoena and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable by contempt.

NEW SECTION. Sec. 32. RULES, ORDERS, DECISIONS, ETC. The director may promulgate rules, make specific decisions, orders and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his duties under this act.

NEW SECTION. Sec. 33. COPY OF THIS ACT, RULES AND REGULATIONS AVAILABLE TO LICENSEE. On or about the first day of

February in each year, the director shall cause to be made available at reasonable expense to a licensee a copy of this act, a copy of the current rules and regulations of the director, and board, and such other materials as the director or board prescribe.

NEW SECTION. Sec. 34. VIOLATIONS--OPERATING COLLECTION AGENCY WITHOUT A LICENSE--PENALTY. Any person who knowingly operates as a collection agency without a license or knowingly aids and abets such violation is punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year or both. Any officer or agent of a firm, corporation, or association who shall personally participate in or aid or abet such violation shall be subject to the same penalties as set forth in this section.

NEW SECTION. Sec. 35. VIOLATIONS OF RCW 19.16.170 ARE UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER CHAPTER 19.86 RCW. The commission by a licensee or an employee of a licensee of an act or practice prohibited by section 16 of this act is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in chapter 19.86 RCW.

NEW SECTION. Sec. 36. VIOLATION OF RCW 19.16.170--ADDITIONAL PENALTY. If an act or practice in violation of section 16 of this act is committed by a licensee or an employee of a licensee in the collection of a claim, neither the licensee, the customer of the licensee, nor any other person who may thereafter legally seek to collect on such claim shall ever be allowed to recover any interest, service charge, attorneys' fees, collection costs, delinquency charge, or any other fees or charges otherwise legally chargeable to the debtor on such claim: PROVIDED, That any person asserting the claim may nevertheless recover from the debtor the amount of the original claim or obligation.

NEW SECTION. Sec. 37. VIOLATIONS MAY BE ENJOINED. Notwithstanding any other actions which may be brought under the laws of this state, the attorney general or the prosecuting attorney of any county within the state may bring an action in the name of the state against any person to restrain and prevent any violation of this act.

NEW SECTION. Sec. 38. VIOLATIONS--ASSURANCE OF DISCONTINUANCE--EFFECT. The attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this act from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in the alternative, in Thurston county.

Such assurance of discontinuance shall not be considered an

admission of a violation for any purpose; however, proof of failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this act for the purpose of securing an injunction as provided for in section 37 of this act: PROVIDED, That after commencement of any action by a prosecuting attorney, as provided therein, the attorney general may not accept an assurance of discontinuance without the consent of said prosecuting attorney.

NEW SECTION. Sec. 39. VIOLATION OF INJUNCTION--CIVIL PENALTY. Any person who violates any injunction issued pursuant to this act shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 40. PROVISIONS CUMULATIVE--VIOLATION OF RCW 19.16.160 DEEMED CIVIL. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy available at law: PROVIDED, That the violation of section 16 of this act shall be construed as exclusively civil and not penal in nature.

NEW SECTION. Sec. 41. SEVERABILITY. If any section or provision of this act shall be adjudged to be invalid or unconstitutional such adjudication shall not affect the validity of the act as a whole, or any section, provisions, or part thereof not adjudged invalid or unconstitutional.

NEW SECTION. Sec. 42. PROVISIONS EXCLUSIVE--AUTHORITY OF POLITICAL SUBDIVISIONS NOT AFFECTED. (1) The provisions of this act relating to the licensing and regulation of collection agencies shall be exclusive and no county, city, or other political subdivision of this state shall enact any laws or rules and regulations licensing or regulating collection agencies.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon collection agencies maintaining an office within that political subdivision if a business and occupation tax is levied by it upon other types of businesses within its boundaries.

NEW SECTION. Sec. 43. REPEALERS. The following acts or parts of acts are each hereby repealed:

- (1) Section 1, chapter 90, Laws of 1929 and RCW 19.16.010;
- (2) Section 2, chapter 90, Laws of 1929 and RCW 19.16.020;
- (3) Section 3, chapter 90, Laws of 1929 and RCW 19.16.030;
- (4) Section 4, chapter 90, Laws of 1929 and RCW 19.16.040; and
- (5) Section 5, chapter 90, Laws of 1929 and RCW 19.16.050.

NEW SECTION. Sec. 44. EFFECTIVE DATE. This act shall become effective January 1, 1972.

NEW SECTION. Sec. 45. SHORT TITLE. This act shall be known and may be cited as the "Collection Agency Act".

NEW SECTION. Sec. 46. SECTION HEADINGS. Section headings used in this act shall not constitute any part of the law.

Passed the Senate April 26, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 254
[Engrossed Senate Bill No. 567]
PUGET ISLAND FERRY

AN ACT Relating to the Puget Island ferry.

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

NEW SECTION. Section 1. (1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the state highway commission shall pay to Wahkiakum county from moneys appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971.

Additionally, the Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the Washington state highway commission. If sixty per cent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the Washington state highway commission upon the receipt of a properly executed voucher:

PROVIDED, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.

(4) There is appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1973, the sum of forty thousand dollars or so much thereof as may be necessary to carry out the provisions of this section.

Passed the Senate April 9, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 255

[Reengrossed Senate Bill No. 619]

UNEMPLOYMENT COMPENSATION--

EMPLOYER'S RECORDS

AN ACT Relating to employer's records; and amending section 50, chapter 35, Laws of 1945 as amended by section 3, chapter 215, Laws of 1951 and RCW 50.12.110.

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

Section 1. Section 50, chapter 35, Laws of 1945 as amended by section 3, chapter 215, Laws of 1951 and RCW 50.12.110 are each amended to read as follows:

Information obtained from employing unit records under the provisions of this title or obtained from any individual pursuant to the administration of this title shall be confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties when authorized by the director of the state agency by which they are employed and then only ~~((at the discretion of and))~~ in accordance with regulations prescribed by the commissioner) in any manner revealing an individual's or employing unit's identity, but any interested party at a hearing before the appeal tribunal or the commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: PROVIDED, HOWEVER, Records, with any necessary authentication thereof, required in the prosecution of any criminal action brought by another state, the United States or a foreign government for misrepresentation to obtain benefits under the law of this state shall be made available to the agency administering the employment security law of any such state, the United States or a foreign government for the purpose of such prosecution: PROVIDED FURTHER, That records of unemployment insurance claims, disclosure of which is not prohibited by federal

law, which are material to the apprehension of one who has been charged with a crime, may be made available for inspection to a governmental law enforcement officer upon the presentation of a subpoena for such records issued by a court of competent jurisdiction.

Passed the Senate April 13, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 256

[Senate Bill No. 710]

RESIDENCE OF EMPLOYEES OF CITIES, TOWNS,
OR FIRE PROTECTION DISTRICTS

AN ACT Relating to certain municipal employees; amending section 1, chapter 72, Laws of 1949 and RCW 52.36.060; and declaring an emergency.

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

NEW SECTION. Section 1. It is the purpose of this 1971 amendatory act to recognize and to give effect to the existing public policy of this state, expressly declared in RCW 35.21.200 and impliedly recognized in RCW 52.36.060 and 35A.21.040, that residence of an employee outside the limits of a city, town, or fire protection district shall not be grounds for discharge of any regularly appointed civil service employee otherwise qualified.

Sec. 2. Section 1, chapter 72, Laws of 1949 and RCW 52.36.060 are each amended to read as follows:

Any fire protection district organized and existing under chapter 34, Laws of 1939, and subsequent amendments thereof, having a full paid fire department, shall have authority by resolution of its board of fire commissioners to provide for civil service in its fire department in the same manner with the same powers and with the same force and effect as to such district as that provided by chapter 41.08, for cities, towns, and municipalities, including restrictions against the discharge of an employee because of his residence outside the limits of the city, town, municipality, or fire protection district.

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

Passed the Senate April 9, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 257

[Substitute Senate Bill No. 354]

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS

AN ACT Relating to law enforcement officers and fire fighters; amending section 3, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.030; amending section 5, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.050; amending section 9, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.090; amending section 10, chapter 209, Laws of 1969 ex. sess. as amended by section 5, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.100; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.150; amending section 17, chapter 209, Laws of 1969 ex. sess. as amended by section 12, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.160; amending section 23, chapter 209, Laws of 1969 ex. sess. as amended by section 15, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.180; amending section 16, chapter 209, Laws of 1969 ex. sess. as amended by section 11, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.200; amending section 3, chapter 184, Laws of 1951 as last amended by section 1, chapter 5, Laws of 1967 and RCW 41.48.030; amending section 5, chapter 184, Laws of 1951 as amended by section 5, chapter 4, Laws of 1955 ex. sess. and RCW 41.48.050; adding new sections to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. It is the purpose of this act to provide minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act, for the improvement of the public service, and to safeguard the integrity and actuarial soundness of their pension systems, and to improve their retirement and pension systems and related provisions.

NEW SECTION. Sec. 2. There is added to chapter 41.26 RCW a new section to read as follows:

The term "minimum medical and health standards" means minimum medical and health standards adopted by the retirement board pursuant to this act.

NEW SECTION. Sec. 3. There is added to chapter 41.26 RCW a new section to read as follows:

After the effective date of this act no law enforcement officer or fire fighter, including sheriff, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: PROVIDED, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this 1971 act, then such person or persons may join any other pension system that the city has available for its other employees.

NEW SECTION. Sec. 4. There is added to chapter 41.26 RCW a new section 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 act. 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, 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 section 3 of this act.

NEW SECTION. Sec. 5. There is added to chapter 41.26 RCW a new section to read as follows:

Nothing in sections 2 through 4 of this 1971 amendatory act shall apply to any fire fighters or law enforcement officers who are employed as such on the effective date of this act, 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 on military or disability

leave, disability retirement status, or leave of absence on the effective date of this act. Nothing in this act shall be deemed to prevent any employer from adopting higher medical and health standards than those which are adopted by the retirement board.

Sec. 6. Section 3, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.030 are each amended to read as follows:

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

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

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

(3) "Law enforcement officer" means any 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.

(4) "Fire fighter" means any person who is serving on a full time, fully compensated basis as a member of a fire department by an employer and who has passed a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such; and shall include anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination; this term shall also include supervisory fire fighter personnel; and shall also include any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW. The term "fire fighter" also includes 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. The term "fire fighter" also includes any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on the date this 1971 amendatory act takes effect is 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.

(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 ((under the age of eighteen years and)) 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, ((or)) 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 the effective date of this 1971 amendatory act 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. ((No credit shall)) 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.

(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. 7. Section 5, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.050 are each amended to read as follows:

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

board members shall serve two year terms:)) 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. 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.

Sec. 8. Section 9, chapter 209, Laws of 1969 ex. sess. as amended by section 4, chapter 6, Laws of 1970 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

~~((or))~~, 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 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.

(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. 9. Section 10, chapter 209, Laws of 1969 ex. sess. as amended by section 5, chapter 6, Laws of 1970 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 ~~((years of))~~ creditable service, as follows: Five years but under ten years, ~~one-twelfth of~~ one percent of his final average salary for each ~~((year))~~ month of service; ten years but under twenty years, ~~one-twelfth of~~ one and one-half percent of his final average salary for each ~~((year))~~ month of service; and twenty years and over ~~one-twelfth of~~ two percent of his final average salary for each ~~((year))~~ 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, 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. 10. Section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.150 are each amended to read as follows:

(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires ~~((nursing, care, or attention))~~ medical services, the employer shall pay for such active or retired member the necessary ~~((hospital, care, and nursing expenses))~~ medical services not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: PROVIDED, That in the event the pension fund is depleted, the employer shall have the obligation to pay all ~~((retirement))~~ benefits payable under chapters 41.16 and 41.18 RCW: PROVIDED FURTHER, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: PROVIDED ~~((FURTHER))~~, That the disability board shall designate the ~~((hospital and))~~ medical services available to such sick or disabled member.

(2) The medical ~~((benefits))~~ services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the

provisions of this chapter.

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

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

Sec. 11. Section 17, chapter 209, Laws of 1969 ex. sess. as amended by section 12, chapter 6, Laws of 1970 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 section 8 of this 1971 amendatory act 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), subject to a maximum combined allowance of sixty percent of final average salary.

(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 ((the)) 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), 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.

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

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children ((under eighteen years of age)) 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.

Sec. 12. Section 23, chapter 209, Laws of 1969 ex. sess. as amended by section 15, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.180 are each amended to read as follows:

The right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable: PROVIDED, That on the written request of any person eligible to receive benefits under this section, the board may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The board may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

Sec. 13. Section 16, chapter 209, Laws of 1969 ex. sess. as amended by section 11, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.200 are each amended to read as follows:

(1) Any person feeling aggrieved by any order or determination of a disability board denying ((an application for)) disability leave

or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the said order or determination to the retirement board. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the applicable disability board and, within ninety days thereof, the disability board shall certify its decision and order, together with a transcript of all proceedings in connection therewith, to the retirement board for its review. Upon its review of the record, the retirement board may affirm the order of the disability board or it may remand the case for such further proceedings as it may direct, in accordance with such rules of procedure as the retirement board shall promulgate.

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

NEW SECTION. Sec. 14. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to this end the legislature further declares that the benefits and remedies conferred by this chapter upon law enforcement officers and fire fighters covered hereunder, shall be to the exclusion of any other remedy, proceeding, or compensation for personal injuries, caused by the governmental employer except as otherwise provided by this chapter; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter.

NEW SECTION. Sec. 15. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

If injury or death results to a member from the intentional or negligent act or omission of his governmental employer, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount received or receivable under this chapter.

NEW SECTION. Sec. 16. There is added to chapter 209, Laws of 1969 ex. sess. and to chapter 41.26 RCW a new section to read as follows:

Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

NEW SECTION. Sec. 17. There is added to chapter 41.16 RCW a new section to read as follows:

The increased benefits provided by this chapter are hereby declared applicable to all retired firemen who were retired prior to June 8, 1961, for disability whether incurred in the line of duty or otherwise, or their widows, effective July 1st of the first year when such benefits have heretofore or shall hereafter become payable and shall be payable commencing July 1, 1970. The manner of calculating the retroactive benefits payable to individual beneficiaries under chapter 37, Laws of 1970 ex. sess. and this 1971 amendatory act shall be to calculate the amount of benefit being received by such individual beneficiary on July 1, 1969; then to multiply that result times two percent times the number of full years that have elapsed following the retirement of the employee; then to add the result so reached to the said amount being received on July 1, 1969, prior to the statutory increase of that date, which total amount is to be paid each month for the next ensuing year until July 1, at which time an additional two percent shall be added and the process shall be repeated as provided in RCW 41.18.104.

NEW SECTION. Sec. 18. There is added to chapter 41.18 RCW a new section to read as follows:

The increased benefits provided by this chapter are hereby declared applicable to all retired firemen who were retired prior to June 8, 1961, for disability whether incurred in the line of duty or otherwise, or their widows, effective July 1st of the first year when such benefits have heretofore or shall hereafter become payable and shall be payable commencing July 1, 1970. The manner of calculating the retroactive benefits payable to individual beneficiaries under

chapter 37, Laws of 1970 ex. sess. and this 1971 amendatory act shall be to calculate the amount of benefit being received by such individual beneficiary on July 1, 1969; then to multiply that result times two percent times the number of full years that have elapsed following the retirement of the employee; then to add the result so reached to the said amount being received on July 1, 1969, prior to the statutory increase of that date, which total amount is to be paid each month for the next ensuing year until July 1, at which time an additional two percent shall be added and the process shall be repeated as provided in RCW 41.18.104.

Sec. 19. Section 3, chapter 184, Laws of 1951 as last amended by section 1, chapter 5, Laws of 1967 and RCW 41.48.030 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that--

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar

year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c) (3) (C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and firemen of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to

make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d) (3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the ((university of Washington, the state college of Washington and the several colleges of education)) institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning ((named herein)) and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: PROVIDED, That any city or town affiliated with the state-wide city employees retirement system organized under chapter 41.44 may at its option agree to a plan submitted by the board of trustees of said state-wide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: PROVIDED FURTHER, That the Teachers' Retirement System be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d) (3) (C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall

require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d) (3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1) (i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group.

Sec. 20. Section 5, chapter 184, Laws of 1951 as amended by section 5, chapter 4, Laws of 1955 ex. sess. and RCW 41.48.050 are each amended to read as follows:

(1) Each political subdivision of the state is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with the applicable provisions of such act, to those employees of such political subdivisions who are not covered by an existing pension or retirement system. Each pension or retirement

system established by the state or a political subdivision thereof is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to members of such pension or retirement system. Each such plan and any amendment thereof shall be approved by the governor if he finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the governor, except that no such plan shall be approved unless--

(a) It is in conformity with the requirements of the social security act and with the agreement entered into under RCW 41.48.030;

(b) It provides that all services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of subsection (3) and by subsection (4) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes;

(d) It provides that in the plan of coverage for members of the state teachers' retirement system or for state employee members of the state employees' retirement system, there shall be no additional cost to or involvement of the state until such plan has received prior approval by the legislature;

(e) It provides for such methods of administration of the plan by the political subdivision as are found by the governor to be necessary for the proper and efficient administration of the plan;

(f) It provides that the political subdivision will make such reports, in such form and containing such information, as the governor may from time to time require and comply with such provisions as the governor or the secretary of health, education, and welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(g) It authorizes the governor to terminate the plan in its entirety, in his discretion, if he finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the governor and may be consistent with the provisions of the social security act.

(h) It provides that law enforcement officers and fire fighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (Chapter 209, Laws of 1969 ex. sess.) as now in

existence or hereafter amended shall constitute a separate "coverage group" for purposes of the plan or agreement entered into under this section and for purposes of section 216 of the social security act. To the extent that the plan or agreement entered into between the state and any political subdivision of this state is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(1) It provides that the plan or agreement may be terminated by any political subdivision as to any such coverage group upon giving at least two years advance notice in writing to the governor, effective at the end of the calendar quarter specified in the notice. It shall specify that before notice of such termination is given, a referendum shall be held among the members of the coverage group under the following conditions:

(i) The referendum shall be conducted under the supervision of the legislative body of the political subdivision.

(ii) Not less than sixty days' notice of such referendum shall be given to members of the coverage group.

(iii) An opportunity to vote by secret ballot in such referendum shall be given and shall be limited to all members of the coverage group.

(iv) The proposal for termination shall be approved only if a majority of the coverage group vote in favor of termination.

(v) If a majority of the coverage group vote in favor of termination, the legislative body of the political subdivision shall certify the results of the referendum to the governor and give notice of termination of such coverage group.

(2) The governor shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3) (a) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030.

(b) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in RCW 41.48.020), not exceeding the amount of employee tax which is imposed by the federal

insurance contributions act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the OASI contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(4) Delinquent payments due under paragraph (a) of subsection (3) may, with interest at the rate of six percent per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the governor, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

NEW SECTION. Sec. 21. This 1971 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. 22. If any provision of this 1971 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 May 7, 1971.

Passed the House May 6, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 258

[Engrossed Senate Bill No. 373]

PUBLIC WORKS--

PUBLIC BIDS

AN ACT Relating to bidding on certain public works; amending section 3, chapter 348, Laws of 1955 and RCW 53.08.120 and 53.08.130; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 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 28B.10 RCW a new section to read as follows:

When the cost to any state college or state university of any building, construction, renovation, remodeling or demolition other than ordinary maintenance or equipment repairs will equal or exceed the sum of ten thousand dollars, complete plans and specifications

for such work shall be prepared and such work shall be put out for public bids in accordance with the provisions of chapter 39.19 RCW: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling or demolition equals or exceeds the sum of ten thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage", under chapter 39.12 RCW shall be applicable thereto.

In the event of any emergency when the public interest or property of the state college or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the state college or institution of higher education in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 2. Section 3, chapter 348, Laws of 1955 and RCW 53.08.130 are each amended to read as follows:

The notice shall state generally the nature of the work to be done and require that bids be sealed and filed with the commission at a time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, money order, or surety bid bond to the commission for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named the bids shall be publicly opened and read and the commission shall proceed to canvass the bids and ~~((may))~~ except as otherwise in this section provided, shall let the contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications. If, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all such bid proposal deposits shall be returned to the bidders; but if the contract is let, then all bid proposal deposits shall be returned to the bidders, except that of the successful bidder which shall be retained until a contract is entered into for the purchase of such materials or doing such work, and a bond given to the port district for the performance of the contract and otherwise conditioned as required by law, with sureties satisfactory to the commission, in an amount to be fixed by the commission, but not in any event less than twenty-five percent of the contract price. If said bidder fails to enter into the contract in accordance with his bid and furnish such

bond within ten days from the date at which he is notified that he is the successful bidder, the check or money order and the amount thereof shall be forfeited to the port district or the port district shall recover the amount of the surety bid bond.

NEW SECTION. Sec. 3. If any provision of this 1971 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 April 28, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 259

[Engrossed Senate Bill No. 17]

WASHINGTON LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION ACT

AN ACT Relating to insurance; creating the Washington Life and Disability Insurance Guaranty Association; providing for a board of directors thereof; setting out certain powers, duties, and functions; providing for certain assessments and funds; providing for the termination of the association and for the disposition of funds thereupon; exempting the association from certain taxes; adding certain sections as a new chapter to Title 48 RCW; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. PURPOSE. The purpose of this act is the creation of funds arising from assessments upon all insurers authorized to transact life or disability insurance business in the state of Washington, to be used to assure to the extent prescribed herein the performance of the insurance contractual obligations of insurers becoming insolvent to residents of this state and, in the case of domestic insurers, to residents of other jurisdictions as well; and to promote thereby the stability of domestic insurers. In the judgment of the legislature, the foregoing purpose not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in this act described is deemed essential for the protection of the general welfare.

NEW SECTION. Sec. 2. SCOPE, PERSONAL INSURANCES. This act shall apply as follows to life insurance policies, disability insurance policies, and annuity contracts of liquidating insurers,

other than separate account variable policies and contracts authorized by chapter 48.18A RCW:

(1) To all such policies and contracts of a domestic insurer, without regard to the place of residence or domicile of the policy or contract owner, insured, annuitant, beneficiary, or payee.

(2) To all such policies and contracts of a foreign or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time of entry of the order of liquidation of the insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident of and domiciled within this state. With respect to group policies or group contracts of such foreign or alien insurers, this act shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer.

(3) To policies and contracts only of insolvent insurers with respect to which an order of liquidation is entered after the effective date of this act.

(4) The obligations of the association created under this act shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the insolvent insurer at the time of entry of the order of liquidation; except, that the association shall have no liability with respect to any portions of such policies or contracts to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars.

(5) This act shall not apply to fraternal benefit societies, health care service contractors, or to insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than of bulk reinsurance.

NEW SECTION. Sec. 3. DEFINITIONS. Within the meaning of this act:

(1) "Association" means "the Washington life and disability insurance guaranty association".

(2) "Board" means the board of directors of the Washington life and disability insurance guaranty association.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.

(5) "Liquidating insurer" means an insurer with respect to which an order of liquidation has been entered by a court of

competent jurisdiction.

(6) "Fund" means a guaranty fund provided for in section 8 of this act.

(7) "Account" means any one of the three guaranty fund accounts created under section 8(1) of this act.

(8) "Assessment" means a charge made upon an insurer by the board under this act for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.

(9) "Contributor" means an insurer which has paid an assessment.

(10) "Certificate" means a certificate of contribution provided for in section 9 of this act.

NEW SECTION. Sec. 4. GUARANTY ASSOCIATION CREATED. (1) There is hereby created a nonprofit unincorporated legal entity to be known as the Washington life and disability insurance guaranty association, which shall be composed of the commissioner, ex officio, and of each insurer authorized to transact life insurance, or disability insurance, or annuity business in this state. All such insurers shall be and remain members of the association during the continuance of, and as a condition to, their authority to transact such business in this state.

(2) The association shall be managed by a board of directors composed of the commissioner, ex officio, and of not less than five nor more than nine member insurers, each of whom shall initially be appointed by the commissioner to serve for terms of one, two, or three years. After the initial board is appointed, the board shall provide in its bylaws for selection of board members by member insurers subject to the commissioner's approval; members so selected shall serve for three year terms, acceding to office upon expiration of the terms of the respective initial board members; and board members shall thereafter serve for three year terms and shall continue in office until their respective successors be selected, approved, and have qualified. At least a majority of the members of the board shall be domestic insurers. In case of a vacancy for any reason on the initial board appointed, the commissioner shall appoint a member insurer to fill the unexpired term; vacancies on the board thereafter shall be filled in the same manner as in the original selection and approval. Board members may be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties.

(3) A director, officer, employee, agent or other representative of the association or of a member insurer, or the commissioner or his representative shall in no event be individually liable to any person, including the association, for any act or omission to act, or for any liability incurred or assumed, on behalf

of the association or by virtue thereof, any such liability so incurred or assumed to be collectible only out of a fund; nor shall any insurer member of the association be subject to any liability except for assessment as in this act provided.

(4) The association shall be under the immediate supervision of the commissioner and shall be subject to such provisions of the insurance code of the state of Washington as may be applicable and not inconsistent with the provisions of this act.

(5) The board may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

NEW SECTION. Sec. 5. POWERS OF THE ASSOCIATION. The association shall have the power:

(1) To use a seal, to contract, to sue and be sued and, in addition, possess and exercise all powers necessary or convenient for the purposes of this act.

(2) With the approval of the commissioner and as provided in section 6 of this act, to assume, reinsure or guarantee or cause to be assumed, reinsured, or guaranteed, partially or wholly, any or all of the policies or contracts of any liquidating domestic life or disability insurer or any policy or contract to which this act applies, and to make available from a fund, the creation of which is hereinafter in section 8 of this act provided, such sum or sums as may be necessary for such purpose.

(3) To carry out the provisions of this section, the association shall have, and may exercise, all necessary rights, powers, privileges, and franchises of a domestic insurer, except that it shall not be authorized to issue contracts or policies unless such contracts or policies are pursuant to contracts and policies representing obligations in whole or in part of the liquidating insurer or of the association.

(4) To borrow money for the purposes of the fund, either with or without security, and pledge such assets in a fund as security for such loans, and in connection therewith, rehypothecate any securities or collateral pledged to it by an insurer. Any notes or other evidence of indebtedness of the association shall be legal investments for domestic insurers and may be carried as admitted assets.

(5) To collect or enforce by legal proceedings, if necessary, the payment of all assessments for which any insurer may be liable under this act; and to collect any other debt or obligation due to the association or a fund created in this act.

(6) To make bylaws and regulations for the conduct of the affairs of the association, not inconsistent with this act.

NEW SECTION. Sec. 6. REINSURANCE, GUARANTY OF POLICIES,

CONTRACTS. (1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts of any domestic life or disability insurer with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state of Washington, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by a foreign or alien insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile.

(3) In determining benefits to be paid with respect to the policies and contracts of a particular liquidating insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

(4) With respect to an insolvent domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this act against the liquidating insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this act.

(6) For the purpose of carrying out its obligations under this

act, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer as required by this act. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer.

NEW SECTION. Sec. 7. DUPLICATION OF BENEFITS PROHIBITED. Whenever a guaranty or payment of proceeds or benefits of a policy or contract otherwise provided for under this act is also provided for by a similar law of another jurisdiction, there shall be only one recovery of values or benefits, and the association or their entity established by such law in the domiciliary jurisdiction or state of entry of the liquidating insurer shall be solely responsible for such guaranty and payment.

NEW SECTION. Sec. 8. GUARANTY FUNDS. (1) For purposes of administration and assessment, the association shall establish and maintain three guaranty fund accounts: (a) the life insurance account; (b) the disability insurance account; and (c) the annuity account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due.

(3) (a) The amount of any assessment for each account shall be determined by the board, and shall be divided among the accounts in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the

purposes of this act; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account.

(5) In the event an assessment against a member insurer is abated or deferred, in whole or in part, because of the limitations set forth in subsection (4) of this section, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, "premiums" are those for the calendar year preceding the entry of the order of liquidation as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this act applies, less return premiums and considerations and less dividends paid or credited to policy-holders.

(8) Upon dissolution of a fund by the repeal of this act or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the

amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

NEW SECTION. Sec. 9. CERTIFICATES OF CONTRIBUTION; ALLOWANCE AS ASSET. (1) The association shall issue to each insurer paying an assessment under this act certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

100% for the calendar year of issuance;

80% for the first calendar year after the year of issuance;

60% for the second calendar year after the year of issuance;

40% for the third calendar year after the year of issuance;

20% for the fourth calendar year after the year of issuance;

and

0% for the fifth and subsequent calendar years after the year of issuance.

(3) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

NEW SECTION. Sec. 10. TAXATION. (1) The association shall be exempt from premium tax. Any domestic insurer whose policies or contracts have been assumed, reinsured, or guaranteed by the association under this act shall remain liable for premium taxes on all premiums received on policies and contracts issued by it, but payment of such taxes shall be suspended. Payment of or on account of such taxes shall be made under such terms and conditions as the commissioner may prescribe. No distribution to stockholders, if any, of the liquidating insurer shall be made unless all premium taxes, the payment of which has been suspended hereunder, have been fully paid.

(2) The association shall be exempt from all taxes and fees now or hereafter imposed by the state of Washington or by any county, municipality, or local authority or subdivision; except that any real property owned by the association shall be subject to taxation to the

same extent according to its value as other real property is taxed.

(3) Assessments made upon domestic insurers pursuant to a law of another jurisdiction similar to this act, shall be excluded from the application of RCW 48.14.040 (retaliatory provision).

NEW SECTION. Sec. 11. PROHIBITED USE OF ACT. No person shall make use in any manner of the protection afforded under this act in the solicitation of insurance or annuity business.

NEW SECTION. Sec. 12. RECAPTURE OF EXCESSIVE DIVIDENDS TO AFFILIATES. (1) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed or existing under such order shall have a right to recover, and upon request of the board or without such request shall take such action as he deems advisable to recover, on behalf of the insurer from any affiliate that controlled it the amount of distributions, other than stock dividends paid by the insurer on its capital stock, at any time during the five years preceding the petition for liquidation or rehabilitation of the insurer subject to the limitations of subsections (2) through (4) of this section.

(2) No such dividend shall be recoverable if the insurer shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate in control of the insurer at the time a distribution was paid shall be liable up to the amount of distribution he received. Any person who was an affiliate in control of the insurer at the time a distribution was declared shall be liable up to the amount of distribution he would have received if it had been paid immediately. If two persons are liable with respect to the same distribution they shall be jointly and severally liable.

(4) The maximum amount recoverable by the receiver under this section shall be the amount needed in excess of all other available assets to pay the contractual obligations of the insurer.

(5) If any person liable under subsection (3) of this section is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

NEW SECTION. Sec. 13. SHORT TITLE. This chapter shall be known and may be cited as the Washington Life and Disability Insurance Guaranty Association Act.

NEW SECTION. Sec. 14. CONSTRUCTION. This chapter shall be liberally construed to effect the purpose stated in section 1 of this act, which shall constitute an aid and guide to interpretation.

NEW SECTION. Sec. 15. SECTION HEADINGS NOT PART OF LAW.

Section headings in this act do not constitute any part of the law.

NEW SECTION. Sec. 16. NEW CHAPTER. Sections 1 through 14 of this act shall be added to Title 48 RCW as a new chapter thereof.

NEW SECTION. Sec. 17. SEVERABILITY. If any clause, sentence, paragraph, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment has been rendered.

NEW SECTION. Sec. 18. EMERGENCY. 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 May 3, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 260

[Engrossed Senate Bill No. 144]

TAXATION OF PROPERTY ACQUIRED BY PUBLIC AGENCIES

AN ACT Relating to the acquisition of property by public agencies; amending section 1, chapter 34, Laws of 1969 and RCW 84.36.010; amending section 84.60.050, chapter 15, Laws of 1961 as amended by section 36, chapter 145, Laws of 1967 ex.sess. and RCW 84.60.050; amending section 84.60.070, chapter 15, Laws of 1961 and RCW 84.60.070; and repealing section 84.60.060, chapter 15, Laws of 1961, section 37, chapter 145, Laws of 1967 ex.sess. and RCW 84.60.060.

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

Section 1. Section 1, chapter 34, Laws of 1969 and RCW 84.36.010 are each amended to read as follows:

All property belonging exclusively to the United States, the state, any county or municipal corporation, and all property under a recorded agreement granting immediate possession and use to said public bodies or under an order of immediate possession and use pursuant to RCW 8.04.090, shall be exempt from taxation. All property belonging exclusively to a foreign national government shall be exempt from taxation if such property is used exclusively as an office or residence for a consul or other official representative of such foreign national government, and if the consul or other official

representative is a citizen of such foreign nation.

Sec. 2. Section 84.60.050, chapter 15, Laws of 1961 as amended by section 36, chapter 145, Laws of 1967 ex.sess. and RCW 84.60.050 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington ((or any of its political subdivisions, including counties, cities and towns, the property so acquired)) , any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax ((collectible by the county treasurer)) levied by the state, ((any)) county, ((any other)) municipal corporation or other tax levying public body, ((and delinquent at the date of sale; condemnation verdict; order of immediate possession and use pursuant to RCW 8-04-090; or judgment if not tried before a jury;)) except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW 84.56.400. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede February 15th of the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW 84.56.400.

Sec. 3. Section 84.60.070, chapter 15, Laws of 1961 and RCW 84.60.070 are each amended to read as follows:

((In the event)) When only a part of a ((given)) parcel of real property is ((so acquired)) required by a public body either of the parties may require the assessor to segregate the taxes ((; in which event RCW 84:60:050 through 84:60:070 shall apply only to the

taxes owing on the portion acquired by the public body: PROVIDED, that if after such segregation) and the assessed valuation as between the portion of property so required and the remainder thereof. If the assessed valuation of the portion of the property not ((being acquired)) required exceeds the amount of all delinquent taxes and taxes payable on the entire parcel, ((at the owner's election no taxes shall be paid out of the proceeds for the property being acquired by the public body, but)) and if the owner so elects the lien for the taxes owing and payable on all the property shall ((apply only)) be set over to the property retained by the owner. All county assessors are hereby authorized and required to segregate taxes as provided above.

NEW SECTION. Sec. 4. Section 84.60.060, chapter 15, Laws of 1961, section 37, chapter 145, Laws of 1967 ex.sess., and RCW 84.60.060 are each repealed.

Passed the Senate April 6, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 261
[Engrossed Senate Bill No. 368]
STATE COLLEGES AND UNIVERSITIES--
RETIREMENT PLANS

AN ACT Relating to retirement plans, including old age annuities, for faculty members and other employees of state universities and state colleges; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.400; amending section 28B.10.405, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.405; amending section 28B.10.410, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.410; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.415; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; repealing section 28B.10.450, chapter 223, Laws of 1969 ex. sess., section 1, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.450; repealing section 28B.10.455, chapter 223, Laws of 1969 ex. sess., section 2, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.455; repealing section 28B.10.460, chapter 223, Laws of 1969 ex. sess., section 3, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.460; and repealing section 1, chapter ... (HB 94), Laws of 1971 and RCW 28B.10.465.

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

Section 1. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the state colleges are authorized and empowered:

(1) To assist the faculties and such other employees (~~of their respective institutions~~) as the boards of regents of the state universities or the boards of trustees of the state colleges may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as the boards of regents or the boards of trustees of said institutions may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law; PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) To pay to any such retired person, each year after his retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him in such year, will not exceed fifty percent of the average annual salary paid to such person for his last ten years of full time service at such institution.

Sec. 2. Section 28B.10.405, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.405 are each amended to read as follows:

Members of the faculties and such other employees as are (~~now~~) designated by the boards of regents of the state universities or the boards of trustees of the state colleges shall be required (~~after January 1, 1948~~) to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity or retirement income plan; such contributions may be in addition to federal social security tax contributions, if any.

Sec. 3. Section 28B.10.410, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.410 are each amended to read as follows:

(~~In no case shall~~) The boards of regents of the state universities or the boards of trustees of the state colleges shall

pay ((in any one year towards the purchase of such annuity or retirement income plan)) not more than one-half of the annual premium of ((any faculty member or other employee, nor an amount exceeding)) any annuity or retirement income plan established under the provisions of section 1 of this 1971 amendatory act. Such contribution shall not exceed ten percent of ((such person's salary, whichever is less)) the salary of the faculty member or other employee on whose behalf the contribution is made. This contribution may be in addition to federal social security tax contributions made by the boards, if any.

Sec. 4. Section 28B.10.415, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.415 are each amended to read as follows:

The boards of regents of the state universities or the boards of trustees of state colleges shall not pay any amount to be added to the annuity or retirement income plan of any retired person who has served for less than ((eleven)) ten years in one of the state universities or state colleges. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in subdivision (3) of RCW 28B.10.400, multiplied by the number of years of full time service rendered by such person.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

(1) A faculty member or other employee designated by the board of trustees of his respective state college as being subject to an annuity or retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system, shall retain credit for such service in the Washington state teachers' retirement system and except as provided in subsection (2) of this section, shall leave his accumulated contributions in the teachers' retirement fund. Upon his attaining eligibility for retirement under the Washington state teachers' retirement system, such faculty member or other employee shall receive from the Washington state teachers' retirement system a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age when becoming eligible for such retirement and a pension for each year of creditable service established and retained at the time of said designation as provided in RCW 41.32.497 as now or hereafter amended. Anyone who on July 1, 1967, was receiving pension payments from the teachers' retirement system based on thirty-five years of creditable service shall thereafter receive a pension based on the total years' of creditable service established with the retirement system: PROVIDED, HOWEVER, That any such faculty member or other employee who, upon attainment

of eligibility for retirement under the Washington state teachers' retirement system, is still engaged in public educational employment, shall not be eligible to receive benefits under the Washington state teachers' retirement system until he ceases such public educational employment. Any retired faculty member or other employee who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: PROVIDED FURTHER, That such service may be rendered up to seventy-five days in a school year without reduction of pension.

(2) A faculty member or other employee designated by the board of trustees of his respective state college as being subject to the annuity and retirement income plan and who, at the time of such designation, is a member of the Washington state teachers' retirement system may, at his election and at any time, on and after midnight June 10, 1959, terminate his membership in the Washington state teachers' retirement system and withdraw his accumulated contributions and interest in the teachers' retirement fund upon written application to the board of trustees of the Washington state teachers' retirement system. Faculty members or other employees who withdraw their accumulated contributions, on and after the date of withdrawal of contributions, shall no longer be members of the Washington state teachers' retirement system and shall forfeit all rights of membership, including pension benefits, theretofore acquired under the Washington state teachers' retirement system.

NEW SECTION. Sec. 6. The following acts or parts of acts are hereby repealed:

(1) Section 28B.10.450, chapter 223, Laws of 1969 ex. sess., section 1, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.450;

(2) Section 28B.10.455, chapter 223, Laws of 1969 ex. sess., section 2, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.455;

(3) Section 28B.10.460, chapter 223, Laws of 1969 ex. sess., section 3, chapter 53, Laws of 1970 ex. sess. and RCW 28B.10.460; and

(4) Section 1, chapter ... (HB 94), Laws of 1971 and RCW 28B.10.465.

NEW SECTION. Sec. 7. If any provision of this 1971 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 April 22, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 262

[Engrossed Senate Bill No. 486]

PUBLIC HIGHWAY CONSTRUCTION--
RELOCATION COSTS FOR UTILITY FACILITIES

AN ACT Relating to public highways; providing for payment for costs of relocating utility facilities located within the right-of-way of interstate highways, when relocation is necessitated by construction of such highways; creating a special fund out of which such payments shall be made; and adding new sections to chapter 47.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 47.44 RCW a new section to read as follows:

The legislature finds that federal regulations governing the construction, reconstruction, repair, alteration, relocation and improvement of the national system of defense and interstate highways, funded in large part by funds of the United States, require substantial removal and relocation of the facilities of local utilities. The removal and relocation of these facilities in Washington, necessary to serve the national need for safe interstate highways, cost millions of dollars. The congress, accepting a national interstate highway system as a national commitment to be paid for nationally, has provided federal funds to pay the great bulk of the costs--including the costs of removing and relocating utility facilities where payment of such costs is permitted by state law. Thus the cost of utility facility removal and relocation was intended to be part of the national highway commitment, rather than a burden to the utility rate payers of this state.

The legislature further finds that it is in the public interest and for a public purpose that utilities owning such facilities be paid or reimbursed for the relocation and removal costs so that federal moneys might be obtained and Washington tax and utility rate payers pay no more than their fair share for the national highway program. Receipt of federal funds will benefit utility rate payers who make up the public and will not confer a significant benefit on utility owners.

NEW SECTION. Sec. 2. There is added to chapter 47.44 RCW a new section to read as follows:

There is hereby established in the state treasury a special fund, to be known as the federal-aid utility relocation fund and to be administered by the state highway commission in accordance with the provisions of this act. The special fund is and shall be administered as a separate and special fund of a proprietary nature. There shall be appropriate accounts and subaccounts within the fund,

as required by sound accounting practices, including but not limited to individual accounts for each of the several utilities making payments to the fund as hereinafter provided. The special fund shall not be a part of the general fund of the state nor of the state motor vehicle fund, and in no event shall any of the general fund or the motor vehicle fund be used in connection with this act.

NEW SECTION. Sec. 3. There is added to chapter 47.44 RCW a new section to read as follows:

Contributions and advances may be made to the federal-aid utility relocation fund by publicly, privately or cooperatively owned utilities, and shall be credited to individual accounts for those utilities. The contributions and advances shall be accepted on such terms and conditions as are appropriate for the purposes of carrying out this act. All moneys received by the fund shall upon receipt become funds of the state, subject, however, to the provisions of this act.

NEW SECTION. Sec. 4. There is added to chapter 47.44 RCW a new section to read as follows:

Moneys in the federal-aid utility relocation fund shall be used as follows:

(1) To pay the cost of administering the provisions of this act, which cost shall be equitably apportioned among and paid from the individual accounts of the participating utilities;

(2) To pay the costs of relocation and removal of utility facilities required by the construction, reconstruction, repair, alteration, relocation and improvement of interstate highways, notwithstanding any contrary provision of law or of any existing or future franchise held by any publicly, privately or cooperatively owned utility, but subject to the following limitations:

(a) No payment shall be made except in connection with the removal and relocation of facilities pursuant to highway commission order and except upon the presentation of evidence satisfactory to the state highway commission substantiating utility expenditures for removal or relocation; and

(b) No payment shall be made from the individual account of any utility which exceeds the total moneys in such individual account.

NEW SECTION. Sec. 5. There is added to chapter 47.44 RCW a new section to read as follows:

Promptly after the highway commission has paid or reimbursed a utility, in accordance with the provisions of this act, for costs of the removal or relocation of its facilities located on the federal interstate highway system, the highway commission shall apply to the United States for reimbursement of such removal and relocation costs under the provisions of section 123, Federal-aid Highway Act of 1958.

Any funds received as a result of such application shall be deposited in the federal-aid utility relocation fund, and credited to the accounts of individual utilities in such amounts as the funds received represent and are attributable to federal reimbursement for state payments from those individual accounts as provided in this act.

NEW SECTION. Sec. 6. There is added to chapter 47.44 RCW a new section to read as follows:

All moneys in individual accounts shall be transmitted to the particular utilities within thirty days of their receipt by the highway commission. In the event of the discontinuance of the federal aid highway program, any moneys remaining in the federal-aid utility relocation fund, after all proper payments have been made therefrom, shall be paid to the state general fund.

NEW SECTION. Sec. 7. There is added to chapter 47.44 RCW a new section to read as follows:

The legislature intends that the provisions of this act shall be nonseverable. If any provision of this act, or part thereof, or its application to any person or circumstance is held invalid, the entire act shall be inoperative. In the event this act should be declared unconstitutional, all contributions and advances to the federal-aid utility relocation fund shall be repaid to the utilities in proportion to their contributions and advances.

Passed the Senate May 4, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 263

[Engrossed Senate Bill No. 559]

LEGISLATIVE BUDGET COMMITTEE--

AUTHORITY TO ORDER REDUCTIONS IN EXPENDITURES
BY CERTAIN OFFICIALS AND AGENCIES

AN ACT Relating to state government; and adding a new section to chapter 8, Laws of 1965 and to chapter 43.88 RCW.

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

NEW SECTION. Section 1. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

The legislative budget committee is authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities except institutions of higher learning up to the amount of reductions

which are required by agencies under the control of the governor, to the end that while the independence of such elective offices and educational agencies except institutions of higher learning be assured, necessary measures of economy shall be shared by all agencies concerned with the functions of government.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 264

[Engrossed Senate Bill No. 659]

PUBLIC EMPLOYEES AND OFFICIALS--
TAX DEFERRED ANNUITY BENEFITS

AN ACT Relating to tax deferred annuity benefits for public employees and officials; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. 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 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 under 26 U.S.C., section 401 (a), as amended by Public Law 87-370, 75 Stat. 796 as now or hereafter amended. Such 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.

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 April 9, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 265

[Engrossed Senate Bill No. 18]

WASHINGTON INSURANCE GUARANTY ASSOCIATION ACT

AN ACT Relating to insurance; creating the Washington Insurance Guaranty Association; providing for a board of directors thereof; setting out certain powers, duties, and functions; providing for certain assessments and funds; providing for the termination of the association and for the disposition of funds thereupon; exempting the association from certain taxes; adding a new chapter to Title 48 RCW; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. PURPOSE. The purpose of this chapter is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

NEW SECTION. Sec. 2. SCOPE. This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, and ocean marine insurance.

NEW SECTION. Sec. 3. DEFINITIONS. As used in this chapter:

(1) "Account" means any one of the three accounts created in section 4 of this 1971 act.

(2) "Association" means the Washington Insurance Guaranty Association created in section 4 of this 1971 act.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Covered claim" means an unpaid claim, excluding one for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this chapter applies issued by an insurer, if such insurer becomes an insolvent insurer after the first day of April, 1971 and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from

which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(5) "Insolvent insurer" means an insurer (a) authorized to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent by a court of competent jurisdiction, and which adjudication was subsequent to the first day of April, 1971.

(6) "Member insurer" means any person who (a) writes any kind of insurance to which this chapter applies under section 2 of this 1971 act, including the exchange of reciprocal or interinsurance contracts, and (b) is licensed to transact insurance in this state.

(7) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(8) "Person" means any individual, corporation, partnership, association, or voluntary organization.

NEW SECTION. Sec. 4. CREATION OF THE ASSOCIATION. There is hereby created a nonprofit unincorporated legal entity to be known as the Washington Insurance Guaranty Association. All insurers defined as member insurers in section 3 (6) of this 1971 act shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under a plan of operation established and approved under section 7 of this 1971 act and shall exercise its powers through a board of directors established under section 5 hereof. For purposes of administration and assessment, the association shall be divided into three separate accounts: (1) The workmen's compensation insurance account; (2) the automobile insurance account; and (3) the account for all other insurance to which this chapter applies.

NEW SECTION. Sec. 5. BOARD OF DIRECTORS. (1) The board of directors of the association shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term in the same manner as initial appointments. If no members are selected within sixty days after the effective date of this chapter, the commissioner may appoint the initial members of the board of directors.

(2) In approving selections to the board, the commissioner

shall consider among other things whether all member insurers are fairly represented.

(3) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors.

NEW SECTION. Sec. 6. POWERS AND DUTIES OF THE ASSOCIATION.

(1) The association shall:

(a) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or on request effects cancellation, if he does so within thirty days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of one hundred dollars and is less than three hundred thousand dollars, except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the face amount of the policy from which the claim arises.

(b) Be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent.

(c) Allocate claims paid and expenses incurred among the three accounts enumerated in section 4 of this 1971 act separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under subsection (1) (a) above subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under section 11 of this 1971 act, and other expenses authorized by this chapter. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than two percent of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be prorated and the unpaid portion

shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made.

(d) Investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims.

(e) Notify such persons as the commissioner directs under section 8 (2) (a) of this 1971 act.

(f) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but such designation may be declined by a member insurer.

(g) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this chapter.

(2) The association may:

(a) Appear in, defend, and appeal any action on a claim brought against the association.

(b) Employ or retain such persons as are necessary to handle claims and perform other duties of the association.

(c) Borrow funds necessary to effect the purposes of this chapter in accord with the plan of operation.

(d) Sue or be sued.

(e) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this chapter.

(f) Perform such other acts as are necessary or proper to effectuate the purpose of this chapter.

(g) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.

NEW SECTION. Sec. 7. PLAN OF OPERATION. (1) (a) The

association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the commissioner.

(b) If the association fails to submit a suitable plan of operation within ninety days following the effective date of this chapter or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(2) All member insurers shall comply with the plan of operation.

(3) The plan of operation shall:

(a) Establish the procedures whereby all the powers and duties of the association under section 6 of this 1971 act will be performed.

(b) Establish procedures for handling assets of the association.

(c) Establish the amount and method of reimbursing members of the board of directors under section 5 of this 1971 act.

(d) Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the association or its agent and a list of such claims shall be periodically submitted to the association or similar organization in another state by the receiver or liquidator.

(e) Establish regular places and times for meetings of the board of directors.

(f) Establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors.

(g) Provide that any member insurer aggrieved by any final action or decision of the association may appeal to the commissioner within thirty days after the action or decision.

(h) Establish the procedures whereby selections for the board of directors will be submitted to the commissioner.

(i) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(4) The plan of operation may provide that any or all powers and duties of the association, except those under section 6

subsections (1) (c) and (2) (c), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable and effective than that provided by this chapter.

NEW SECTION. Sec. 8. DUTIES AND POWERS OF THE COMMISSIONER.

(1) The commissioner shall:

(a) Notify the association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency.

(b) Upon request of the board of directors, provide the association with a statement of the net direct written premiums of each member insurer.

(2) The commissioner may:

(a) Require that the association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this chapter. Such notification shall be by mail at their last known address, where available, but if sufficient information for notification by mail is not available, notice by publication or in a newspaper of general circulation shall be sufficient.

(b) Suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a fine on any member insurer which fails to pay an assessment when due. Such fine shall not exceed five percent of the unpaid assessment per month, except that no fine shall be less than one hundred dollars per month.

(c) Revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(3) Any final action or order of the commissioner under this chapter shall be subject to judicial review in a court of competent jurisdiction.

NEW SECTION. Sec. 9. EFFECT OF PAID CLAIMS. (1) Any person recovering under this chapter shall be deemed to have assigned his rights under the policy to the association to the extent of his recovery from the association. Every insured or claimant seeking the protection of this chapter shall cooperate with the association to

the same extent as such person would have been required to cooperate with the insolvent insurer. The association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out.

(2) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the association or a similar organization in another state. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this chapter against the assets of the insolvent insurer. The expenses of the association or similar organization in handling claims shall be accorded the same priority as the liquidator's expenses.

(3) The association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the association and estimates of anticipated claims on the association which shall preserve the right of the association against the assets of the insolvent insurer.

NEW SECTION. Sec. 10. NONDUPLICATION OF RECOVERY. (1) Any person having a claim against his insurer under any provision in his insurance policy which is also a covered claim shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this chapter shall be reduced by the amount of such recovery under the claimant's insurance policy.

(2) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, from the association of the location of the property, and if it is a workmen's compensation claim, from the association of the residence of the claimant. Any recovery under this chapter shall be reduced by the amount of the recovery from any other insurance guaranty association or its equivalent.

NEW SECTION. Sec. 11. PREVENTION OF INSOLVENCIES. To aid in the detection and prevention of insurer insolvencies:

(1) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public.

(2) The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be in a financial condition hazardous to the policyholders or the public. Within thirty days of the receipt of such request, the commissioner shall

begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with subsection (3) of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(3) It shall be the duty of the commissioner to report to the board of directors when he has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to the policyholders or the public.

(4) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.

(5) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

(6) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the association, and submit such report to the commissioner.

NEW SECTION. Sec. 12. EXAMINATION OF THE ASSOCIATION. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit, not later than March 30th of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

NEW SECTION. Sec. 13. TAX EXEMPTION. The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

NEW SECTION. Sec. 14. RECOGNITION OF ASSESSMENTS IN RATES. The rates and premiums charged for insurance policies to which this chapter applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association

and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

NEW SECTION. Sec. 15. IMMUNITY.. There shall be no liability on the part of and no cause of action of any nature shall arise against any member insurer, the association or its agents or employees, the board of directors, or the commissioner or his representatives for any action taken by them in the performance of their powers and duties under this chapter.

NEW SECTION. Sec. 16. STAY OF PROCEEDINGS. All proceedings in which the insolvent insurer is a party in any court in this state shall be stayed for sixty days from the date the insolvency is determined to permit proper defense by the association of all pending causes of action.

NEW SECTION. Sec. 17. TERMINATION, DISTRIBUTION OF FUND. (1) The commissioner shall by order terminate the operation of the Washington insurers insolvency pool as to any kind of insurance afforded by property or casualty insurance policies with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which:

(a) Is a permanent plan which is adequately funded or for which adequate funding is provided; and

(b) Extends, or will extend to state policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents than the protection and benefits provided with respect to such kind of insurance under this chapter.

(2) The commissioner shall by the same such order authorize discontinuance of future payments by insurers to the Washington insurers insolvency pool with respect to the same kinds of insurance: PROVIDED, That assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan.

(3) In the event the operation of any account of the Washington insurers insolvency pool shall be so terminated as to all kinds of insurance otherwise within its scope, the pool as soon as possible thereafter shall distribute the balance of the moneys and assets remaining in said account (after discharge of the functions of the pool with respect to prior insurer insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in this state policies of the kinds of insurance covered by such account, and which had made payments into such account, pro rata upon the basis of the aggregate of such payments made by the respective insurers to such account during the period of five years next preceding the date of such order. Upon

completion of such distribution with respect to all of the accounts specified in section 6 of this 1971 act, this chapter shall be deemed to have expired.

NEW SECTION. Sec. 18. SHORT TITLE. This chapter shall be known and may be cited as the Washington Insurance Guaranty Association Act.

NEW SECTION. Sec. 19. CONSTRUCTION. This chapter shall be liberally construed to effect the purpose under section 1 of this 1971 act which shall constitute an aid and guide to interpretation.

NEW SECTION. Sec. 20. NEW CHAPTER. Sections 1 through 19 of this 1971 act shall be added to Title 48 RCW as a new chapter thereof.

NEW SECTION. Sec. 21. EMERGENCY. This 1971 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. 22. SECTION HEADINGS NOT PART OF LAW. Section headings as used in this 1971 act do not constitute any part of the law.

NEW SECTION. Sec. 23. 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 provisions to other persons or circumstances is not affected.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 266

[Engrossed Substitute Senate Bill No. 51]

BUSINESSES AND PROFESSIONS--

DETERMINATION OF FEES

AN ACT Relating to businesses and professions; adding a new section to chapter 43.24 RCW; amending section 10, chapter 323, Laws of 1959 and RCW 18.08.190; amending section 7, chapter 75, Laws of 1923, as last amended by section 9, chapter 223, Laws of 1967 and RCW 18.15.060; amending section 7, chapter 180, Laws of 1951, as last amended by section 11, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.140; amending section 6, chapter 149, Laws of 1955, as amended by section 2, chapter 97, Laws of 1965 and RCW 18.22.120; amending section 10, chapter 5, Laws of 1919, as amended by section 5, chapter 53,

Laws of 1959 and RCW 18.25.070; amending section 3, chapter 201, Laws of 1967 and RCW 18.28.030; amending section 1, chapter 83, Laws of 1953 and RCW 18.36.115; amending section 6, chapter 108, Laws of 1937 and RCW 18.39.050; amending section 11, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.110; amending section 13, chapter 144, Laws of 1919, as amended by section 1, chapter 275, Laws of 1955 and RCW 18.53.050; amending section 6, chapter 4, Laws of 1919 and RCW 18.57.050; amending section 36, chapter 202, Laws of 1955 and RCW 18.71.080; amending section 7, chapter 239, Laws of 1949, as amended by section 6, chapter 64, Laws of 1961 and RCW 18.74.070; amending section 10, chapter 222, Laws of 1949, as last amended by section 4, chapter 79, Laws of 1967 and RCW 18.78.090; amending section 20, chapter 70, Laws of 1965 and RCW 18.83.072; amending section 9, chapter 305, Laws of 1955, as amended by section 9, chapter 70, Laws of 1965 and RCW 18.83.090; amending section 43, chapter 52, Laws of 1957 and RCW 18.85.200; amending section 19, chapter 202, Laws of 1949 as amended by section 11, chapter 288, Laws of 1961 and RCW 18.88.190; amending section 4, chapter 200, Laws of 1959 and RCW 18.90.040; amending section 19, chapter 71, Laws of 1941, as last amended by section 9, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.145; and adding a new section to chapter 46.01 RCW.

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

Section 1. Section 10, chapter 323, Laws of 1959 and RCW 18.08.190 are each amended to read as follows:

Certificates of registration shall expire on the last day of June following their issuance or renewal. The director shall set the yearly fee for renewal which fee shall be (~~not less than ten dollars nor more than twenty dollars~~) not more than twenty-five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act. Renewal may be effected during the month of June by payment to the director of the fee set. In case any registrant fails to pay the renewal fee before thirty days after the due date, the renewal fee shall be the current fee plus an amount equal to one year's fee: PROVIDED, That any registrant in good standing may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee.

Sec. 2. Section 7, chapter 75, Laws of 1923, as last amended by section 9, chapter 223, Laws of 1967 and RCW 18.15.060 are each amended to read as follows:

Every person licensed as a barber shall pay an annual license fee of ((nine)) not more than ten dollars, to be determined by the

director as provided in section 21 of this 1971 amendatory act, for a license renewal certificate on or before the thirtieth day of June each year. Failure to pay the annual license renewal fees before delinquency shall work a forfeiture of the license, but the license may be renewed within three years thereafter without examination upon application therefor by the licentiate, and payment of a fee of fifteen dollars plus all lapsed fees. Should the licentiate allow his license to elapse for more than three years, he must be reexamined as for a new license.

Sec. 3. Section 7, chapter 180, Laws of 1951, as last amended by section 11, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.140 are each amended to read as follows:

Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Operator, ~~((three))~~ not more than five dollars; instructor operator, not more than six dollars; manager operator, ~~((five))~~ not more than six dollars; shop, not more than seven dollars; school, not more than one hundred and fifty dollars, all such fees to be determined by the director as provided in section 21 of this 1971 amendatory act.

A certificate of health is required with an application for an original license, one must also be filed with a renewal application. Any operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of five dollars for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license.

Sec. 4. Section 6, chapter 149, Laws of 1955 as amended by section 2, chapter 97, Laws of 1965 and RCW 18.22.120 are each amended to read as follows:

Every person practicing chiropody must renew his license each year and pay a renewal fee of ~~((fifteen))~~ not more than twenty-five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act.

Any chiropody license that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee.

Sec. 5. Section 10, chapter 5, Laws of 1919, as amended by section 5, chapter 53, Laws of 1959 and RCW 18.25.070 are each amended to read as follows:

Every person practicing chiropractic shall, as a prerequisite to annual renewal of license, submit to the director at the time of application therefor, satisfactory proof showing attendance during

the preceding year, at one or more chiropractic symposiums which are recognized and approved by the board of chiropractic examiners.

Every person practicing chiropractic within this state shall pay on or before the first day of September of each year, after a license is issued to him as herein provided, to said director a renewal license fee of ~~((fifteen))~~ not more than twenty-five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act. The director shall, thirty days or more before September first, of each year mail to all chiropractors in the state a notice of the fact that the renewal fee will be due on or before the first of September. Nothing in this chapter shall be construed so as to require that the receipts shall be recorded as original licenses are required to be recorded.

Sec. 6. Section 3, chapter 201, Laws of 1967 and RCW 18.28.030 are each amended to read as follows:

An application for a license shall be in writing, under oath, and in the form prescribed by the director. The application shall contain such relevant information as the director may require, but in all cases shall contain the name and residential and business addresses of each individual applicant, and of each member when the applicant is a partnership or association, and of each director and officer when the applicant is a corporation.

Except as provided hereinafter in this section the applicant shall pay an investigation fee of fifty dollars and a licensing fee of ~~((fifty))~~ not more than eighty dollars to be determined by the director as provided in section 21 of this 1971 amendatory act: PROVIDED, That a branch office of a licensed debt adjusting agency need not pay an investigation fee but only the licensing fee. If a license is not issued in response to the application, the director shall return ~~((fifty dollars))~~ the licensing fee to the applicant. An annual license fee of ~~((fifty))~~ not more than eighty dollars to be determined by the director as provided in section 21 of this 1971 amendatory act, shall be paid to the director by January 1st of each year. If the annual license fee is not paid by January 1st, the licensee shall be assessed a penalty for late payment in the amount of twenty-five dollars. And if the fee and penalty are not paid by January 31st, reapplication for a new license will be necessary, which may include taking any examination prescribed by the director.

The applicant shall file a surety bond with the director or in lieu thereof the applicant may file with the director a cash deposit or other negotiable security acceptable to the director and under conditions set forth in RCW 18.28.040: PROVIDED, That each branch office of a debt adjusting agency shall be required to be bonded as provided herein, but no bond will be required of an individual applicant while he is employed by a bonded debt adjusting agency or

branch thereof.

The applicant shall furnish the director with such proof as the director may reasonably require to establish the qualifications set forth in RCW 18.28.060.

If the applicant is an individual person making an original license application he shall pay an examination fee of fifty dollars.

If the applicant is applying for a debt adjusting agency license it shall furnish the director with complete forms of all contracts and assignments designed for execution by debtors making any assignments to or placing any property with the applicant for the purpose of paying the creditors of such debtors, and complete forms of all contracts and agreements designed for execution by creditors to whom payments are made by the applicant. Only such forms furnished the director and not disapproved by him shall be used by a debt adjusting agency licensee.

Sec. 7. Section 1, chapter 83, Laws of 1953 and RCW 18.36.115 are each amended to read as follows:

Every person heretofore or hereafter granted a license under this chapter shall pay to the director an annual license renewal fee of ~~((five))~~ not more than twenty-five dollars, to be determined by the director as provided in section 21 of this 1971 amendatory act, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual license renewal fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Sec. 8. Section 6, chapter 108, Laws of 1937 and RCW 18.39.050 are each amended to read as follows:

Every application for a license hereunder, whether for an initial issue or for a renewal of one already granted, shall be made in writing on a form prescribed by the director ~~((of licenses))~~ and be verified by oath or affirmation before some person authorized by law to administer the same. The original application shall be accompanied by a natural photo of applicant. Every person making application for an initial issue of a license when an examination is required shall pay to the state treasurer the sum of ~~((ten))~~ twenty-five dollars and, in case such application is granted he shall pay the futher sum of fifteen dollars prior to the issuance of such license. Every licensed embalmer or licensed funeral director ~~((who has been in the business in the state of Washington not less than one year prior to the 31st day of December, 1936, and who shall register as such with said director of licenses as herein provided, shall, on or prior to the 31st day of December, 1937, pay to the state~~

treasurer the sum of ten dollars; and thereupon he shall be entitled to and receive a license as such for the year commencing January 1, 1938. Every licensed embalmer making)) shall make an application for a renewal of his license for the succeeding year ((shall)), on or before the 31st day of December ((prior to such year)) of the current year, and pay to the state treasurer the sum of ((five)) not more than ten dollars, ((and every licensed funeral director making an application for renewal of his license for the succeeding year shall, on or before the 31st day of December prior to such year; pay to the state treasurer the sum of five dollars)) to be determined by the director as provided in section 21 of this 1971 amendatory act, and upon the payment ((of said fees, the person making the application)) thereof shall be entitled to a ((license without examination)) renewal of his license.

Sec. 9. Section 11, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.110 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of a ((one hundred dollar)) fee of not more than fifty dollars to be determined by the director as provided in section 21 of this 1971 amendatory act. In the event that any license is not reregistered within thirty days after the date for reregistration specified by the director, the director shall, in accordance with rules prescribed by the board, give notice to the license holder, and may thereafter in accordance with rules prescribed by the board charge up to double the normal reregistration fee. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant. The board may prescribe rules for maintenance of a license at a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of reregistration shall be the presentation of proof by the applicant that he has attended the number of classroom hours of approved educational programs, classes, seminars or proceedings set by the board. The board shall have the power to approve programs, classes, seminars or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules and regulations providing that the applicant for reregistration may present such

proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

(3) An individual may obtain and reregister a license under this chapter although he does not actively engage in nursing home administration.

Sec. 10. Section 13, chapter 144, Laws of 1919, as amended by section 1, chapter 275, Laws of 1955 and RCW 18.53.050 are each amended to read as follows:

During the month of January of each year, every registered optometrist shall pay to the state treasurer (~~(fifteen)~~) a fee of not more than twenty-five dollars as a renewal fee, to be determined by the director as provided in section 21 of this 1971 amendatory act, and failure to pay such fee within the prescribed time shall cause the suspension of his certificate. The state treasurer shall place two dollars and forty cents from each renewal fee into the general fund and shall place the balance into an optometry account which is hereby created for the enforcement of this chapter. Any residue in such account shall be accumulated and shall not revert to the general fund at the end of any biennium.

In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of February, March and April next following and if the fee is not paid by May 1st the director may declare the certificate revoked and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly.

Sec. 11. Section 6, chapter 4, Laws of 1919 and RCW 18.57.050 are each amended to read as follows:

Each applicant on making application shall pay the director a fee of twenty-five dollars which shall be paid to the state treasurer by said director and used to defray the expenses and compensation of said director. In case the applicant's credentials are insufficient, or in case he does not desire to take the examination, the sum of fifteen dollars shall be returned. All persons licensed to practice osteopathy or osteopathy and surgery within this state who are engaged in active practice shall pay on or before the first day of May of each year to the director a renewal license fee of (~~(five)~~) not more than fifteen dollars to be determined by the director as provided in section 21 of this 1971 amendatory act (~~(7~~ except that the first payment after the passage of this act shall be paid on or

before the first day of August 1917. This fee shall be reduced to two dollars after 1925)). Licenses not so renewed will not be valid. The director shall thirty days or more before May 1st of each year mail to all active practitioners of osteopathy or osteopathy and surgery in this state at their last known address a notice of the fact that the renewal fee will be due on or before the first of May ((: except that the first notice after the passage of this act shall be sent on or before July 11, 1917)). Nothing in this chapter shall be construed so as to require that the receipt shall be recorded as original licenses are required to be recorded.

Sec. 12. Section 36, chapter 202, Laws of 1955 and RCW 18.71.080 are each amended to read as follows:

Every person licensed to practice medicine and surgery in this state shall register with the director of ~~((licenses))~~ department of motor vehicles annually, and pay an annual renewal registration fee of ~~((seven))~~ not more than ten dollars to be determined by the director as provided in section 21 of this 1971 amendatory act, on or before the first day of July of each year, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Sec. 13. Section 7, chapter 239, Laws of 1949, as amended by section 6, chapter 64, Laws of 1961 and RCW 18.74.070 are each amended to read as follows:

Every registered physical therapist shall, during the month of January ~~((: 1953; and during the month of January every third year thereafter))~~, apply to the director ~~((of licenses))~~ for ~~((an extension))~~ a renewal of his registration and pay a fee of ~~((fifteen))~~ not more than ten dollars, to be determined by the director as provided in section 21 of this 1971 amendatory act, to the state treasurer. Registration that is not so ~~((extended in the first instance before February 1, 1953, and thereafter))~~ made before February 1st of every ~~((third))~~ year, shall automatically lapse. Upon the recommendation of the examining committee the director ~~((of licenses))~~ shall revive ~~((and extend))~~ a lapsed registration on the payment of all past unpaid ~~((extension))~~ renewal fees.

Sec. 14. Section 10, chapter 222, Laws of 1949, as last amended by section 4, chapter 79, Laws of 1967 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall register annually with the division of professional licensing in the department of motor vehicles, on or before the first day of March,

and shall pay an annual fee of ~~((three))~~ not more than five dollars to be determined by the director as provided in section 21 of this 1971 amendatory act, and thereupon the license of such person shall be renewed for a period of one year. Any failure to register and pay the annual renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor to the division of professional licensing, and upon payment to the state of a penalty of ten dollars, together with all delinquent annual license renewal fees.

Sec. 15. Section 20, chapter 70, Laws of 1965 and RCW 18.83.072 are each amended to read as follows:

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the director, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to take the examination a second time. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(4) The reexamination fee shall be the same as the application fee set forth in RCW 18.83.060.

Sec. 16. Section 9, chapter 305, Laws of 1955, as amended by section 9, chapter 70, Laws of 1965 and RCW 18.83.090 are each amended to read as follows:

Each licensed psychologist ~~((may))~~ shall renew his license by paying to the state treasurer, on or before the tenth day of January of each year, a renewal fee in the amount of ~~((ten))~~ not more than fifteen dollars to be determined by the director as provided in section 21 of this 1971 amendatory act. Upon receipt of such payment by the state treasurer the director shall issue a certificate of renewal in such form as the director shall determine.

Sec. 17. Section 43, chapter 52, Laws of 1957 and RCW 18.85.200 are each amended to read as follows:

Notice in writing shall be given to the director of any change by a real estate broker, associate broker, or salesmen of his business location or of any branch office. Upon the surrender of the original license for the business or the duplicate license applicable to a branch office, and a payment of a fee of ~~((one))~~ five dollars, the director shall issue a new license or duplicate license, as the case may be, covering the new location.

Sec. 18. Section 19, chapter 202, Laws of 1949 as amended by section 11, chapter 288, Laws of 1961 and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter

shall be annually renewed, except as hereinafter provided. On or before January 1st, the director shall mail a notice for renewal of license to every person licensed for the current year. The applicant shall return the notice to the state treasurer with a renewal fee of ~~((three))~~ not more than five dollars, to be determined by the director as provided in section 21 of this 1971 amendatory act, before March 1st. Upon receipt of the notice and fee the director shall issue to the applicant a certificate of renewal for the current year beginning January 1st and expiring December 31st of that year. Such certificate of renewal shall render the holder thereof a legal practitioner of professional nursing for the period stated on the certificate of renewal.

Sec. 19. Section 4, chapter 200, Laws of 1959 and RCW 18.90.040 are each amended to read as follows:

Applicants for registration shall pay a fee of twenty-five dollars at the time of making application. A sanitarian registered under the provisions of this chapter ~~((may))~~ shall renew his certificate by paying an annual renewal fee of ~~((ten))~~ not more than fifteen dollars to be determined by the director as provided in section 21 of this 1971 amendatory act. All receipts realized in the administration of this chapter shall be paid into the general fund into a special account to be known as the sanitarians' licensing account. ~~((At the end of each biennium all moneys in said account in excess of two thousand dollars shall be removed from said account and placed in the general fund. There is hereby appropriated from the general fund to the professional division of the department of licenses two thousand dollars to be placed in the sanitarians' licensing account, and to be administered and disbursed by the director of licenses in carrying out the provisions of this chapter.))~~ All fees shall be due and payable on or before the first day of July for the current year for which the renewal certificate shall be issued. All certificates shall expire on the renewal date unless renewed prior to such date. When such fees are not paid in full before September 1st they shall become delinquent and there shall be added to the renewal fee a penalty of five dollars. Any certificate not having been renewed by October 1st of the year of expiration shall be considered lapsed. In the event an applicant shall fail to pass any examinations provided for under this chapter and the board shall grant permission for a reexamination, such applicant on reexamination shall pay an additional fee of fifteen dollars.

Sec. 20. Section 19, chapter 71, Laws of 1941, as last amended by section 9, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.145 are each amended to read as follows:

The following fees shall be charged by the director:

(1) For a license to practice veterinary medicine, surgery and dentistry issued upon an examination given by the examining board, fifty dollars.

(2) For a license to practice veterinary medicine, surgery and dentistry issued upon the basis of a license issued in another state, one hundred dollars.

(3) For the annual renewal of a license to practice veterinary medicine, surgery, and dentistry, ~~((ten))~~ not more than fifteen dollars such fee to be determined by the director as provided in section 21 of this 1971 amendatory act.

(4) For a temporary permit to practice veterinary medicine, surgery and dentistry, fifteen dollars. The temporary permit fee shall be accompanied by the full amount of the examination fee of fifty dollars.

NEW SECTION. Sec. 21. There is added a new section to chapter 43.24 RCW to read as follows:

It shall be the policy of the state of Washington to determine license fees for businesses and professions on the following basis:

(a) There shall be a minimum fee of five dollars (\$5.00) for any vocation. Those vocations which normally work for others shall be in this classification. Variations in fees by vocation shall be in multiples of five dollars as authorized by the legislature.

(b) There shall be a minimum fee of fifteen dollars (\$15.00) for professions or proprietary vocations. Each vocational group as set up by law shall have fees increased to cover the costs of that group as determined by the director: PROVIDED, That no fee shall exceed \$25.00 except those specifically authorized by the legislature: PROVIDED, FURTHER, That licensees over 65 years of age and retired or residing out-of-state shall pay only fifty percent of the standard fee for their classification.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 267

[Engrossed Senate Bill No. 59]

WASHINGTON JUDICIAL RETIREMENT SYSTEM ACT

AN ACT Establishing a retirement system for judges of courts of record; and creating new sections.

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

NEW SECTION. Section 1. This act shall be known and cited as

the Washington Judicial Retirement System Act.

NEW SECTION. Sec. 2. The purpose of this 1971 act is to effect a system of retirement from active service.

NEW SECTION. Sec. 3. (1) "Retirement system" means the "Washington judicial retirement system" provided herein.

(2) "Judge" means a person elected or appointed to serve as judge of a court of record as provided in chapters 2.04, 2.06, and 2.08 RCW. Said word shall not include a person serving as a judge pro tempore.

(3) "Retirement board" means the "Washington judicial retirement board" established herein.

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

(5) "Retirement fund" means the "Washington judicial retirement fund" established herein.

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

(7) "Monthly salary" means the monthly salary of the position held by the judge.

(8) "Service" means all periods of time served as a judge, as herein defined. Any calendar month at the beginning or end of a term in which ten or more days are served shall be counted as a full month of service: PROVIDED, That no more than one month's service may be granted for any one calendar month. Only months of service will be counted in the computation of any retirement allowance or other benefit provided for in this 1971 act. Years of service shall be determined by dividing the total 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 benefit.

(9) "Final average salary" means (a) for a judge in service in the same court for a minimum of twelve consecutive months preceding the date of retirement, the salary attached to the position held by the judge immediately prior to retirement; (b) for any other judge, the average monthly salary paid over the highest twenty-four month period in the last ten years of service.

(10) "Retirement allowance" for the purpose of applying cost of living increases or decreases shall include retirement allowances, disability allowances and survivorship benefit.

(11) "Index" 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.

NEW SECTION. Sec. 4. The Washington judicial retirement system is hereby created for judges appointed or elected under the

provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after the effective date of this 1971 act shall be members of this system. Any person serving as a judge on the effective date of this 1971 act and who is covered under the provisions of chapter 2.12 RCW shall have the option of transferring to this system. Said transfer shall be in writing and received by the Washington judicial retirement board not later than one calendar year after the effective date of this 1971 act.

NEW SECTION. Sec. 5. The Washington judicial retirement board is hereby established. This board shall be responsible for making effective the provisions of this 1971 act, and the authority to make all rules and regulations necessary therefor are hereby vested in the retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The administration of the retirement system is hereby vested in the director and staff of the Washington public employees' retirement system established pursuant to chapter 41.40 RCW.

NEW SECTION. Sec. 6. The retirement board shall consist of seven members.

(1) Three members shall be elected by the judges of the respective courts. One member shall be elected by and serve as a representative of the supreme court, one from the court of appeals and one from the superior court. The elected board members shall serve a three-year term except that the first member from the supreme court shall serve a one-year term and the first member from the court of appeals shall serve a two-year term.

(2) The governor shall appoint four members, only one of whom may be a member of the Washington state bar association. These members shall serve a four-year term with one member appointed each July 1. Original terms of office of the appointees shall be one, two, three and four years as designated by the governor.

(3) The terms of all members shall commence on the first of July following their election or appointment. Any vacancy occurring by reason of resignation, death, disability or retirement ninety days or more before the expiration of the term of office of any elected board member shall be filled by election as provided in (1) above. If it is less than ninety days before the end of the term of office, the office shall remain vacant until the election for the next term is final. The newly elected member shall then take office immediately and fill out the remainder of the unexpired term in addition to the term to which he was elected.

If a vacancy occurs in the office of an appointed member for any reason, the governor shall appoint a replacement for the

remainder of the term.

(4) The retirement board shall annually at its July meeting or the first meeting after July if there is no July meeting, elect a chairman and a vice chairman, one of whom must be a judge and one an appointed board member.

NEW SECTION. Sec. 7. The retirement board shall perform the following duties:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of July 1 of every even-numbered year have an actuarial evaluation made as to the mortality and service experience of the beneficiaries under this 1971 act and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of its proceedings, which shall be open to inspection by the public;

(5) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(6) From time to time adopt such rules and regulations not inconsistent with this 1971 act for the administration of this 1971 act and for the transaction of the business of the board.

No member of the board shall be liable for the negligence, default or failure of any employee or of any member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system, but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for safeguarding of the funds and assets of the system.

NEW SECTION. Sec. 8. (1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund.

(3) The public employees' retirement board established by chapter 41.40 RCW shall have full power to invest or reinvest the

funds of this system in those classes of investments authorized by RCW 41.40.071 as now or hereafter amended.

(4) For the purpose of providing amounts to be used to defray the cost of administration and investment, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

NEW SECTION. Sec. 9. The total liability, as determined by the actuary, of this system shall be funded as follows:

(1) Every judge shall have deducted from his monthly salary an amount equal to seven and one-half percent of said salary.

(2) The state as employer shall contribute an equal amount on a quarterly basis.

(3) The state shall in addition guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judicial retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judicial retirement fund shall become insufficient to meet the retirement payments.

NEW SECTION. Sec. 10. Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on the effective date of this 1971 act or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon his written request.

(2) Any member who has completed fifteen or more years of service and has attained the age of sixty years may be retired upon his written request.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which he attains such age.

(4) Any judge who involuntarily leaves service at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to section 11 of this 1971 act and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of his judicial service.

NEW SECTION. Sec. 11. A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed years of service, as follows: Ten years, but less than

fifteen years, three percent of his final average salary for each year of service; fifteen years and over, three and one-half percent of his final average salary for each year of service: PROVIDED, That in no case shall any retired member receive more than seventy-five percent of his final salary except as increased as a result of the cost of living increases as provided by this 1971 act.

NEW SECTION. Sec. 12. Any judge who has served as a judge for a period of ten or more years, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the retirement board an application in writing, asking for retirement. Upon receipt of such application the retirement board shall appoint one or more physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the board, to be paid out of the fund herein created, examine said judge and report in writing to the board their findings in the matter. If the physicians appointed by the board find the judge to be so disabled and the retirement board concurs in this finding the judge shall be retired.

NEW SECTION. Sec. 13. Upon a judge being retired for disability as provided in section 12 of this 1971 act, he shall receive from the fund an amount equal to one-half of his final average salary.

NEW SECTION. Sec. 14. A surviving spouse of any judge holding such office, or if he dies after having retired and who, at the time of his death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he been retired on the date of his death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of three years at time of death: AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this 1971 act shall cease.

NEW SECTION. Sec. 15. Every judge retired either for service or disability under the provisions of this 1971 act shall file a statement of income with the retirement board. Any retired judge who is receiving income from employment of any kind shall have his retirement allowance reduced by the amount that his combined retirement allowance and employment income exceed the current monthly salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement.

Failure to file or the filing of a false statement shall be

grounds for cancellation of all benefits payable under this 1971 act.

NEW SECTION. Sec. 16. Any surviving spouse who is receiving a monthly benefit under the provisions of this 1971 act and who is employed in any capacity shall file with the retirement board a statement of earnings. If said earnings are in excess of fifty percent of the monthly allowance being received the board shall reduce the allowance payable by the amount of said excess.

Failure to file or the filing of a false statement shall be grounds for cancellation of all benefits payable under this 1971 act.

NEW SECTION. Sec. 17. Effective July 1, 1972, and of each succeeding year, every retirement allowance which has been in effect for one year or more shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the date the retirement allowance became payable: PROVIDED, That the amount of increase or decrease in any one year shall not exceed three percent of the then payable retirement allowance: AND PROVIDED FURTHER, That this cost of living adjustment shall not reduce any pension below that amount which was payable at time of retirement.

NEW SECTION. Sec. 18. The right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this 1971 act, and the moneys in the fund created under this 1971 act, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever.

NEW SECTION. Sec. 19. Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those records of the retirement system.

NEW SECTION. Sec. 20. A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearings shall be de novo

and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

NEW SECTION. Sec. 21. No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

NEW SECTION. Sec. 22. (1) Any member of the Washington public employees' retirement system who is eligible to participate in the judicial retirement system may, by written request filed with the retirement boards of the two systems respectively, transfer such membership to the judicial retirement system. Upon the receipt of such request, the board of the Washington public employees' retirement system shall transfer to the board of the Washington judicial retirement system (1) all employee's contributions and interest thereon belonging to such member in the employees' savings fund and all employer's contributions credited or attributed to such member in the benefit account fund and (2) a record of service credited to such member. One-half of such service shall be computed and not more than nine years shall be credited to such member as though such service was performed as a member of the judicial retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judicial retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of this 1971 act, he shall upon request therefor be repaid from the judicial retirement fund an amount equal to the amount of his employee's contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys.

(2) Any member of the judicial retirement system who was formerly a member of the Washington public employees' retirement system but who has terminated his membership therein under the provisions of chapter 41.40 RCW, may reinstate his membership in the Washington public employees' retirement system, for the sole purpose of qualifying for a transfer of membership in the judicial retirement system in accordance with subsection (1) above by making full restoration of all withdrawn funds to the employees' savings fund prior to January 1, 1972. Upon reinstatement in accordance with this subsection, the provisions of subsection (1) and the provisions of RCW 41.40.120 (3) shall then be applicable to the reinstated member in the same manner and to the same extent as they are to the present

members of the Washington public employees' retirement system who are eligible to participate in the judicial retirement system.

(3) Any member of the judicial retirement system who has served as a judge for one or more years and who has rendered service for the state of Washington, or any political subdivision thereof, prior to October 1, 1947, or the time of the admission of the employer into the Washington public employees' retirement system, may - upon his payment into the judicial retirement fund of a sum equal to 5% of his compensation earned for such prior public service - request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of the judicial retirement system, provided that any such prior service so credited shall not be claimed for any pension system other than a judicial retirement system.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 268

[Reengrossed Senate Bill No. 98]

COMMON SCHOOLS--

PUPIL CONDUCT, DISCIPLINE, AND RIGHTS

AN ACT Relating to pupil conduct, discipline, and rights in the common schools; amending section 28A.58.101, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.101; and adding a new section to Title 28A RCW.

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

Section 1. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.101 are each amended to read as follows:

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

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees ((~~and~~)).

(2) ((Suspend or expel pupils from school or discipline such pupils upon their refusal to obey the reasonable rules or regulations of such school or as promulgated by the superintendent of public instruction and the state board of education.)) Adopt and make available to each pupil and parent in the district reasonable written

rules and regulations regarding pupil conduct, discipline, and rights. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under section 2 of this 1971 amendatory act.

(3) Suspend, expel, or discipline pupils in accordance with section 2 of this 1971 amendatory act.

NEW SECTION. Sec. 2. The state board of education shall adopt and distribute to all school districts lawful and reasonable rules and regulations prescribing the substantive and procedural due process guarantees of pupils in the common schools.

Passed the Senate April 7, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 269
[Engrossed Senate Bill No. 298]
EDUCATION--
INSURANCE OR PROTECTION PROGRAMS

AN ACT Relating to education and insurance or protection programs for certain college and university regents, trustees, school district board members, students and employees, and their dependents; amending section 28A.58.420, chapter 223, Laws of 1969 ex sess. as last amended by section 3, chapter 8, Laws of 1971 and RCW 28A.58.420; and amending section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 237, Laws of 1969 ex. sess. and RCW 28B.10.660.

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

NEW SECTION. Section 1. Notwithstanding any other provision of law, after the effective date of this 1971 act boards of directors of all school districts shall provide their employees with insurance protection covering those employees while engaged in the maintenance of order and discipline and the protection of school personnel and students and the property thereof when that is deemed necessary by such employees. Such insurance protection must include as a minimum, liability insurance covering injury to persons and property, and insurance protecting those employees from loss or damage of their personal property incurred while so engaged.

Sec. 2. Section 28A.58.420, chapter 223, Laws of 1969 ex.

sess. as last amended by section 3, chapter 8, Laws of 1971 and RCW 28A.58.420 are each amended to read as follows:

The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute ((toward)) all or a part of the cost of such ((life, health, accident, disability and salary)) protection or insurance ((including hospitalization and medical aid)) for the employees of their respective school districts and their dependents in an amount not to exceed ((ten)) twenty dollars per month per employee covered. The premiums on such liability insurance shall be borne by the school district. The premiums due on such ((life, health, accident, or disability and salary)) protection or insurance shall be borne by the assenting school board member or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW.

Sec. 3. Section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 237, Laws of 1969 ex. sess. and RCW 28B.10.660 are each amended to read as follows:

The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees, students and employees of the institution, and their dependents. Whenever funds shall be available for these purposes, the regents or trustees of any of the state's institutions of higher education may contribute ((toward)) all or a part of the cost of such ((life, health, accident, disability and salary)) protection or insurance ((including hospitalization and medical aid)) for the employees of their respective institutions and their dependents in an amount not to exceed ((ten)) twenty dollars per month per employee covered. The premiums due on such liability insurance shall be borne by the university or college. The premiums due on such ((life, health, accident, or disability and salary)) protection or insurance shall be borne by the assenting regent, trustee or student. All contracts for insurance or protection written to take advantage of

the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW.

NEW SECTION. Sec. 4. If any provision of this 1971 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 May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 270
[Senate Bill No. 467]
MOTOR VEHICLE ACCIDENTS--
BLOOD SAMPLES

AN ACT Relating to motor vehicle accidents; and adding a new section to chapter 12, Laws of 1961 and to chapter 46.52 RCW; adding new sections to Title 46 RCW.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1961 and to chapter 46.52 RCW a new section 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.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 271

[Senate Bill No. 522]

PUBLIC EMPLOYEE RETIREMENT

AN ACT Relating to public employee retirement; amending section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 50, Laws of 1967 and RCW 41.32.260; amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969 and RCW 41.40.010; amending section 3, chapter 274, Laws of 1947 as last amended by section 2, chapter 174, Laws of 1963 and RCW 41.40.030; amending section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 128, Laws of 1969 and RCW 41.40.120; amending section 20, chapter 274, Laws of 1947 as last amended by section 8, chapter 128, Laws of 1969 and RCW 41.40.190; amending section 1, chapter 68, Laws of 1970 ex. sess. and RCW 41.40.195; amending section 19, chapter 274, Laws of 1947 as last amended by section 5, chapter 127, Laws of 1967 and RCW 41.40.180; amending section 23, chapter 274, Laws of 1947 as last amended by section 7, chapter 291, Laws of 1961 and RCW 41.40.220; amending section 27, chapter 274, Laws of 1947 as last amended by section 12, chapter 174, Laws of 1963 and RCW 41.40.260; amending section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 128, Laws of 1969 and RCW 41.40.330; amending section 37, chapter 274, Laws of 1947 as last amended by section 15, chapter 174, Laws of 1963 and RCW 41.40.361; amending section 43, chapter 274, Laws of 1947 as last amended by section 13, chapter 128, Laws of 1969 and RCW 41.40.410; amending section 5, chapter 71, Laws of 1947 and RCW 41.44.050; amending section 11, chapter 71, Laws of 1947 as last amended by section 2, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.110; amending section 12, chapter 71, Laws of 1947 as last amended by section 2, chapter 70, Laws of 1959 and RCW 41.44.120; repealing section 1, chapter 223, Laws of 1961 and RCW 41.40.128; and declaring an emergency.

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

Section 1. Section 26, chapter 80, Laws of 1947 as last amended by section 2, chapter 50, Laws of 1967 and RCW 41.32.260 are each amended to read as follows:

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: PROVIDED, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: PROVIDED FURTHER, That a member of the retirement system who is a member of the state legislature may request that retirement deductions be taken from his salary as a legislator and that service credit be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: AND PROVIDED FURTHER, That a member of the retirement system who had previous service as a member of the state legislature, for which he did not contribute to the retirement system, may receive credit for such legislative service upon making contributions in such amounts as shall be determined by the board of trustees.

Sec. 2. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 128, Laws of 1969 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 (~~(eight)~~) 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 ((immediately)) prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, ((1974)) 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) ("~~19~~ Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

~~(21)~~ "~~20~~ Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

~~(22)~~) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

~~(23)~~) (21) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

~~(24)~~) (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.

~~(25)~~) (23) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

~~(26)~~) (24) "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.

~~((27))~~ [25] "Ineligible position" means any position which does not conform with the requirements set forth in subdivision ~~((26))~~ [24].

~~((28))~~ [26] "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.

~~((29))~~ [27] "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. 3. Section 3, chapter 274, Laws of 1947 as last amended by section 2, chapter 174, Laws of 1963, and RCW 41.40.030 are each amended to read as follows:

The retirement board shall consist of seven members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, and three employee representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by members in their classification of employment for a term of three years: PROVIDED, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed. The members of the system shall be divided into three classifications of employment for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; and classification C shall consist of all members not included in classification A or B. Each member shall have the right to vote only for an employee representative from his respective classification.

The first election will be held to elect a representative from classification C whose term shall begin July 1, 1961; the second election will be held to elect a representative from classification B whose term shall begin July 1, 1962; the third election will be held to elect a representative from classification A whose term shall begin July 1, 1963.

Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of ~~((May))~~ April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter

supporting his candidacy must be signed by at least twenty active members of the retirement system in his classification. The election shall be conducted under the supervision of the ((state employees*)) retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all employee representatives shall commence on the first day of July following their election.

Sec. 4. Section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 128, Laws of 1969 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, ((such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made)) such application for those taking elective office for the first time after the effective date of this 1971 amendatory act shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of

office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee and employer contributions therefor;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college operated by an employer, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college operated by an employer during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system;

PROVIDED, That if a member is elected to an office in such city, the member shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. Any city that becomes an employer as defined in RCW 41.40.010 (4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Sec. 5. Section 20, chapter 274, Laws of 1947 as last amended by section 8, chapter 128, Laws of 1969 and RCW 41.40.190 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180, 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 ((4969)) 1971 amendatory act 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 (1) 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 RCW 41.40.200, 41.40.210 and 41.40.220.

(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.

((6)) (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.

Sec. 6. Section 1, chapter 68, Laws of 1970 ex. sess. and RCW 41.40.195 are each amended to read as follows:

(1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)---compiled by the Bureau of Labor Statistics,

United States Department of Labor ((?));

(2) "Prior pension" shall mean the pension portion of any service retirement allowance as computed and payable ((? under the pre March 25, 1969 provisions of RCW 41.40.190 or 41.40.290, including all options described therein;)) at the time of retirement to any beneficiary based upon an effective retirement date which is prior to ((April 1, 1969)) December 31, 1970;

(3) Effective July 1, ((1970)) 1971, every prior pension which is then being paid to any retired member or his designated beneficiary shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for ((1969)) 1970 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.

Sec. 7. Section 19, chapter 274, Laws of 1947 as last amended by section 5, chapter 127, Laws of 1967 and RCW 41.40.180 are each amended to read as follows:

(1) On and after April 1, 1949, any member who has attained age sixty or over 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 (~~July 1, 1967~~) the effective date of this 1971 amendatory act 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. (~~PROVIDED, That any member retiring under the provisions of this subsection shall receive a reduced retirement allowance, which allowance 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) or (3) of this section.~~)

(5) The retirement board is authorized to waive advance notice of retirement upon good cause shown.

Sec. 8. Section 23, chapter 274, Laws of 1947 as last amended by section 7, chapter 291, Laws of 1961, 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 (~~twenty-four~~) forty-two hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a pension, as provided for in RCW 41.40.190, 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.

(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.

Sec. 9. Section 27, chapter 274, Laws of 1947 as last amended by section 12, chapter 174, Laws of 1963, and RCW 41.40.260 are each amended to read as follows:

Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: PROVIDED, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240, or 41.40.250 shall constitute a waiver of any service or disability retirement allowance: PROVIDED FURTHER, That the withdrawal of all or part of additional contributions made pursuant to RCW 41.40.330(2) shall not constitute a waiver.

Sec. 10. Section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 128, Laws of 1969, 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 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 retirement system expense fund contribution shall be increased to the amount of two dollars and fifty cents per annum and shall be made by 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 employee account balances in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after April 1, 1953, each employee who is a member of the

retirement system shall contribute five 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, as provided by this section. ((In determining the amount earnable by a member in a payroll period, the retirement board and the employer may consider the rate of compensation payable to such member on the first day of the payroll period as continuing through such payroll period; and deductions may be omitted from such compensation for any period less than a full payroll period; if an employee was not a member on the first day of the payroll period.))

(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 ((not to exceed one-half of his prospective average final compensation)).

(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. 11. Section 37, chapter 274, Laws of 1947 as last amended by section 15, chapter 174, Laws of 1963, 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 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of six 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 ((that percentage of annual compensation of all members in the retirement system at the date of such subsequent valuation which is equivalent to four percent of the unfunded liability of the system)) 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.

Sec. 12. Section 43, chapter 274, Laws of 1947 as last amended by section 13, chapter 128, Laws of 1969, and RCW 41.40.410 are each amended to read as follows:

The employees and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority: PROVIDED, That on and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter and every employee of the school district who is eligible for membership under RCW 41.40.120 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer hereunder has its own retirement plan any of the employee members thereof who may elect to transfer to this retirement system may, ((upon withdrawal of)) if permitted by said plan, withdraw all or any part of their employees' contributions to the former plan((7)) and transfer such funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the retirement board and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his contributions been transferred to the

state retirement system's employee savings fund on the date the political subdivision became an employer hereunder. Any funds remaining in the employer's former retirement plan after all obligations of such plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 182, Laws of 1945, may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

Sec. 13. Section 5, chapter 71, Laws of 1947 and RCW 41.44.050 are each amended to read as follows:

Any city or town of the first, second, third or fourth class may elect to participate in the retirement system established by this chapter: PROVIDED, That a first class city may establish or maintain any other retirement system authorized by any other law or its charter. The manner of election to participate in a retirement

system under this chapter shall be as follows:

(1) The legislative body therein by ordinance making such election;

(2) Approval by vote of the people of an ordinance initiated by the voters making such election;

(3) Approval by vote of the people of an ordinance making such election referended to the people by the legislative body.

Any ordinance providing for participation therein may on petition of the voters be referended to the voters for approval or disapproval.

The referendum or initiative herein provided for shall be exercised under the law relating to legislative initiative or referendum of the particular city; and if the city be one for which the law does not now provide such initiative or referendum, it shall be exercised in the manner provided for legislative initiative and referendum of cities having a commission form of government under chapter 116, Laws of 1911, the city council performing the duties and functions under that law devolving on the commission. A majority vote in the legislative body or by the electorate shall be sufficient to carry or reject. Whenever any city has elected to join the retirement system proper authorities in such city shall immediately file with the board an application for participation under the conditions included in this chapter on a form approved by the board. In such application the city shall agree to make the contributions required of participating cities in the manner prescribed herein and shall state which employee group or groups are to originally have membership in the system.

In the case of a state association of cities and towns, election to participate shall be by majority vote of the board of directors of the association.

Sec. 14. Section 11, chapter 71, Laws of 1947 as last amended by section 2, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.110 are each amended to read as follows:

(1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

(a) Miscellaneous personnel as defined in this chapter;

(b) Uniformed personnel as defined in this chapter;

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

(e) Employees of any state association of cities and towns

shall be entitled to membership, upon election to participate made by the board of directors pursuant to section 13 of this 1971 amendatory act, and any costs in connection with such membership which would be borne by a city in the case of employees of a city shall be borne by the association.

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups mentioned in subsection (1) of this section. For an initial period not to exceed one year from the effective date of any city's entry into this system, if so provided at the time of its election to participate, only a majority of the employees of any group or combination of groups must be members of the system.

At all times subsequent to the effective date of the city's entry into this system, or at all times after expiration of such initial period, if such initial period is established at the time of the city's election to participate, all employees of any group or combination of groups must be included or excluded as members of this system. Groups (c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be compulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date, or on June 9, 1949, or on expiration of the initial period therein provided if they have completed six consecutive months' service or six months' service in any calendar year prior to the expiration of such initial period, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than one hundred dollars per month, or are part time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than one hundred dollars per month shall become members upon the completion of six consecutive months' service or six months' service in any calendar year. Any employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time during the initial period, or at any time prior to completing such six months' service. Such individual employees other than regular employees, who are earning less than one hundred dollars per month or who are serving in an official or special capacity may

elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months' service in any calendar year.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and immediately furnish such other information regarding the employment of members as the board from may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein.

Sec. 15. Section 12, chapter 71, Laws of 1947 as last amended by section 2, chapter 70, Laws of 1959, and RCW 41.44.120 are each amended to read as follows:

(1) Subject to subsections (4) and (5) of this section the following members shall be entitled to prior service credit:

(a) Each member in service on the effective date.

(b) Each member entering after the effective date if such entry is within one year after rendering service prior to the effective date.

(c) Each member entering in accordance with the provisions and subject to the conditions and limitations prescribed in subsection (5) of this section.

As soon as practicable, the board shall issue to each member entitled to prior service credit a certificate certifying the aggregate length of service rendered prior to the effective date. Such certificate shall be final and conclusive as to his prior service unless hereafter modified by the board, upon application of the member.

(2) Each city joining the system shall have the privilege of selecting the rate at which prior service pensions shall be calculated for its employees and may select any one of the three rates set forth below:

(a) 1.33% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."

(b) 1.00% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."

(c) .667% of final compensation multiplied by the number of

years of prior service credited to the member. This rate may be referred to as "one-half prior service credit."

(3) The above rates shall apply at the age of sixty-two or over for members included in the miscellaneous personnel and at age sixty or over for members in the uniformed personnel: PROVIDED, That if a member shall retire before attaining either of the ages above referred to, the total prior service pension shall be reduced to the percentages computed and established in accordance with the following tables, to-wit:

Miscellaneous Personnel			
Percent of Full Prior Service Allowable			
Male		Female	
Age	Factor	Age	Factor
45.....	65.48	45.....	66.78
46.....	66.86	46.....	67.91
47.....	68.29	47.....	69.09
48.....	69.77	48.....	70.34
49.....	71.28	49.....	71.67
50.....	72.82	50.....	73.10
51.....	74.43	51.....	74.71
52.....	76.13	52.....	76.41
53.....	77.93	53.....	78.21
54.....	79.84	54.....	80.11
55.....	81.86	55.....	82.12
56.....	84.00	56.....	84.24
57.....	86.28	57.....	86.50
58.....	88.69	58.....	88.89
59.....	91.26	59.....	91.42
60.....	94.00	60.....	94.11
61.....	96.90	61.....	96.96
62.....	100.00	62.....	100.00

Percent of Full Prior Service Allowable

Uniformed Personnel	
Age	Factor
45.....	69.66
46.....	71.13
47.....	72.65
48.....	74.22
49.....	75.83
50.....	77.47
51.....	79.18
52.....	80.99
53.....	82.91
54.....	84.93
55.....	87.09

56..... 89.37
 57..... 91.79
 58..... 94.36
 59..... 97.09
 60.....100.00

(4) If sickness, injury or service in the armed forces of the United States during the national emergency identified with World War I or World War II and/or service in the armed forces of the United States of America for extended active duty by any employee who shall have been regularly granted a leave of absence from the city service by reason thereof, prevents any regular employee from being in service on the effective date, the board shall grant prior service credit to such person when he is again employed. The legislative authority in each participating city shall specify the amount of prior service to be granted or current service credit to be made available to such employees: PROVIDED, That in no case shall such service credit exceed five years. Certificate of honorable discharge from or documentary evidence of such service shall be submitted to the board before any such credit may be granted or made available. Prior or current service rates, or both, for such employees shall not exceed the rates established for fellow employees.

(5) There shall be granted to any person who was an employee of a private enterprise or a portion thereof which shall be hereafter acquired by a city as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such enterprise or portion thereof, credit for prior service for the period such person was actually employed by such private enterprise, except that this shall apply only to those persons who shall be employees of such enterprise or portion thereof at the time of its acquisition by the city and who remain in the service of such city until the effective date of membership of such person under this chapter.

There shall be granted to any person who was an employee of any state association of cities and towns, which association elects to participate in the retirement system established by this chapter, credit for prior service for the period such person was actually employed by such association, except that this shall apply only to those persons who shall be employees of such association on the effective date of this 1971 amendatory act.

Credit for such prior service shall be given only if payment for the additional cost of including such service has been made or if payment of such additional cost or reimbursement therefor has been otherwise provided for to the satisfaction of the board or if such person be entitled to any private pension or retirement benefits as a result of such service with such private enterprise, credit will be

given only if he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of these private pension or retirement benefits received. The conditions and limitations provided for in this subsection (5) shall be embodied in any certificate of prior service issued or granted by the board where any portion of the prior service credited under this subsection is included therein.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

NEW SECTION. Sec. 16. Section 1, chapter 223, Laws of 1961 and RCW 41.40.128 are each repealed.

NEW SECTION. Sec. 17. If any provision of this 1971 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. 18. This 1971 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 May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 272

[Engrossed Substitute Senate Bill No. 542]

CREATION OF JOINT SEWER DISTRICTS AUTHORIZED

AN ACT Relating to sewer and water districts; providing that sewer districts may include within their boundaries parts of more than one county; amending section 1, chapter 210, Laws of 1941 as last amended by section 1, chapter 140, Laws of 1945 and RCW 56.04.020; amending section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 103, Laws of 1959 and RCW 56.08.020; amending section 44, chapter 210, Laws of 1941 as amended by section 1, chapter 71, Laws of 1965, and RCW 56.08.070; amending section 19, chapter 210, Laws of 1941 as last amended by section 81, chapter 56, Laws of 1970 and RCW 56.16.060; amending section 23, chapter 210, Laws of 1941 as

amended by section 14, chapter 250, Laws of 1953 and RCW 56.16.100; amending section 24, chapter 210, Laws of 1941 as amended by section 15, chapter 250, Laws of 1953 and RCW 56.16.110; amending section 46, chapter 210, Laws of 1941 as amended by section 13, chapter 103, Laws of 1959 and RCW 56.16.140; amending section 26, chapter 210, Laws of 1941 and RCW 56.20.010; amending section 28, chapter 210, Laws of 1941 as amended by section 18, chapter 250, Laws of 1953 and RCW 56.20.030; amending section 33, chapter 210, Laws of 1941 as amended by section 1, chapter 126, Laws of 1969 and RCW 56.20.070; amending section 32, chapter 210, Laws of 1941 as last amended by section 125, chapter 81, Laws of 1971 and RCW 56.20.080; and creating new sections.

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

Section 1. Section 1, chapter 210, Laws of 1941 as last amended by section 1, chapter 140, Laws of 1945 and RCW 56.04.020 are each amended to read as follows:

Sewer districts for the acquirement, construction, maintenance, operation, development, reorganization, and regulation of a system of sewers, including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereto, are hereby authorized to be established or reorganized in the various counties of this state. Such districts may include within their boundaries portions or all of one or more counties, incorporated cities, or towns or other political subdivisions: PROVIDED, HOWEVER, No portion or all of any incorporated city or town may be included without the consent by resolution of the city or town legislative authority: PROVIDED, HOWEVER, That such reorganization of any existing sewer district shall not affect the outstanding bonds, warrants or other indebtedness incurred by such district prior to its reorganization.

Sec. 2. Section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 103, Laws of 1959 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the

district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof. The comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the county commissioners of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health.

If the district includes portions or all of one or more cities or towns or counties, the comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns and counties before becoming effective. This section and RCW 56.08.030, 56.08.040, 56.08.050, 56.16.010, and 56.16.020 shall not apply to reorganized districts, except as specifically referred to in this section.

Sec. 3. Section 44, chapter 210, Laws of 1941 as amended by section 1, chapter 71, Laws of 1965 and RCW 56.08.070 are each amended to read as follows:

All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract. Before awarding any such contract the board of sewer commissioners shall cause to be published in some newspaper in general circulation (~~throughout the county~~) where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein. Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid

proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district.

Sec. 4. Section 19, chapter 210, Laws of 1941 as last amended by section 81, chapter 56, Laws of 1970 and RCW 56.16.060 are each amended to read as follows:

When sewer revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, ~~((as))~~ or of the county in which fifty-one percent or more of the area of the district is located such place or places to be determined by the board of commissioners of the district; shall bear interest at such rate or rates as authorized by the board of sewer commissioners payable semiannually and evidenced to maturity by coupons attached to said bonds; shall be executed by the president of the board of commissioners and attested by the secretary thereof and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures.

Sec. 5. Section 23, chapter 210, Laws of 1941, as amended by section 14, chapter 250, Laws of 1953 and RCW 56.16.100 are each amended to read as follows:

The commissioners shall enforce collection of the sewer connection charges and sewerage disposal service charges against

property owners receiving the service, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either sewer connection charges or sewer service charges are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the ~~((district is situate))~~ real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year, shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

Sec. 6. Section 24, chapter 210, Laws of 1941 as amended by section 15, chapter 250, Laws of 1953 and RCW 56.16.110 are each amended to read as follows:

The district may, at any time after the connection or service charges and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the ~~((district))~~ the real property is situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it may adjudge reasonable. The action shall be in rem, and may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

Sec. 7. Section 46, chapter 210, Laws of 1941 as amended by section 13, chapter 103, Laws of 1959, and RCW 56.16.140 are each amended to read as follows:

The county treasurer of the county in which the district is located or the county in which fifty-one percent or more of the area of the district is located shall create and maintain a separate fund designated as the maintenance fund or general fund of the sewer district into which shall be paid all money received by him from the collection of taxes levied by such district other than taxes levied for the payment of general obligation bonds thereof, and into which shall be paid all revenues of the district other than assessments levied in utility local improvement districts, and no moneys shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district. The county treasurer of each county in which the district or a portion thereof is located shall also maintain such other special funds as may be prescribed by the sewer district, into which shall be placed such moneys as the board of sewer commissioners may by its resolution direct, and from which disbursements shall be made upon

proper warrants of the county auditor issued against the same by authority of the board of sewer commissioners.

Sec. 8. Section 26, chapter 210, Laws of 1941 and RCW 56.20.010 are each amended to read as follows:

Any sewer district shall have the power to establish utility local improvement districts within its territory as hereinafter provided, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such sewer district. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this title. The duties developing upon the city treasurer under said laws are imposed upon the county treasurer of each county in which the real property is located for the purposes of this title. The mode of assessment shall be in the manner to be determined by the sewer commissioners by resolution. It must be specified in any petition for the establishment of a utility local improvement district and in the comprehensive scheme or plan or amendment thereto previously duly ratified at an election, that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any comprehensive scheme or plan payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund.

Sec. 9. Section 28, chapter 210, Laws of 1941 as amended by section 18, chapter 250, Laws of 1953 and RCW 56.20.030 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new

resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer of each county in which the real property is to be assessed its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 10. Section 33, chapter 210, Laws of 1941 as amended by section 1, chapter 126, Laws of 1969 and RCW 56.20.070 are each amended to read as follows;

Whenever any assessment roll for local improvements shall have been confirmed by the sewer commission of such sewer district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the sewer commission upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this title, and not appealing from the action of the sewer commission in confirming such assessment roll in the manner and within the time in this title provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor.

This section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

(1) That the property about to be sold does not appear upon the assessment roll, or

(2) That said assessment has been paid.

This section also shall not prohibit the correction of clerical errors and errors in the computation of assessments in assessment rolls by the following procedure:

(1) The board of sewer commissioners may file a petition with the superior court of the county wherein the ~~((district))~~ real property is located, asking that the court enter an order correcting such errors and directing that the county treasurer pay a portion or all of the incorrect assessment by the transfer of funds from the district's maintenance fund, if such relief be necessary.

(2) Upon the filing of the petition, the court shall set a date for hearing and upon the hearing may enter an order as provided in subsection (1) of this paragraph: PROVIDED, That neither the correcting order or the corrected assessment roll shall result in an increased assessment to the property owner.

Sec. 11. Section 32, chapter 210, Laws of 1941 as last amended by section 125, chapter 81, Laws of 1971 and RCW 56.20.08C are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which ~~((such sewer district))~~ the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in

civil actions. At the time of filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

NEW SECTION. Sec. 12. (1) Jurisdiction of any general election or special election held on the same date as a general election in a joint sewer district shall rest with the county auditor of each of the counties in which the joint sewer district is located.

Election returns of such elections shall be canvassed by the canvassing board of each county and the official results certified to the county auditor of the county in which fifty-one percent or more of the area of the joint sewer district is located. Such county auditor shall then combine the official results from each county in which the joint sewer district is located into a single official result.

(2) Jurisdiction of any special election held on a different date than a general election in a joint sewer district shall rest with the county auditor of the county in which fifty-one percent or more of the area of the joint sewer district is located. Election returns of such elections shall be canvassed by the canvassing board of such county and certified to the county auditor of such county as required by law.

(3) Elections referred to in subsections (1) and (2) of this section shall be conducted as provided by such subsections and by the general election laws not inconsistent therewith.

(4) Candidates for the office of sewer commissioner in a joint sewer district shall file declarations of candidacy with the county auditor of the county in which fifty-one percent or more of the area of the joint sewer district is located and their election shall be conducted as provided by this section and by the general election laws not inconsistent herewith. The candidate receiving the greatest number of votes for each sewer commissioner position shall be declared elected.

For the purposes of this section, "joint sewer district" means any sewer district composed of territory lying in more than one county.

NEW SECTION. Sec. 13. Whenever a city or town located wholly or in part within a water district shall enter into a contract with the commissioners of a water district providing that the city or town shall take over all of the operation of the facilities of the district located within its boundaries, such area of said water district located within said city or town shall upon the execution of said contract cease to be a part of said water district and the inhabitants therein shall no longer be permitted to vote in said water district. The land, however, within such city or town shall remain liable for the payment of all assessments, any lien upon said property at the time of the execution of said agreement and for any lien of all general obligation bonds due at the date of said contract, and the city shall remain liable for its fair prorated share of the debt of the area for any revenue bonds outstanding as of said date of contract.

Passed the Senate May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 273

[Engrossed Senate Bill No. 594]

INSTITUTIONS OF HIGHER EDUCATION--

STUDENT RESIDENCY REQUIREMENTS

AN ACT Relating to institutions of higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.15.010, chapter 223, Laws of 1969 and RCW 28B.15.010; 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.15 RCW a new section to read as follows:

It is the intent of the legislature that the state institutions of higher education shall apply uniform rules as prescribed in sections 2, 3 and 4 of this 1971 amendatory act, and not otherwise, in determining whether students shall be classified as resident students or nonresident students for all tuition and fee purposes.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section 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 the time of commencement of the semester or quarter for which he has registered at any institution and has established an intention to become a bona fide domiciliary of 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 sections 1 through 4 of this 1971 amendatory act.

(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.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section 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) 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) 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) of this section.

(c) 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.

(d) 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.

(e) Mere 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) 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 be prima facie evidence of the establishment of a Washington domicile.

(d) Registration to vote for state officials in Washington shall be prima facie evidence of 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 shall take effect at the time of the student's next registration following the determination of the change by institution authority.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Regardless of age or domicile, the following shall be entitled to classification as resident students:

(1) Any person who is employed not less than twenty hours per week at an institution, and the children and spouses of such persons.

(2) Military personnel and federal employees residing or stationed in the state of Washington, and the children and spouses of such military personnel and federal employees.

(3) All veterans, as defined in RCW 41.04.005, whose final permanent duty station was in the state of Washington so long as such veteran is receiving federal vocational or educational benefits conferred by virtue of his military service.

NEW SECTION. Sec. 5. Section 28B.15.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.010 are each hereby repealed.

NEW SECTION. Sec. 6. If any provision of this 1971 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. 7. This 1971 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 May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 274

[Senate Bill No. 472]

INDUSTRIAL INSURANCE--

PREMIUMS OF BUILDING INDUSTRY EMPLOYERS

AN ACT Relating to premiums of employers for the building and construction industry pertaining to the industrial insurance system; and amending section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050.

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

Section 1. Section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050 are each amended to read as follows:

The premiums of employers of the building industry, which shall include all field activities in connection with the erection, alteration, repairing, or demolishing of any building or buildings or parts thereof or appurtenance thereto, adapted to residential, business, governmental, educational, or manufacturing uses, shall be computed on a base rate only ((and no merit rating credits or penalties shall be given or imposed on such employers)) but appropriate annual dividends shall be returned to such employers based upon a protective premium formula promulgated by the director which encourages accident prevention incentives: PROVIDED, That the total base rate premium shall not exceed one hundred twenty per centum of a rate necessary to assure that premiums assessed against such employers will be neither excessive nor inadequate for payment of all claims incurred by such employers.

Passed the Senate May 4, 1971.

Passed the House May 3, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 275

[Engrossed Substitute House Bill No. 151]

BUDGET AND APPROPRIATIONS

AN ACT Relating to expenditures by state agencies for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973; designating effective dates for certain appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. That a budget is hereby adopted and subject to the provisions set forth in the following sections the several amounts specified 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 agencies and officers 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: PROVIDED, That no moneys appropriated to agencies or departments of the state may be used or spent for any sabbatical leaves for any employee of the state or any subdivisions receiving state appropriations, except, that sabbatical leaves may be granted if the expenditures for sabbatical leaves including replacement costs and the percentage of salary awarded the recipients shall not exceed the annual contracted salary of said recipients while in residence in any one institution

or agency and commencing in 1972-73, not more than one percent of the number of full time equivalent faculty included in the instruction and departmental research program at the four-year institutions of higher education, not more than one percent of total FTE professional staff in community colleges, and not more than one percent of total FTE certificated staff in K-12 school districts, shall be entitled to sabbatical or professional leave during an academic year period and further, all institutions of higher education shall be subject to sabbatical leave guidelines as adopted by the Council on Higher Education and as reviewed by the Legislative Budget Committee.

NEW SECTION. Sec. 2. FOR THE STATE LEGISLATURE

General Fund Appropriation

Senate Expenses and salaries of members.....	\$	3,046,530
House of Representatives Expenses and		
salaries of members.....	\$	4,105,675
Legislative Council.....	\$	400,000
Legislative Budget Committee.....	\$	434,807
Joint Committee on Education.....	\$	255,029
Joint Committee on Higher Education.....	\$	153,356
Joint Committee on Nuclear Energy.....	\$	12,650

Motor Vehicle Fund Appropriation

Joint Committee on Highways.....	\$	128,050
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NEW SECTION. Sec. 3. FOR THE PUBLIC PENSION COMMISSION

General Fund Appropriation.....	\$	93,350
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NEW SECTION. Sec. 4. FOR THE PERMANENT STATUTE

LAW COMMITTEE

General Fund Appropriation.....	\$	2,014,331
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NEW SECTION. Sec. 5. FOR THE SUPREME COURT

General Fund Appropriation: PROVIDED, That funds appropriated for the Supreme Court may be used for authorized expenses incurred in perfecting appellate review

of indigent cases but not to exceed		
\$324,686.....	\$	1,818,715
<u>NEW SECTION.</u> Sec. 6. FOR THE LAW LIBRARY		
General Fund Appropriation.....	\$	551,123
<u>NEW SECTION.</u> Sec. 7. FOR THE COURT OF APPEALS		
General Fund Appropriation.....	\$	1,803,311
<u>NEW SECTION.</u> Sec. 8. FOR THE COURT ADMINISTRATOR		
General Fund Appropriation.....	\$	258,762
General Fund Appropriation for Superior Court Judges...	\$	2,115,918
General Fund Appropriation		
Judges' Retirement Fund Contributions.....	\$	328,575
Additional Judges' Retirement Fund		
Contributions in accordance with RCW 2.12.060...	\$	144,445
<u>NEW SECTION.</u> Sec. 9. FOR THE JUDICIAL COUNCIL		
General Fund Appropriation.....	\$	93,164
<u>NEW SECTION.</u> Sec. 10. FOR THE OFFICE OF THE GOVERNOR		
General Fund Appropriation		
Executive Operations.....	\$	752,369
Investigation and Emergency Purposes--To be distributed on vouchers approved by the governor.....	\$	20,000
Extradition Expenses to carry out the provisions of RCW 10.34.030 providing for the return of fugitives when approved by the Governor (including prior claims).....	\$	50,000
Mansion Maintenance.....	\$	52,000
<u>NEW SECTION.</u> Sec. 11. FOR THE LIEUTENANT GOVERNOR		
General Fund Appropriation.....	\$	60,385
<u>NEW SECTION.</u> Sec. 12. FOR THE SECRETARY OF STATE		
General Fund Appropriation:		
PROVIDED, That expenditures should only be used for the purpose of carrying out his statutory or constitutional duties: PROVIDED, That \$360,038 shall be available only for initiative and referendum, voters' and candidates' pamphlet, and related legal and other advertising purposes.....	\$	1,340,878
<u>NEW SECTION.</u> Sec. 13. FOR THE STATE TREASURER		
General Fund Appropriation.....	\$	755,543
General Fund-Investment Reserve Account		
Appropriation.....	\$	620,111
Motor Vehicle Fund Appropriation.....	\$	12,476
<u>NEW SECTION.</u> Sec. 14. FOR THE STATE AUDITOR		
General Fund Appropriation		
For Operations.....	\$	2,054,949
Payment of supplies and services		

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furnished in previous biennia.....	\$	250,000
Criminal cost bills.....	\$	30,000
Motor Vehicle Fund Appropriation.....	\$	101,746
<u>NEW SECTION.</u> Sec. 15. FOR THE ATTORNEY GENERAL		
General Fund Appropriation.....	\$	1,201,934
General Legal Services Revolving Fund Appropriation....	\$	5,912,936
General Fund--Appropriation for Washington		
Organized Crime Intelligence System.....		-0-

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PROVIDED, That of the funds appropriated by this section, the sum of \$213,429 shall not be expended but shall revert instead to the treasury out of either the general fund appropriation or the legal services revolving fund appropriation, or any combination thereof at the discretion

of the attorney general: PROVIDED, FURTHER, That in no event shall the billings for legal services made to agencies, departments and institutions of higher learning during 1971-73 exceed a total of \$5,912,936.

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<u>NEW SECTION.</u> Sec. 16. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT		
General Fund Appropriation.....	\$	3,613,291
Motor Vehicle Excise Fund Appropriation.....	\$	136,585

<u>NEW SECTION.</u> Sec. 17. FOR THE DEPARTMENT OF PERSONNEL		
Personnel Service Revolving Fund Appropriation:		
PROVIDED, That \$15,000 shall be available for administration and for payment of Employees'		
Suggestion Awards.....	\$	3,214,137

<u>NEW SECTION.</u> Sec. 18. FOR THE CAPITOL COMMITTEE		
General Fund--Capital Building Construction		
Account Appropriation.....	\$	20,000
Motor Vehicle Fund Appropriation.....	\$	10,000

<u>NEW SECTION.</u> Sec. 19. FOR THE FINANCE COMMITTEE		
General Fund--Investment Reserve Account		
Appropriation.....	\$	352,770
General Fund--Water Pollution Control		
Facilities Account Appropriation.....	\$	22,700
General Fund--State Building and Higher		
Education Construction Account Appropriation.....	\$	40,200
General Fund--Outdoor Recreation Account		
Appropriation.....	\$	27,450
Motor Vehicle Fund Appropriation.....	\$	103,725
Motor Vehicle Fund--Urban Arterial		

Trust Account Appropriation.....	\$	79,975
<u>NEW SECTION.</u> Sec. 20. FOR THE DEPARTMENT OF REVENUE		
General Fund Appropriation: PROVIDED, That funds received as reimbursements pursuant to Chapter 84.41 RCW are hereby appropriated to the Department of Revenue in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1973 may be allotted in advance of receipts.....	\$	13,218,788
<u>NEW SECTION.</u> Sec. 21. FOR THE TAX APPEALS BOARD		
V General Fund Appropriation: PROVIDED, that the operation of the board is to be considered full time, except that no salary will be paid to board members except each member will receive \$75 per day while sitting as the appeals board.....	\$	385,208
<u>NEW SECTION.</u> Sec. 22. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION		
V General Fund Appropriation: PROVIDED, That \$707,000 shall be allocated to the Division of Banking.....	\$	3,912,053
Department of General Administration Facilities and Services Revolving Fund Appropriation.....	\$	4,302,979
<u>NEW SECTION.</u> Sec. 23. FOR THE INSURANCE COMMISSIONER		
General Fund Appropriation: PROVIDED, That \$722,654 shall be available solely for the support of the Fire Safety and Regulation Program.....	\$	2,767,204
<u>NEW SECTION.</u> Sec. 24. FOR THE STATE TREASURER-		
BOND RETIREMENT AND INTEREST		
Highway Bond Retirement Fund Appropriation.....	\$	57,903,394
Public School Building Bond Redemption Fund 1955 (1965 Refunded) Appropriation.....	\$	30,525
Public School Building Bond Redemption Fund 1957 Appropriation.....	\$	9,176,200
Public School Building Bond Redemption Fund 1959 Appropriation.....	\$	4,727,900
Public School Building Bond Redemption Fund 1961 Appropriation.....	\$	7,136,495
Public School Building Bond Redemption Fund 1963 Appropriation.....	\$	8,607,673
Public School Building Bond Redemption Fund 1965 Appropriation.....	\$	2,397,812
Common School Building Bond Redemption Fund Appropriation.....	\$	5,825,445
University of Washington Bond Retirement		

Fund Appropriation.....	\$	3,550,303
Washington State University Bond Retirement		
Fund Appropriation.....	\$	2,018,335
Central Washington State College Bond		
Retirement Fund Appropriation.....	\$	484,508
Eastern Washington State College Bond		
Retirement Fund Appropriation.....	\$	548,553
Western Washington State College Bond		
Retirement Fund Appropriation.....	\$	1,121,360
Institutional Building Bond Redemption		
Fund 1957 Appropriation.....	\$	3,450,180
State Building Construction Bond Redemption		
Fund Appropriation.....	\$	8,414,555
State Building and Higher Education Construction		
Bond Redemption Fund 1965 Appropriation.....	\$	8,314,838
State Building and Higher Education Bond		
Redemption Fund 1967 Appropriation.....	\$	6,982,405
Juvenile Correctional Institutional Building		
Bond Redemption Fund Appropriation.....	\$	603,585
General Administration Bond		
Retirement Fund Appropriation.....	\$	729,336
State Building and Parking Bond		
Redemption Fund Appropriation.....	\$	2,261,380
State Building Construction Bond		
Redemption Fund 1967 Appropriation.....	\$	603,110
War Veterans' Compensation Bond		
Retirement Fund Appropriation.....	\$	3,149,180
World Fair Bond Redemption Fund Appropriation.....	\$	1,631,625
Outdoor Recreational Bond Redemption		
Fund 1963 Appropriation.....	\$	912,507
Water Pollution Control Bond Redemption		
Fund Appropriation.....	\$	2,025,000
Community College Bond Retirement Fund Appropriation...	\$	8,746,045
Outdoor Recreational Bond Redemption		
Fund 1967 Appropriation.....	\$	1,915,000
<u>NEW SECTION.</u> Sec. 25. FOR THE STATE TREASURER-		
STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance		
premiums tax distribution.....	\$	1,110,150
General Fund Appropriation for public utility		
district excise tax distribution.....	\$	9,787,200
General Fund Appropriation for assistance to		
those counties which receive approval by the		
Department of Revenue of a plan for		
reevaluation of all real property within the		

county: PROVIDED, That each county to receive funds must submit a plan for review by the Department of Revenue. This plan must demonstrate how the county intends to revalue all real property within the county. The Department of Revenue will, after approving such plan or plans and the amount to be allocated, certify to the State Treasurer that the county is eligible for grant assistance in carrying out the revaluation plan. The Department of Revenue will also be responsible for certifying the amounts to be disbursed by the State Treasurer on a quarterly basis and that the county is engaged in carrying out the plan and is eligible for grant assistance. The plan may provide for direct contracts between the Department of Revenue and appraisal firms, in which case necessary disbursements may be made directly to the appraisal firms, pursuant to such contracts: PROVIDED FURTHER, That this appropriation for the 1971-73 biennium shall be on the basis of paying 100% of the costs incurred during the first half of each county's approved revaluation program, as determined by the Department of Revenue on either a time basis or a cost basis, whichever is more practicable with respect to the particular county involved, and two-thirds of the costs incurred during the second

half of such program.....	\$	4,661,245
General Fund--Harbor Improvement Account Appropriation		
for harbor improvement revenue distribution.....	\$	99,118
Liquor Excise Tax Fund Appropriation for		
liquor excise tax distribution.....	\$	16,400,000
Motor Vehicle Excise Fund Appropriation for		
motor vehicle excise tax distribution.....	\$	18,140,862
Motor Vehicle Fund Appropriation for motor vehicle		
fuel tax and overload penalties distribution.....	\$	110,417,254
State School Equalization Fund Appropriation for		
Mass Transit Assistance Distribution.....	\$	6,935,900
Liquor Board Revolving Fund Appropriation		
for liquor profits distribution.....	\$	31,574,808

NEW SECTION. Sec. 26. FOR THE STATE TREASURER-
FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for		
forest reserve fund distribution.....	\$	29,069,506
General Fund Appropriation for		
federal flood control funds distribution.....	\$	25,475
General Fund Appropriation for		
federal grazing fees distribution.....	\$	14,204
<u>NEW SECTION.</u> Sec. 27. 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.....	\$	200,000
<u>NEW SECTION.</u> Sec. 28. FOR THE STATE EMPLOYEES'		
INSURANCE BOARD		
State Employees' Insurance Fund Appropriation.....	\$	29,680
<u>NEW SECTION.</u> Sec. 29. FOR THE WASHINGTON PUBLIC		
EMPLOYEES' RETIREMENT SYSTEM		
Retirement System Expense Fund Appropriation:		
PROVIDED, That \$130,480 shall be available only		
for fees paid retained investment counsel.....	\$	1,435,469
Washington Law Enforcement Officers' and Fire		
Fighters' Retirement System Fund for administration:		
PROVIDED, That \$9,000 shall be available only		
for fees paid retained investment counsel.....	\$	57,000
<u>NEW SECTION.</u> Sec. 30. FOR THE WASHINGTON LAW		
ENFORCEMENT OFFICERS' AND PIPE FIGHTERS' RETIREMENT SYSTEM		
General Fund Appropriation for payment of benefits.....	\$	1,242,543
<u>NEW SECTION.</u> Sec. 31. FOR THE MUNICIPAL RESEARCH		
COUNCIL		
Motor Vehicle Excise Fund Appropriation.....	\$	460,000
<u>NEW SECTION.</u> Sec. 32. FOR THE UNIFORM LEGISLATION		
COMMISSION		
General Fund Appropriation.....	\$	7,830
<u>NEW SECTION.</u> Sec. 33. FOR THE PRESIDENTIAL		
ELECTORS		
General Fund Appropriation.....	\$	325
<u>NEW SECTION.</u> Sec. 34. FOR THE ACCOUNTANCY BOARD		
General Fund Appropriation.....	\$	187,300

NEW SECTION. Sec. 35. FOR THE ATHLETIC COMMISSION
 General Fund Appropriation..... \$ 26,391

V NEW SECTION. Sec. 36. FOR THE CEMETERY BOARD
General Fund for Cemetery Account Appropriation:
 PROVIDED, That \$17,000 shall be available solely for legal services provided by the Attorney General..... \$ 40,247

NEW SECTION. Sec. 37. FOR THE HORSE RACING COMMISSION
 Racing Commission Fund Appropriation: PROVIDED, That if there are more than 364 racing days during the 1971-73 biennium, the Governor is hereby authorized to allocate such additional funds as may be required..... \$ 1,027,362

NEW SECTION. Sec. 38. FOR THE LIQUOR CONTROL BOARD
 Liquor Board Revolving Fund Appropriation..... \$ 25,206,532

NEW SECTION. Sec. 39. FOR THE PHARMACY BOARD
 General Fund Appropriation: PROVIDED, That if chapter ..., Laws of 1971 (House Bill 411 or ESSSB 146) be adopted by the Legislature this amount shall be increased to appropriate the additional income generated for the activities of the board..... \$ 204,201

NEW SECTION. Sec. 40. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
 Public Service Revolving Fund Appropriation..... \$ 5,225,629

NEW SECTION. Sec. 41. FOR THE BOARD FOR VOLUNTEER FIREMEN
 Volunteer Firemen's Relief and Pension Fund
 Appropriation..... \$ 46,574

NEW SECTION. Sec. 42. FOR THE LAW ENFORCEMENT OFFICERS' TRAINING COMMISSION
 General Fund Appropriation..... \$ 163,391

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF CIVIL DEFENSE
 General Fund Appropriation..... \$ 887,718

NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT
 General Fund Appropriation..... \$ 2,097,108
 Armory Fund Appropriation..... \$ 978,201

NEW SECTION. Sec. 45. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--OFFICE OF THE SECRETARY
 General Fund Appropriation..... \$ 940,222
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 VETERANS' SERVICES

General Fund Appropriation..... \$ 782,000

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DIVISION OF HEALTH

General Fund Appropriation: PROVIDED, That the Secretary of the Department of Social and Health Services is authorized to allocate up to \$300,000 from state sources for support of local Kidney Centers: PROVIDED, That not more than \$852,840 shall be provided for support of county tuberculosis programs during this biennium: PROVIDED FURTHER, That notwithstanding the provisions of RCW 66.08.180, that during the 1971-73 biennium the allocations to the University of Washington and Washington State University shall be reduced by \$300,000 and \$200,000 respectively and these additional funds transferred to the general fund for use by the Division of Health, Department of Social and Health Services, to carry out the purposes of RCW 70.96.040 as now or hereafter amended..... \$ 22,550,959

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DIVISION OF INSTITUTIONS

General Fund Appropriation: PROVIDED, That inter-program transfers may be made among the amounts listed below to the extent that the workload of any such program exceeds or is less than the estimates contained within the budget..... \$ 170,298,664

Headquarters: PROVIDED, That not more than \$250,000 of this appropriation shall be used for maintenance and utilities expense for Olympic Center during the 1971-73 biennium..... \$ 5,502,752

Juvenile Rehabilitation:

PROVIDED, That it is the intent that the facilities at Port Worden shall continue to serve its residents to June 30, 1973..... \$ 29,729,049

Adult Corrections..... \$ 31,783,885

Mental Health: PROVIDED, That \$9,799,304 shall be utilized to continue operation of Northern State Hospital: PROVIDED, That the

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Department of Social and Health Services shall study alternate uses of Northern State Hospital and submit its findings, conclusions and recommendations to the Forty-third

Legislature..... \$ 48,343,198

Developmental Disabilities: PROVIDED, That \$50,000 be added to the budget for Rainer School to provide 10 additional "guest-admission" beds..... \$ 50,028,458
Veterans' Homes..... \$ 4,911,322

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF PUBLIC ASSISTANCE

General Fund Appropriation..... \$ 717,044,526

The Department of Social and Health Services is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance, to adjust assistance payments if necessary, and to effect all economies possible in the administration of such programs during the 1971-73 biennium: PROVIDED, That of the total amount appropriated herein \$368,834,568 shall be the state share, and \$348,209,958 shall be the federal share: PROVIDED, That not more than \$96,000,000 shall be expended for administration during the 1971-73 biennium, of which \$651,596 shall be employed exclusively for the purpose of funding 20 additional quality control reviewers and supporting costs: PROVIDED, That the Department of Social and Health Services shall make not more than \$1,082,200 available to the University of Washington for the payment of physicians services and fees at King County Hospital: PROVIDED, That of this appropriation \$3,235,881 of which \$1,620,713 shall be in state funds shall be used exclusively for the purpose of increasing payment rates to Class I Nursing Homes at \$11.12 and Class II Nursing Homes at \$8.69 and Intermediate Care Facilities at \$6.58 for the 1971-73 biennium: PROVIDED, That the Department of Social and Health Services shall under no circumstances

fail to pay said payment rates without the prior approval of the Legislative Budget Committee: PROVIDED, That responsibility for fraud investigation and referral shall be centralized in a single administrative unit

which shall be directly responsible to an Assistant Secretary of the Department of Social and Health Services: PROVIDED, That

the Department shall investigate the practices employed by the State of Oregon for possible use in Washington: PROVIDED, That up to \$1,300,916 shall be available for indigent burials limited to the cost of a standard cremation and \$250,000 of the total public assistance appropriation shall be employed to assist in funding the costs of indigent burials where there are religious objections to cremation: PROVIDED, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan, which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: PROVIDED, That the Division of Public Assistance in conjunction with the Office of Program Planning and Fiscal Management and in cooperation with the Department of Highways, the Planning and Community Affairs Agency, the Department of Commerce and Economic Development and such other state agencies as it is deemed necessary develop and present to the legislature prior to January 1, 1972 a detailed master plan including methods of implementing and financing the plan which will provide employment for at least 1,000 public assistance recipients in community-based work training programs: PROVIDED, That \$2,836,778

in state funds shall be utilized solely for the purpose of financing the revised medical

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plan for medical only recipients if the United States Department of Health, Education, and Welfare does not waive its rules and regulations relative to this plan: PROVIDED, That of this appropriation \$14,058,000 shall be utilized exclusively for the purposes of supplementing the money grant to recipients whose special circumstances create hardships due to the imposition of the simplification procedures or the flexible maximum and the division shall determine at the state level when individual cases warrant exceptions and adjustments in the calculation of their money grants and particular attention shall be given to those recipients in the old age assistance, aid-to-families with dependent children-regular and general continuing assistance categories; except that if federal law prohibits the granting of such exceptions, the funds may be employed to partially update grants with emphasis upon those recipients in the old age assistance, aid to families with dependent children-regular, and general continuing assistance categories or as necessary to meet the costs of case loads which exceed current estimates: PROVIDED,

That notwithstanding the provisions of section 97 of this act federal matching funds received in the month of July, 1971, may be credited to the 1969-1971 biennium to the extent necessary to fund expenditures for the 1969-1971 biennium: PROVIDED, That the Dental Profession, through its nonprofit corporation of participating dentists, continue to serve as the fiscal intermediary of the dental program at a maximum administration fee of 4.22% of moneys expended (2.32% of moneys expended to be available from moneys appropriated for dental care) with services to be performed detailed in contract form for the biennium commencing July 1, 1971, and ending June 30, 1973: PROVIDED FURTHER, That during the biennium a comparative study, by a mutually agreed, outside agency, be made of the total true costs that would be experienced

if the department furnished the same services presently performed by the fiscal intermediary expressed as a percentage of moneys expended. The study to be financed equally by the dental fiscal intermediary and the department, and a report of the study to be made to the 1973 Legislature: PROVIDED, That it is the intent of the Legislature that the Department of Social and Health Services continue to communicate with the Pharmacists' Welfare Advisory Council, particularly in the desire to increase the use of generic and other less expensive drugs in the formulary and in the area of peer review and utilization, in order to cut down any abuses and overprescribing in the drug program and thus achieve saving: PROVIDED FURTHER, That the Department of Social and Health Services shall not implement a bid program to contract for nursing home drugs in any locality where it is agreed in writing between local suppliers and the department within 30 days after preliminary departmental approval of a bid program that such local suppliers will supply all drugs included in the bid program at equal or lower prices: PROVIDED FURTHER, That any bid program shall be viewed as a pilot program for one biennium in one county only, to determine the costs of same and to determine what if any savings can be made: PROVIDED, That if any part of this act shall be found to be in conflict with Federal requirements which are a prescribed condition to the allocation of Federal funds to the State, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet Federal requirements which are a necessary condition to the receipt of Federal funds by the State:

PROVIDED, That of this amount \$500,000 or so much thereof as shall be necessary shall be utilized to establish demonstration projects

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providing twenty-four hour day care services: PROVIDED, That the Secretary of the Division of Public Assistance shall select for a two year term three (3) public assistance recipients to serve in an advisory capacity to the State Public Assistance Advisory Commission. The three people must be selected from a list of ten (10) names submitted by the Washington State Welfare Rights Organization, two (2) of whom will be from Western Washington and one (1) of whom must be from Eastern Washington: PROVIDED FURTHER, That said advisory commission group shall meet at least six (6) times per year, and the three (3) recipients selected shall receive actual expenses as provided for in RCW 43.03.050 and 43.03.060 for such meetings.

General Fund Appropriation: PROVIDED, That this appropriation shall be used exclusively for the purpose of designing and, within the time and funding limitation imposed by this appropriation, implementing additional automatic computer procedures related to determining and reviewing recipient eligibility so as to avoid those occurrences of error and system inefficiencies found to exist within the current manual system by Touche Ross and Company as reported to the Legislative Budget Committee in their December 1970 report: PROVIDED FURTHER, That the secretary of the Department of Social and Health Services shall delineate actions taken pursuant to this appropriation and results obtained in a report to the Legislative Budget Committee no later than January 31, 1972: PROVIDED FURTHER, That this appropriation shall be for the period up to

January 31, 1972..... \$ 150,000

General Fund Appropriation for urban, racial, and rural disadvantaged: 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 to maximize federal matching funds and in accordance with educational guidelines to be established by the Superintendent of Public Instruction and that not more than \$2,351,314 shall be from state funds: PROVIDED, That up to, but not to exceed \$350,000 may be utilized to fund the Supplementary Education and Cultural Enrichment Program where related to efforts of this urban, racial, and rural disadvantaged program:

PROVIDED FURTHER, That none of the funds appropriated herein shall be distributed for use in transporting any child whose parents or guardian have, in writing, informed the State Superintendent that they have an objection to having their child so transported.

..... \$ 9,405,314

General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1969-1971 appropriation or allotment for this purpose..... \$ 4,000,000

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
DIVISION OF VOCATIONAL REHABILITATION

General Fund Appropriation: PROVIDED, That not more than \$3,976,245 is from state sources: PROVIDED, That it is the intent of the Legislature that special attention be given to clients referred by the Division of Public Assistance and that payments for maintenance by the Division of Vocational Rehabilitation to these clients are specifically authorized: PROVIDED, That it is the intent of the Legislature that emphasis be given to a cooperative use of resources between the Division of Vocational Rehabilitation, the Division of Institutions, the Department of Labor and Industries and the Department of Employment Security: PROVIDED FURTHER, That not more than \$198,000 from state sources shall be available for services in connection with maintenance and operation of programs for artificial kidney centers and kidney transplants..... \$ 19,209,578

General Fund Appropriation for medical services

and supplies including adjustments of hospital costs not in excess of the unexpended balance of the 1969-71 appropriation or allotment for this purpose..... \$ 25,000

NEW SECTION. Sec. 46. FOR THE OFFICE OF ECONOMIC OPPORTUNITY

General Fund Appropriation: PROVIDED, That \$870,000 shall be available for support or supplementation of Head Start projects approved for Federal Funds..... \$ 3,391,753

NEW SECTION. Sec. 47. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation: PROVIDED, That the Legislative Budget Committee shall conduct a quarterly review of the priorities and funding levels being set by the State Committee on Law and Justice: PROVIDED, FURTHER, That \$100,000 shall be made available to municipal narcotics and drug divisions of law enforcement agencies of municipal governments..... \$ 25,085,260

NEW SECTION. Sec. 48. FOR THE BOARD AGAINST DISCRIMINATION

General Fund Appropriation..... \$ 830,923

NEW SECTION. Sec. 49. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation..... \$ 978,723
Medical Aid Fund Appropriation..... \$ 978,723

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation..... \$ 2,149,257

General Fund--Electrical License Account Appropriation..... \$ 1,988,936

General Fund--Industrial Relations Account Appropriation..... \$ 191,341

Accident Fund Appropriation..... \$ 11,215,499
Medical Aid Fund Appropriation..... \$ 13,748,479

NEW SECTION. Sec. 51. FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation..... \$ 633,488

NEW SECTION. Sec. 52. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation..... \$ 9,584,612

Unemployment Compensation Administration Fund Appropriation..... \$ 34,588,744

Administrative Contingency Fund Appropriation..... \$ 200,000

NEW SECTION. Sec. 53. FOR THE OCEANOGRAPHIC COMMISSION OF WASHINGTON
 General Fund Appropriation..... \$ 106,088

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF ECOLOGY
 General Fund Appropriation..... \$ 10,470,025

General Fund--Reclamation Revolving Account
 Appropriation: PROVIDED, That \$200,000 shall be used to carry out the purposes of the Water Resources Act of 1971, Chapter ... (EHB 394), Laws of 1971, 1st ex. sess..... \$ 520,156
 Basic Data Fund Appropriation..... \$ 160,714
 General Fund--Water Pollution Control Facilities
 Account Appropriation..... \$ 5,581,969

NEW SECTION. Sec. 55. FOR THE POLLUTION CONTROL HEARINGS BOARD
 General Fund Appropriation..... \$ 137,370

NEW SECTION. Sec. 56. FOR THE THERMAL POWER PLANT SITE EVALUATION COUNCIL
 General Fund Appropriation..... \$ 103,167

NEW SECTION. Sec. 57. FOR THE PARKS AND RECREATION COMMISSION
 General Fund Appropriation: PROVIDED, That \$47,000 shall be used to re-open and operate Chief Kamiakum (\$35,000) and Pend Oreille (\$12,000) state parks..... \$ 10,721,646

Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within the state parks..... \$ 862,335

NEW SECTION. Sec. 58. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 General Fund--Outdoor Recreation Account Appropriation: PROVIDED, That not to exceed \$558,108 will be used for administrative expenses: PROVIDED, That funds herein appropriated may be used for the improvement or construction of swimming pools..... \$ 16,373,642

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
 General Fund Appropriation: PROVIDED, That the department of commerce and economic development shall provide necessary administrative assistance to the oceanographic commission and the thermal power plant site evaluation council: PROVIDED FURTHER, That

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the following sums shall be allocated for operation of tourist information centers during the 1971-73 biennium in Blaine (\$6,250), Oroville (\$6,250), Spokane (\$6,250), Clarkston (\$6,250) and Megler (\$6,250), during the months of June, July, August, and in September through Labor Day; the sum of \$25,000 shall be allocated for the continued operation of the Vancouver Tourist Information Center during the entire biennium.

..... \$ 2,152,975
 Motor Vehicle Fund Appropriation--For
 Tourist Promotion..... \$ 285,525

NEW SECTION. Sec. 60. FOR THE DEPARTMENT

OF FISHERIES

General Fund Appropriations:

- (1) General operations: PROVIDED, That priority in available funding shall be given to maintaining and increasing hatchery program fish production..... \$ 9,320,696
- (2) Patrol and Law Enforcement..... \$ 1,261,047
- (3) Stream Improvement..... \$ 925,958
- (4) Fisheries Advisory Committee..... \$ 4,000

General Fund--Lewis River Hatchery

Account Appropriation..... \$ 26,640

NEW SECTION. Sec. 61. FOR THE DEPARTMENT

OF GAME

Game Fund Appropriation..... \$ 17,417,164

NEW SECTION. Sec. 62. FOR THE DEPARTMENT

OF NATURAL RESOURCES

General Fund Appropriation..... \$ 8,819,860

General Fund Appropriation--Emergency Fire Suppression costs: PROVIDED, That the funds hereby appropriated shall be allocated and transferred to the Contingency Forest Fire Suppression account appropriation only as actually needed for purposes of paying emergency forest fire suppression costs..... \$ 575,000

General Fund--Contingency Forest Fire

Suppression Account Appropriation..... \$ 1,000,000

General Fund--Forest Development

Account Appropriation..... \$ 2,616,188

General Fund--Resource Management Cost

Account Appropriation..... \$ 15,126,517

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF

AGRICULTURE

General Fund Appropriation.....	\$	4,482,222
General Fund Appropriation--for Predator Control.....	\$	25,000
General Fund--Expenses of implementing Chapter ..., Laws of 1971, 1st ex. sess. (SSB No. 446): PROVIDED, That not to exceed \$50,000 of this amount shall be allocated from General Fund-State resources.....	\$	100,000
General Fund--Commercial Feed Account Appropriation....	\$	175,391
General Fund--Commission Merchants Account Appropriation.....	\$	100,508
General Fund--Fgg Inspection Account Appropriation....	\$	258,123
General Fund--Feeds and Fertilizer Account Appropriation.....	\$	8,386
General Fund--Agricultural Mineral and Lime Account Appropriation.....	\$	179,980
General Fund--Nursery Inspection Account Appropriation.....	\$	130,828
General Fund--Seed Account Appropriation.....	\$	306,721
Grain and Hay Inspection Fund Appropriation.....	\$	2,701,010
<u>NEW SECTION.</u> Sec. 64. FOR THE AERONAUTICS COMMISSION		
General Fund--Aircraft Search and Rescue, Safety and Education Account Appropriation.....	\$	47,790
General Fund--Aeronautics Account Appropriation.....	\$	574,442
<u>NEW SECTION.</u> Sec. 65. FOR THE BOARD OF PILOTAGE COMMISSIONERS		
General Fund--Puget Sound Pilotage Account Appropriation.....	\$	7,832
<u>NEW SECTION.</u> Sec. 66. FOR THE WASHINGTON STATE PATROL		
Motor Vehicle Fund Appropriation.....	\$	35,876,830
General Fund Appropriation.....	\$	2,668,434
<u>NEW SECTION.</u> Sec. 67. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION		
Motor Vehicle Fund Appropriation.....	\$	5,700
<u>NEW SECTION.</u> Sec. 68. FOR THE TRAFFIC SAFETY COMMISSION		
Highway Safety Fund Appropriation.....	\$	2,536,095
<u>NEW SECTION.</u> Sec. 69. FOR THE DEPARTMENT OF MOTOR VEHICLES		
General Fund Appropriation.....	\$	2,901,729
General Fund Appropriation for State Board of Chiropractic Examiners and the Chiropractic Disciplinary Board...	\$	19,000
General Fund--Architect's License		

Account Appropriation.....	\$	94,439
General Fund--Commercial Automobile		
Driver Training Schools Account Appropriation.....	\$	3,052
General Fund--Optician's Account Appropriation.....	\$	3,210
General Fund--Optometry Account Appropriation.....	\$	17,121
General Fund--Professional		
Engineer's Account Appropriation.....	\$	197,552
General Fund--Real Estate		
Commission Account Appropriation.....	\$	1,122,564
General Fund--Sanitarians' Licensing		
Account Appropriation.....	\$	8,604
General Fund--Board of		
Psychological Examiners' Account Appropriation.....	\$	7,551
Highway Safety Fund Appropriation.....	\$	12,382,054
Motor Vehicle Fund Appropriation.....	\$	9,626,369

NEW SECTION. Sec. 70. FOR THE UNIVERSITY OF WASHINGTON

V General Fund Appropriation: PROVIDED, That not more than \$1,630,390 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: PROVIDED, That \$385,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs.

These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council for Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: PROVIDED FURTHER, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: PROVIDED, That of this amount \$60,000 or so much thereof as shall be necessary shall be employed exclusively for the purpose of maintaining the 1969-71 expenditure level for the Institute of Forest Products: PROVIDED, That the University of Washington shall expend from any funds that

may be available to it the sum of \$650,000 for a medical family practice program, including not less than \$250,000 to be expended at off-campus locations: PROVIDED FURTHER, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71

academic year.....	\$ 124,037,518
Accident Fund Appropriation.....	\$ 351,000
Medical Aid Fund Appropriation.....	\$ 351,000
General Fund Appropriation for the continuing operation of Harborview Medical Center as a teaching resource for the University of Washington.....	\$ 4,700,000

NEW SECTION. Sec. 71. FOR THE WASHINGTON STATE UNIVERSITY

V General Fund appropriation: PROVIDED, That not more than \$627,049 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: PROVIDED, That \$155,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study

courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: PROVIDED, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED FURTHER, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: PROVIDED FURTHER, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year: PROVIDED FURTHER, That

\$3,625,000, in addition to the other amounts included in this appropriation, shall be made available for the following purposes: \$2,250,000 for Agricultural Research, \$1,125,000 for Cooperative Extension Services, and

\$250,000 for Engineering Research..... \$ 67,825,960

NEW SECTION. Sec. 72. FOR THE EASTERN WASHINGTON STATE COLLEGE

V General Fund Appropriation: PROVIDED, That not more than \$295,920 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget:

PROVIDED, That \$70,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall

recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: PROVIDED, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED FURTHER, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: PROVIDED FURTHER, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71

academic year..... \$ 18,520,069

NEW SECTION. Sec. 73. FOR THE CENTRAL WASHINGTON STATE

COLLEGE

General Fund Appropriation: PROVIDED, That not more than \$322,522 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60

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percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget:

PROVIDED, That \$75,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, and Council on Higher

Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: PROVIDED, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED FURTHER, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: PROVIDED FURTHER, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71

academic year..... \$ 20,508,354

NEW SECTION. Sec. 74. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation:

PROVIDED, That not

more than \$399,900 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates

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assumed in the governor's budget: PROVIDED, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED FURTHER, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to

the fee waiver program..... \$ 8,536,102

NEW SECTION. Sec. 75. FOR THE WESTERN WASHINGTON STATE COLLEGE

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General Fund Appropriation: PROVIDED, That not more than \$407,273 is to be allocated on or before January 1, 1972, for the 1972-73 fiscal year, as certified by the Governor as meeting the requirements thereof, and approved by a 60 percent majority of the Legislative Budget Committee, with the allocation taking into account the difference between the number of full time equivalent students at the various instructional levels projected in the executive budget and the latest fall quarter 1971 enrollment estimates as prepared by the Office of Program Planning and Fiscal Management, and using as a basis for the calculations the faculty staffing formula of the Instruction and Departmental Research Program; however, this provision will not apply if the latest fall quarter 1971 enrollment estimates for the year following (1972-73) confirm the enrollment estimates assumed in the governor's budget: PROVIDED, That \$100,000 of this appropriation shall be used only to develop and implement new and innovative educational programs in undergraduate education in the following areas: (1) off-campus work-study or off-campus project-study courses; (2)

interdisciplinary courses; (3) tutorial study courses; or (4) other experimental programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of the legislature in January, 1973: PROVIDED, That tuition, operating, and services and activities fees in whole or in part, comprising three percent of total tuition, operating, and services and activities fees which would have been collected except for waiver in 1971-72, and three percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED FURTHER, That each institution of higher education shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which shall detail all pertinent information relative to the fee waiver program: PROVIDED FURTHER, That the increase in tuition and fees shall be phased over a two year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the

1970-71

academic year..... \$ 23,586,047

NEW SECTION. Sec. 76. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (Including Board of Education)

General Fund Appropriation: Office of the Superintendent of Public Instruction and Board of Education, including \$150,000 for the Pacific Science Center: PROVIDED, That not less than \$157,462 shall be exclusively available for drug education: PROVIDED FURTHER, That this amount includes federal Civil Rights Grants of \$171,859, Civil Defense Grants of \$68,895 and

Follow-Through Grants of \$15,787..... \$ 5,508,476

General Fund Appropriation For General Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1971-73 shall be based on the following factors: Each full time equivalent student enrolled---1.0; Each full time equivalent student, grades 7-12, an added--.3; Each full time equivalent student enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added--1.0: PROVIDED, That for the 1971-73 biennium the present method of determining excess costs shall be continued subject to review upon completion of a study of vocational education as provided for in Senate Concurrent Resolution No. 2, which study includes defining excess cost of all vocational education programs; Each identified culturally disadvantaged child receiving an approved program, an added--.1. The factor established by the Superintendent of Public Instruction for use in the 1969-71 biennium designed to reimburse each district for costs resulting from staff education and experience greater than the minimum in the average salary schedule in use by Washington school districts shall be used. For school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary

by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1970-71 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1970-71 school year shall be considered remote and necessary for school apportionment purposes throughout the 1971-73 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: PROVIDED, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation. Full time equivalent students residing on tax exempt property (Chapter 130, Laws of 1969), an added---.25; Full time equivalent students in an approved interdistrict cooperative program (Chapter 130, Laws of 1969), an added---.25: PROVIDED, That not to exceed \$400,000 is included for use by the Superintendent for School District emergencies: PROVIDED, That not to exceed \$11,788,569 is included for the five vocational-technical institutes: PROVIDED, That not to exceed \$272,800 is included for adult education in vocational-technical institutes: PROVIDED, That no portion of these funds shall be allocated to a school district which expends or anticipates expending, moneys in excess of their certified budget or budget extensions thereto as filed with the Office of the Superintendent of Public Instruction and Board

of Education: PROVIDED, That a subsequent special or regular session of the legislature may modify the appropriation as a result of economic or demographic changes which affect the total number of students to be served or the availability of local finances: PROVIDED, That for purposes of distributing general fund appropriations for general apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district shall not exceed the amount of the revenues that would be produced using the indicated ratio used by the district in the previous year by more than five percent.....

\$ 491,438,718

General Fund Appropriation for Maintenance of Previously Mandated Salary Increases:

PROVIDED, That it is the intent of the Legislature that this sum is to be made available to the Superintendent of Public Instruction to be allocated for the school years 1971-72 and 1972-73 to local school districts to be employed exclusively for the purpose of maintaining previously granted salary increases to all certificated and classified personnel who received salary increases during the 1969-71 biennium and such funds shall be distributed during 1971-72 and 1972-73 on the basis of each district's average 1968-69 average certificated salary level and average classified salary level improved by the average increase granted from state funds in 1969-70 and improved by the additional average increase granted from state funds in 1970-71 in order to fund the maintenance of the improved level throughout 1971-73: PROVIDED FURTHER, That the Superintendent of Public Instruction shall establish rules and regulations to carry out the intent of the Legislature for the distribution of the funds contained in this appropriation including that the calculations shall be made utilizing only average base salaries exclusive of extra stipends.....

\$ 91,982,074

General Fund Appropriation for state matching of

federal food service funds, as required by
P.L. 91-248 and for continuation of salary
increases granted from state funds during 1969-71. \$ 2,444,000

General Fund Appropriation for state contributions
to participating school districts to fund employee
health benefits: PROVIDED, That these funds shall be
distributed to those participating districts on an
equal amount per staff full time equivalent:
PROVIDED FURTHER, That the distribution for the
first two months of the 1971-73 biennium shall
continue on the level of distribution during the
1970-71 school year..... \$ 5,907,078

General Fund Appropriation of two mills of property
tax to be distributed in accordance with
chapter 216, Laws of 1969 ex. sess., as amended.... \$ 80,907,000

General Fund Appropriation of state forest funds to
be distributed..... \$ 750,000

General Fund Appropriation for allocation to
Intermediate School Districts..... \$ 1,457,506

General Fund Appropriation:

Supplementary Education and Cultural
Enrichment..... \$ 600,000

State Institutions..... \$ 5,388,162

Distribution to counties for school districts:

Handicapped Children-Excess Costs: PROVIDED,
That \$5,023,718 shall be utilized to aid only
that category of handicapped children who are
identified as being totally unserved (first
priority) in the joint report of the
Superintendent and the Division of Institutions,
December 4, 1970: PROVIDED, That of this
appropriation \$391,698 or so much thereof
as shall be necessary shall be utilized for
the support of the Cerebral Palsy Center..... \$ 50,986,732

Elementary and Secondary Education Act of 1965, of
which \$2,329,086 is for administration..... \$ 37,480,086

To carry out the provisions of Public Law 85-864
(National Defense Education Act of 1958),
of which \$60,409 is for administration..... \$ 1,500,409

Education of Indian Children, of which
\$120,071 is for administration..... \$ 2,100,071

Adult Basic Education, of which \$98,421 is
for administration..... \$ 773,421

School Lunch and School Milk Programs, of which
\$78,737 is for administration..... \$ 12,778,737

Grants to Teachers of the Handicapped, of which \$35,432 is for administration..... \$ 250,432
 Staff Development, of which \$36,431 is for administration..... \$ 586,431
 Assistance to Blind Students (RCW 28B.10.215)..... \$ 5,000
 Environmental Education: PROVIDED, That \$40,000 is earmarked for environmental education in Northwest Washington in conjunction with Western Washington State College..... \$ 220,000
 Gifted Program..... \$ 330,000
 General Fund--Traffic Safety Education Account
 Appropriation, of which \$346,185 is for administration..... \$ 7,438,885

NEW SECTION. Sec. 77. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: For administrative expenses of the Board: PROVIDED, That \$740,670 shall be available exclusively for the minority affairs programs of the State Board of which \$542,670 shall be from state funds and \$198,000 from federal funds. Such programs shall be developed through a process that insures that all minority groups are represented and included in the planning of such programs..... \$ 1,946,386

V For Distribution to the Community Colleges in accordance with Chapter 28B.50 RCW: PROVIDED, That not more than \$3,129,620 is to be allocated to the State Board on or before January 1, 1972, for the 1972-73 fiscal year for distribution to the community colleges, as certified by the Governor as meeting the requirements thereof, and approved by a sixty percent majority of the Legislative Budget Committee, with the allocation to be based on the findings of the staff of the Legislative Budget Committee as to the appropriate weighting factor to be used in computing faculty staffing requirements for the vocational-technical enrollments as opposed to a factor of 1.0 for academic transfer enrollments, such study to be based on the definitions and procedures outlined by the Council on Higher Education: PROVIDED, That it is the intent of the Legislature that of

the 4,118 additional full time equivalent students budgeted to be served in fall quarter 1971 as compared to fall quarter 1970, and of the 4,706 additional full time equivalent students budgeted to be served in fall quarter 1972 as compared to fall quarter 1971, not less than two-thirds shall be enrolled in courses classified as "occupational" by the state board; however, this provision shall not apply to those community college districts which have public vocational-technical institutes located within their district boundaries: PROVIDED, That \$422,500 of this appropriation shall be administered by the State Board and used only to develop and implement new and innovative educational programs in the following areas: (1) off-campus work-study or off-campus project-study courses; (2) interdisciplinary courses; (3) tutorial study courses; or (4) other experimental or innovative academic and vocational programs. These programs shall be designed to provide a more meaningful educational experience, a fuller understanding of the practical application of educational concepts, the development of new techniques for instruction of a larger number of students without unnecessary capital construction and shall recognize that the same period of time may not be necessary for each student to complete an undergraduate educational program. These funds shall be spent on additional programs and shall not be substituted to fund any present such programs and shall be used only for projects developed through participation by both students and faculty. A report of progress in implementing this proviso including specific information on the new programs developed with these or any other funds, shall be submitted to the Legislative Budget Committee, the Interim Committee for Higher Education and the Council on Higher Education and the Governor prior to any special session of the legislature convening in January, 1972, and the regular session of

the legislature in January, 1973: PROVIDED, That \$1,479,764 shall be available to the State Board for Community College Education of which \$1,396,781 is contained in this appropriation and \$82,983 shall be provided to the Olympia School District to complete 1970-71 school year obligations and the \$1,396,781 is to be used exclusively to finance vocational education programs and courses, defined as a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue or upgrade themselves in gainful employment, including the work of the home, in occupations not requiring a baccalaureate or higher degree, operated at the Olympia Vocational Technical Institute and distributed on the basis of the reimbursement factor utilized by the State Superintendent of Public Instruction for distribution of state funds to the vocational-technical institutes per full-time equivalent student (900 clock hours accumulated attendance per year): PROVIDED, That tuition and fees, in whole or in part, comprising two percent of total tuition and fees, incidental, and special fees which would have been collected except for waiver in 1971-72, and two percent in 1972-73, shall be waived for needy and economically disadvantaged students: PROVIDED, That an additional one percent of total tuition and fees, incidental, and special fees shall be waived each year for students enrolled in courses leading to the obtaining of a high school certificate: PROVIDED FURTHER, That the State Board for Community Colleges shall submit an annual report to the Council on Higher Education in accordance with a format specified by the Council which, in addition to showing the exact percentage waived, shall provide other information, to include but not limited to the number and amount of waiver for nonresident students: PROVIDED, That it is the intent of the legislature that the traditional open door policy of community

colleges be maintained for all students in 1971-73; however, if it is determined to be impossible to serve all applicants, that equal priority be given to the following programs (as defined in the rules and regulations of the state board for community college education): occupational preparatory, occupational supplementary, academic transfer, and academic basic education; and that in order to implement the aforementioned priorities, that all programs defined by the state board as "academic general education"

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and "community service" either be discontinued, or continued on the basis that fees be charged for these courses at a level commensurate with the direct instructional costs plus all supporting costs: PROVIDED, FURTHER, That not more than \$352,500 shall be available during 1971-72 and 1972-73 to maintain as nearly as possible the 1970-71 allocations at Grays Harbor Community College, Centralia Community College, Wenatchee Valley Community College, Yakima Valley Community College,

and Big Bend Community College..... \$ 115,474,731

NEW SECTION. Sec. 78. FOR THE WESTERN INTERSTATE

COMMISSION FOR HIGHER EDUCATION

General Fund Appropriation..... \$ 45,000

NEW SECTION. Sec. 79. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation: PROVIDED, That \$1,500

shall be available exclusively for travel and

expenses of the commissioners..... \$ 22,500

NEW SECTION. Sec. 80. FOR THE COUNCIL ON HIGHER

EDUCATION

General Fund Appropriation: PROVIDED, That \$1,700,000

of this appropriation shall be used to aid Washington

residents attending private institutions of

higher education on a full-time basis: PROVIDED

FURTHER, That \$1,376,700 shall be used for the

purposes of the state student financial aid

program authorized by RCW 28B.10.800 through

28B.10.824..... \$ 3,752,738

NEW SECTION. Sec. 81. FOR THE COORDINATING

COUNCIL FOR OCCUPATIONAL EDUCATION AND ADVISORY COUNCIL

FOR OCCUPATIONAL EDUCATION

General Fund Appropriation: PROVIDED, That during each of the 1971-72 fiscal year and the 1972-73 fiscal year the same number of training hours for volunteer firemen shall be continued as were conducted during the 1970-71 fiscal year..... \$ 17,651,384

NEW SECTION. Sec. 82. FOR THE TEACHERS'

RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation: PROVIDED, That \$135,000 shall be available only for fees paid retained investment counsel..... \$ 968,774

NEW SECTION. Sec. 83. FOR THE HIGHER

EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation..... \$ 509,744

NEW SECTION. Sec. 84. FOR THE STATE LIBRARY

General Fund Appropriation..... \$ 4,724,390

NEW SECTION. Sec. 85. FOR THE ARTS COMMISSION

General Fund Appropriation: PROVIDED, That not more than \$120,000 shall be from state sources..... \$ 415,000

NEW SECTION. Sec. 86. FOR THE WASHINGTON

STATE HISTORICAL SOCIETY

General Fund Appropriation..... \$ 264,750

NEW SECTION. Sec. 87. FOR THE EASTERN

WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation: PROVIDED, That \$50,000 of this appropriation shall be allocated to the Pacific Northwest Indian Center in Spokane..... \$ 221,074

NEW SECTION. Sec. 88. FOR THE STATE CAPITOL

HISTORICAL ASSOCIATION

General Fund Appropriation: PROVIDED, That \$5,000 shall be a reappropriation for the George W. Bush Exhibit..... \$ 175,342

General Fund--State Capitol Historical Association

Museum Account Appropriation..... \$ 40,000

NEW SECTION. Sec. 89. FOR THE GOVERNOR-SPECIAL

APPROPRIATIONS

General Fund Appropriation:

Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency: PROVIDED, That \$450,000 may be allotted by the Governor for surveys and installations..... \$ 980,000

V— To be distributed by the Governor on a pro rata basis to state agencies on the

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basis of the proportion of their salaries
and wages paid from general funds that

are reduced by virtue of the application
of section 108 which requires that state
agencies absorb the general fund portion
of the contribution to the public employees

retirement system as required by law..... \$ 5,150,000

Interstate Nuclear Compact..... \$ 20,000

Advisory Commission on Intergovernmental Relations. \$ 2,000

Council of State Government..... \$ 56,360

For support of data processing activities to be
allocated after consultation with the Data

Processing Advisory Committee..... \$ 48,000

For payment of unemployment compensation to
state employees pursuant to chapter 3, Laws of
1971..... \$ 1,080,000

For additional state contribution to employees
health insurance to be allotted to those
agencies whose employees are all or in part
within the present system of the State
Personnel Board, institutions of higher
education and local school districts as
provided by law: PROVIDED, That payments from
these funds shall be utilized to provide up to
\$15 per state employee per month, up to \$15
per certificated and classified school
employee per month of which up to \$10 shall be
from state funds and up to \$5 shall be from
local school district funds and up to \$15 per
month per employee of the state institutions
of higher education.

General Fund Appropriation..... \$ 9,410,096

General Fund--Commercial Feed Account Appropriation.. \$ 916

General Fund--Commission Merchants Account

Appropriation..... \$ 734

General Fund--Egg Inspection Account Appropriation... \$ 2,054

General Fund--Electrical License Account

Appropriation..... \$ 11,376

General Fund--Feed and Fertilizer Account

Appropriation..... \$ 56

General Fund--Fertilizer, Agricultural Mineral and

Lime Account Appropriation..... \$ 1,284

General Fund--Forest Development Account

Appropriation..... \$ 16,350

General Fund--Investment Reserve Account

Appropriation.....	\$	9,036
General Fund--Lewis River Hatchery Account		
Appropriation.....	\$	158
General Fund--Nursery Inspection Account		
Appropriation.....	\$	1,174
General Fund--Reclamation Revolving Account		
Appropriation.....	\$	1,270
General Fund--Seed Account Appropriation.....		
General Fund--Aeronautics Account Appropriation.....	\$	2,348
General Fund--Search and Rescue Account Appropriation	\$	1,330
General Fund--Resources Management Cost		116
Account Appropriation.....	\$	94,948
General Fund--Traffic Safety Education Account		
Appropriation.....	\$	1,137
General Fund--Outdoor Recreation Account		
Appropriation.....	\$	2,816
Game Fund Appropriation.....	\$	112,488
Grain and Hay Inspection Fund Appropriation.....	\$	23,488
Motor Vehicle Fund Appropriation.....	\$	125,000
Public Service Revolving Fund Appropriation.....	\$	28,552
Armories Fund Appropriation.....	\$	4,442
Insurance Companies Peimbursement Fund		
Appropriation.....	\$	1,196
Horse Racing Commission Fund Appropriation.....	\$	1,200
Unclaimed Personal Property Fund Appropriation.....	\$	634
General Legal Services Revolving Fund		
Appropriation.....	\$	29,330
Department of Personnel Service Fund Appropriation...	\$	15,467
Higher Education Personnel Board Service Fund		
Appropriation.....	\$	1,904
Liquor Board Revolving Fund Appropriation.....	\$	192,644
Retirement System Expense Fund Appropriation.....	\$	7,916
Accident Fund Appropriation.....	\$	7,500
Medical Aid Fund Appropriation.....	\$	101,040
Teachers' Retirement Fund Appropriation.....	\$	4,600
Volunteer Firemen's Relief and Pension Fund		
Appropriation.....	\$	318

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NEW SECTION. Sec. 90. FOR THE STATE TEACHERS' RETIREMENT SYSTEM FUND:

PROVIDED, That the State Teachers' Retirement System shall use interest earnings on accumulated state contributions and the amount appropriated by this section to pay pensions due for the 1971-73 biennium. Funds appropriated by this section shall be used

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only to the extent that interest earnings on accumulated state contributions are not sufficient to make pension payments and to pay the state's share of the system's operating costs under Chapter 41.32 RCW. For the 1971-73 biennium, the state shall not be required to appropriate funds for the "normal contribution" nor for the "unfunded liability contribution" required by RCW 41.32.401. The board of trustees shall determine pension payments, interest earning on accumulated state contributions, and the portion of funds appropriated by this section necessary for each quarter, and shall notify the state treasurer of the transfers necessary from the general fund to the teachers' retirement fund in accordance with RCW 41.32.401: PROVIDED FURTHER, That this section shall not affect member contributions under Chapter 41.32 RCW:

General Fund Appropriation..... \$ 20,000,000

NEW SECTION. Sec. 91. FOR THE WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM FUND:

PROVIDED, That the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Retirement Board shall use interest earnings on accumulated contributions and the amount appropriated by this section to pay pensions due for the 1971-73 biennium. Funds appropriated by this section shall be used only to the extent that interest earnings are not sufficient to make required pension and refund payments under Chapter 41.26 RCW. For the 1971-73 biennium, the state shall not be required to appropriate funds for the current service liability nor for the prior service liability required by RCW 41.26.080(3). The Retirement Board shall determine pension payments, refunds, interest earnings, and the portion of the funds appropriated by this section necessary for each quarter and shall notify the state treasurer of the amounts to be transferred from the general fund to the Washington law enforcement officers' and fire fighters' retirement system fund: PROVIDED

FURTHER, That this section shall not affect employee and employer contributions under RCW 41.26.080 nor any contributions made by employers for administrative costs of the system:

General Fund Appropriation..... \$ 1,357,457

NEW SECTION. Sec. 92. FOR THE STATE

TREASURER-TRANSFERS

General Fund--Investment Reserve Account Appropriation for Transfer to the General Fund on or before June 29, 1973 pursuant to Chapter 50, Laws of 1969..... \$ 5,000,000

Motor Vehicle Fund Appropriation:

For transfer to the Tort Claims Revolving Fund for claims paid on the behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1971 through June 30, 1973..... \$ 1,300,000

NEW SECTION. Sec. 93. FOR THE STATE

TREASURER-TRANSFER

Motor Vehicle Fund Appropriation:

For transfer to the Tort Claims Revolving Fund for claims paid on the behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1969 through June 30, 1971, the effective date of this section is the effective date of this act..... \$ 756,500

NEW SECTION. Sec. 94. The word "agency" used herein means and includes every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above-named officials serve.

NEW SECTION. Sec. 95. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

- (1) Allot all of any portion of the funds herein appropriated or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted

in reserve available for subsequent allotment: PROVIDED, That the director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission, Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of Chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: PROVIDED, That the director of the office of program planning and fiscal management may alter the allotment requests of state colleges and universities in the following cases: (a) When necessary to reflect legislative intent as set forth in the executive budget as accepted or modified by the legislature in the Senate or House Journals or in any formal communication from the Legislative Budget Committee; (b) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (c) When an agency proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: PROVIDED, HOWEVER, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959, shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1971; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1971: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1971.

NEW SECTION. Sec. 96. The Legislative Budget Committee shall review the methods and procedures used by the state's colleges, universities, community colleges, and the state board for community college education in determining and reporting student enrollments to

the office of program planning and fiscal management and the council on higher education. The Legislative Budget Committee shall also, each fiscal year, make periodic field audits of the accuracy of such procedures and information.

NEW SECTION. Sec. 97. For the public four-year colleges and universities and community colleges, it is the intent of the legislature that the minimum average weekly faculty classroom contact hours beginning academic year 1971-72 equal the following:

State Universities	10
State Colleges	12
Community Colleges	15

It is further the intent of the legislature that the average weekly faculty classroom contact hours for all faculty at the rank of assistant professor and above shall be increased by at least five percent between academic year 1970-71 and 1972-73 at each state university, state college, and community college. It shall be the responsibility of the Council on Higher Education to develop uniform definitions and guidelines to carry out the provisions of this section and to report during the interim to the Legislative Budget Committee on the status of its report. The Council shall submit a comprehensive report to the 1973 session of the legislature concerning the implementation of these provisions on faculty classroom contact hours.

NEW SECTION. Sec. 98. Any receipts from federal sources, gifts or grants, or other sources in excess of those estimated in the budget may be received by the governor and deposited in the state treasury or other depository provided by law. Any proposal to expend moneys from an appropriated fund or account in excess of appropriations provided by law, based on the receipt of unanticipated revenues, shall be submitted to the state legislature, if it is in session, or to the legislative budget committee during the interim between legislative sessions. The legislative budget committee may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members of the committee. Whenever possible, unanticipated federal or other revenues which were not anticipated by the governor's budget or in the appropriations enacted by the legislature shall be used to support regular agency programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 99. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 95. Receipts for purposes of this section shall include amounts realized within one calendar month following the

close of a fiscal period and applicable to expenditures of that period. The amount of such payment shall be credited to and shall be treated for all purposes as having been collected during the fiscal period.

NEW SECTION. Sec. 100. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

NEW SECTION. Sec. 101. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

NEW SECTION. Sec. 102. In addition to the amounts appropriated in this act for revenue for distribution and bond retirement and interest, and interest on registered warrants, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 103. Amounts received by an agency as reimbursements pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 104. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW is hereby authorized to lease, purchase or otherwise acquire suitable aircraft which shall be utilized for the purposes of the Aeronautics Commission and also by other state agencies which have a need for an aircraft to carry out agency assigned responsibilities: PROVIDED, That the Aeronautics Commission is further authorized to enter into contractual agreements with other state agencies in order to acquire aircraft, establish rental rates for aircraft under their control, provide pilot services, aircraft maintenance and make such other provisions as necessary to provide aircraft and related services for

multi-agency use: PROVIDED FURTHER, That in order to achieve economy in the use of the appropriations contained within this act no state agency may purchase an aircraft or enter into a flying service or aircraft rental contract without first seeking such service from the Aeronautics Commission and without prior approval of the director of the office of program planning and fiscal management.

NEW SECTION. Sec. 105. All Contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the Office of Program Planning and Fiscal Management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 106. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant positions and in the filling of new positions of employment in state government, including the four-year institutions of higher learning and the community colleges and positions in the offices of elective officials, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

V NEW SECTION. Sec. 107. It is the intent of the Legislature that no salary increase be granted in the same job classification to any individual in the employ of the state whose salary is funded by the provisions of this act, including those individuals employed by the six units of higher education, those employed by elected officials or those employed by the community colleges throughout the 1971-73 fiscal period.

NEW SECTION. Sec. 108. Each state agency, from its general fund appropriation, shall transmit each month to the Washington public employees' retirement system the amount of its total monthly expenditures for salaries and wages as required by law for employees covered by the Washington public employees' retirement system, such amount to constitute the employer contribution during the 1971-73 biennium: PROVIDED, That in order to comply with the provisions of this section the following appropriations from the following funds and accounts, or such amounts as are required by law, are hereby appropriated for the 1971-73 employer portion of the public employees' retirement system contributions:

- (1) FOR THE JOINT COMMITTEE ON HIGHWAYS
- Motor Vehicle Fund Appropriation.....\$ 1,850
- (2) FOR THE OFFICE OF ECONOMIC OPPORTUNITY
- General Fund--Federal Appropriation.....\$ 37,540
- (3) FOR THE STATE TREASURER

Investment Reserve Account Appropriation.....\$	21,699
Motor Vehicle Fund Appropriation.....\$	520
(4) FOR THE ATTORNEY GENERAL	
Legal Services Revolving Fund Appropriation.....\$	287,770
(5) FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT	
Motor Vehicle Excise Appropriation.....\$	6,046
General Fund--Federal Appropriation.....\$	1,993
(6) FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY	
General Fund--Federal Appropriation.....\$	33,302
(7) FOR THE DEPARTMENT OF PERSONNEL	
Department of Personnel Service Revolving Fund Appropriation.....\$	123,618
(8) FOR THE FINANCE COMMITTEE	
Investment Reserve Account Appropriation.....\$	26,005
(9) FOR THE DEPARTMENT OF GENERAL ADMINISTRATION	
General Administration Facilities and Services Revolving Fund Appropriation.....\$	163,985
(10) FOR THE AERONAUTICS COMMISSION	
Aeronautics Account Appropriation.....\$	11,660
Search and Rescue Account Appropriation.....\$	1,112
(11) FOR THE HORSE RACING COMMISSION	
Horse Race Commission Fund Appropriation.....\$	5,074
(12) FOR THE INDUSTRIAL INSURANCE APPEALS BOARD	
Accident Fund Appropriation.....\$	37,169
Medical Aid Fund Appropriation.....\$	37,475
(13) FOR THE LIQUOR CONTROL BOARD	
Liquor Board Revolving Fund Appropriation.....\$	976,901
(14) FOR THE PUGET SOUND PILOTAGE COMMISSION	
Puget Sound Pilotage Account Appropriation.....\$	168
(15) FOR THE UTILITIES AND TRANSPORTATION COMMISSION	
Public Service Revolving Fund Appropriation.....\$	218,860
(16) FOR THE BOARD FOR VOLUNTEER FIREMEN	
Volunteer Firemen Relief and Pension Fund Appropriation.....\$	1,920
(17) FOR THE STATE PATROL	
Motor Vehicle Fund Appropriation.....\$	424,245
(18) FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation.....\$	3,968
(19) FOR THE DEPARTMENT OF CIVIL DEFENSE	
General Fund--Federal Appropriation.....\$	20,454
(20) FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund--Federal Appropriation.....\$	1,332
Electrical License Account Appropriation.....\$	92,469

Industrial Relations Account Appropriation.....	\$	8,659
Accident Fund Appropriation.....	\$	162,238
Medical Aid Fund Appropriation.....	\$	616,462
(21) FOR THE DEPARTMENT OF MOTOR VEHICLES		
Architects License Account Appropriation.....	\$	2,657
Commercial Automobile Driver Training School Account Appropriation.....	\$	19
Opticians Account Appropriation.....	\$	58
Optometry Account Appropriation.....	\$	347
Professional Engineers Account Appropriation.....	\$	6,244
Real Estate Commission Account Appropriation.....	\$	31,050
Sanitarian's Licensing Account Appropriation.....	\$	141
State Board of Psychological Examiners Account Appropriation.....	\$	149
Highway Safety Fund Appropriation.....	\$	506,596
Motor Vehicle Fund Appropriation.....	\$	299,681
(22) FOR THE MILITARY DEPARTMENT		
Armory Fund Appropriation.....	\$	26,949
(23) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES		
General Fund--Federal Appropriation.....	\$	18,501
(24) FOR THE VETERANS' REHABILITATION DIVISION		
General Fund--Federal Appropriation.....	\$	29,986
(25) FOR THE DIVISION OF PUBLIC ASSISTANCE		
General Fund--Federal Appropriation.....	\$	3,233,838
(26) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION		
General Fund--Federal Appropriation.....	\$	48,375
Traffic Safety Account Appropriation.....	\$	2,763
(27) FOR THE DIVISION OF VOCATIONAL EDUCATION		
General Fund--Federal Appropriation.....	\$	44,839
(28) FOR THE DIVISION OF VOCATIONAL REHABILITATION		
General Fund--Federal Appropriation.....	\$	264,862
(29) FOR THE UNIVERSITY OF WASHINGTON		
General Local Fund Appropriation.....	\$	1,300,372
(30) FOR THE WASHINGTON STATE UNIVERSITY		
General Local Fund Appropriation.....	\$	25,312
(31) FOR THE EASTERN WASHINGTON STATE COLLEGE		
General Local Fund Appropriation.....	\$	2,169
(32) FOR THE CENTRAL WASHINGTON STATE COLLEGE		
General Local Fund Appropriation.....	\$	2,788
(33) FOR THE WESTERN WASHINGTON STATE COLLEGE		
General Local Fund Appropriation.....	\$	2,594
(34) FOR THE STATE LIBRARY		
General Fund--Federal Appropriation.....	\$	28,853

General Fund--Local Appropriation.....\$	15,253
(35) FOR THE DEPARTMENT OF HIGHWAYS	
Motor Vehicle Fund Appropriation.....\$	2,530,393
(36) FOR THE COUNTY ROADS ADMINISTRATION BOARD	
Motor Vehicle Fund Appropriation.....\$	4,906
(37) FOR THE DEPARTMENT OF ECOLOGY	
General Fund--Federal Appropriation.....\$	21,600
Reclamation Account Appropriation.....\$	11,046
Basic Data Fund Appropriation.....\$	9,286
(38) FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
Outdoor Recreation Account Appropriation.....\$	19,721
(39) FOR THE DEPARTMENT OF FISHERIES	
General Fund--Federal Appropriation.....\$	99,344
(40) FOR THE DEPARTMENT OF GAME	
Game Fund Appropriation.....\$	644,339
(41) FOR THE DEPARTMENT OF NATURAL RESOURCES	
Forest Development Account Appropriation.....\$	103,802
Resources Management Cost Account Appropriation.....\$	447,891
(42) FOR THE DEPARTMENT OF AGRICULTURE	
General Fund--Federal Appropriation.....\$	39,525
Commercial Feed Account Appropriation.....\$	5,610
Commission Merchants Account Appropriation.....\$	4,644
Egg Inspection Account Appropriation.....\$	11,400
Feeds and Fertilizer Account Appropriation.....\$	414
Agriculture, Mineral and Lime Account Appropriation....\$	7,920
Nursery Inspection Account Appropriation.....\$	6,072
Seed Account Appropriation.....\$	12,720
Grain and Hay Inspection Fund Appropriation.....\$	132,090
(43) FOR THE EMPLOYMENT SECURITY DEPARTMENT Unemployment Compensation Administration Fund Appropriation.....\$	2,312,538

NEW SECTION. Sec. 109. It is the intention of the legislature that the expenditure of funds for out of state travel by state employees in executive branch agencies be held to a minimum level consistent with economy, frugality and effectiveness in state government. No funds from appropriations to executive branch agencies made by this act shall be expended for out of state travel costs or related per diem expense of state employees other than elected state officials in executive branch agencies without the prior written approval of the Director of the Office of Program Planning and Fiscal Management or his designee. The Director of the Office of Program Planning and Fiscal Management, or his designee, shall grant such approval only on his finding that the proposed travel is consistent with the economic, efficient and effective

V- management of state agencies and programs. For the purposes of this section, "out-of-state travel" does not include travel between the State of Washington and the contiguous states of Idaho and Oregon. Each state agency shall submit a monthly report to the Office of Program Planning and Fiscal Management of each out-of-state trip which has occurred during the previous month, including the name of the traveler, the destination, the period of absence from the state, the cost of the trip from state, federal, or other funds, and the specific benefit to the state which justified the trip. The Director of the Office of Program Planning and Fiscal Management shall submit this information, together with any comments he believes appropriate with regard to out-of-state travel to the 1973 session of the legislature, through the Legislative Budget Committee.

NEW SECTION. Sec. 110. There is appropriated to the public school building bond redemption fund of 1965 established by RCW 28A.47.777 from the common school construction fund established by Article IX, section 3 of the Washington Constitution for the biennium ending June 30, 1973, the sum of six hundred five thousand one hundred and ninety-four dollars: PROVIDED, That the sum appropriated shall come only from that portion of the common school construction fund derived from interest on the permanent common school fund during the 1971-73 biennium.

NEW SECTION. Sec. 111. There is appropriated to the state parks and recreation commission from the general fund, for the biennium ending June 30, 1973, the sum of one million three hundred twenty-two thousand nine hundred sixty-eight dollars: PROVIDED, That the sum appropriated shall be used by the commission either for the payment of rentals to the department of natural resources as may be required by law for the use of state trust lands withdrawn for state park purposes or for the acquisition of such lands: PROVIDED, FURTHER, That the sum appropriated by this section shall be in addition to all other moneys appropriated to the state parks and recreation commission during the 1971-73 biennium. Any rent or acquisition payments on such park lands received by the department of natural resources during the 1971-73 beinnium shall be deposited to the applicable trust land account without any deduction by the department of natural resources for management or other purposes.

V- NEW SECTION. Sec. 112. It is the intent of the legislature that no state funds appropriated in this act shall be used to finance summer or interim student internships in state government.

NEW SECTION. Sec. 113. It is the intent of the legislature that no funds from any appropriation contained in this act shall be used to pay yearly merit increments resulting from employee longcivity during the 1971-73 biennium for those employees whose salary computed on an annual basis as of July 1, 1971 exceeds \$15,000 per annum.

NEW SECTION. Sec. 114. 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. 115. 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 May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"... In my Budget Message to the Washington State Legislature 130 days ago, I acknowledged the difficult decisions which were included in the Budget and asked that we set aside partisan differences in order so that we might meet the fiscal crisis which is affecting all of the people of this state. In my Budget Message, I asked the legislature to avoid the fiscal extremes of placing an untimely additional burden on the taxpayers of this state or of unthinkingly reducing the budgets to the point where the agencies could not properly carry out their basic responsibilities. We now have before us the record of the 41st Session of the Legislature and the record is clear that the Washington State Legislature has proposed a Budget which is out of balance by \$22 million, does not adequately support some programs, is wasteful in other instances, and in other areas is drafted in such a faulty manner that the intent of the Legislature cannot be carried out by the language included in the bill.

Veto
Message

To some extent, it is possible to repair the Budget through the use of the executive veto power and I intend to use it on 33 occasions in this appropriations bill, as a means of removing some of the more onerous and faulty sections of the bill. I would like to make it clear that it is with a good deal of reluctance that I use the executive veto power on this or any piece of legislation. However, the legislative budget process clearly did not function adequately or in the best interests of the state. In reviewing various requests to veto sections of this bill, I have attempted to be responsive to the citizens of this

state, both from the standpoint of what I have selected to veto and by rejecting other veto proposals.

Veto
Message

I believe it is also appropriate to comment in this veto message upon those areas in the Budget which are faulty, yet cannot be repaired through the use of executive veto power. I cannot, for example, restore an adequate level of funding to the Department of Ecology. I requested a Budget for the Department which I considered to be the minimum level necessary to maintain the state's current position with respect to environmental protection. I am convinced that the severely reduced Budget proposed by the legislature will reduce the department's ability to review and approve in a timely manner the plans and designs of waste treatment plants for existing and new industries coming into this state. There is, further, the very real and potential problem that backlogging of plans for review or reduced pollution control efforts on the part of the state may cause the federal environmental protection agency to pre-empt some of the state programs and remove the reasonable buffer of an informed and concerned state agency between local governments and state industries and replace them with a governmental unit which is less sensitive to local issues and problems. I am sure neither of these results is desired by those who have slashed unknowingly at the department Budget. In addition, the Legislature enacted eight bills placing new burdens of substantial impact on the department, with no additional appropriation, representing a questionable approach to the environmental protection of the state's resources.

The Governor's Budget for the Treatment Center for Women at Purdy amounted to \$3,285,769 for the two-year period, of which \$250,000 would be federal L.E.A.A. funds for excellence in treatment and \$761,246 would be revenue received from the federal government and other states for the housing of individuals not capable of being placed within their own treatment system.

The appropriation bill contains only enough funds to staff administration, food services, janitorial services and custody positions; thus, precluding the provision of such treatment personnel as counselors, teachers, nursing staff, recreation leaders, staffing of the work and training release facility and similar services which are necessary to provide a treatment rather than a custodial program.

It should be further pointed out that the staff reduction included in the appropriation bill will not only reduce the program to the level of a caretaker operation but could eliminate the transfer of prisoners from federal and other states and jurisdictions to this facility and reduce to some extent the \$761,246 in anticipated revenue. Initial negotiations with other states and the federal government indicated that the primary reason they were interested in transferring female prisoners to this state was the availability of a treatment program for women which is simply not available in their jurisdiction. In addition, the probability of acquiring the federal L.E.A.A. grant of \$250,000 for excellence in treatment could be lost given the lack of treatment personnel. Thus, the reduction in funding may be more than offset by loss of anticipated revenue.

Veto
Message

The \$10 million reduction from the austere level of state aid to higher education which I proposed may well result in a deterioration in the quality of higher education in this state which has taken years to develop. It is equally unfortunate that the legislature did not accept, as I had proposed, the amount of tuition and fees which could be waived for needy students, particularly when they accepted the proposed increase in student tuition and fees. The result of legislative action in this area can be measured by the number of needy students from families who cannot afford to pay the higher costs and are effectively precluded from receiving a higher education in this state.

For the second consecutive biennium, certain members of the legislature in a Conference Committee have taken it upon themselves to make arbitrary changes in the Budget for the Department of Fisheries, and by placing them in line item appropriations, there by prevented use of adequate funding in Fisheries management activities, which have resulted in the large increases in fish yields.

Refusal of the legislature to act responsibly on the proposal to close several state institutions also deserves comment.

At the beginning of the legislative session, I sent each legislator a detailed position paper which concluded, based on the current and future downward trends in average daily population at the three mental hospitals, that

substantial savings could be made through the closure of Northern State Hospital. The arguments presented at that time are still valid. In response to this proposal, the legislature has included an amount of funds which are inadequate to match the provision that the Hospital is to remain in operation for the entire biennium, and has made a vague suggestion in the Budget for study of alternative uses for the facility. Such action is hardly a responsible counterproposal to such a clear issue and I intend to seek additional funding or some other course of action from the 1972 Special Session of the Legislature.

With respect to Fort Worden, the \$2,500,000 Budget proposed for the continued operation of this facility is not only unnecessary, the Budget is such that it would be necessary to operate this facility with so few treatment staff that it would become a warehouse operation with little or no treatment program for the 75 youths unfortunate enough to be assigned to the facility. More importantly, Fort Worden is not needed in the juvenile rehabilitation program given the ample capacity in our other institutions and any attempt to keep it open simply means that we are reducing our efficiency at a time when our economy demands cost effectiveness in our programs. The annual cost per resident of \$16,666 at Fort Worden as proposed by the legislature is a shockingly high amount and exceeds by eight times the cost of caring for these juveniles in the juvenile probation subsidy program. Because the treatment program and economic issues are so clearly evident in the case of Fort Worden, I have vetoed the provision requiring operation of the facility for two years.

Finally, I would like to comment on one of the most serious and deficient areas in the Budget--the inadequate amount of funds provided to allow the state to maintain a \$365 per pupil guarantee. The legislature failed to provide the additional state funds necessary to allow the state to maintain a \$365 per pupil guarantee. Primarily because of enactment of property tax relief and failure to enact other proposed legislation used to balance the Budget, the legislature should have provided approximately \$15.3 million in additional state general fund appropriation to the Superintendent of Public Instruction. Unless this additional amount is added to the Budget by the 1972 Legislature for distribution to local school districts, it will be necessary

to reduce the per pupil guarantee from \$365 to approximately \$350 during the 1972-73 fiscal year.

Veto
Message

Of the \$22 million by which the Budget is out of balance, \$15 million is a result of the problem of inadequate funding to maintain support to local school districts. The only method by which I can attempt to assure that funds necessary to adequately finance the schools will be available is by vetoing the \$20 million General Fund appropriation to the Teachers' Retirement System. I am making this veto with the full assurance that it will not in any way hinder the payment of pensions to retired teachers.

No one can be sure whether revenue will exceed or fall below revenue estimates made for the 1971 Legislative Session. Should sufficient revenue in excess of present estimates appear to be available when the 1972 Session convenes, they will have the option to utilize it to resolve the K-12 shortage and solve other problems in the Budget, and eliminate the impact of this veto. Should revenue be below estimates, the problem of further reduction or tax increase will be more manageable because of this veto.

The specific items which I have vetoed are as follows:

1. Higher Education

I have vetoed a specific limitation on sabbatical leaves at our colleges and universities.

The one percent of faculty restriction contained in Section One is simply a punitive measure which ignores the constructive benefits a properly administered sabbatical leave program contributes to the education process. The remaining language in the bill provides that expenditures for sabbatical leaves must be incurred on a "break even" basis in that the replacement cost and the percentage of salary awarded to the recipient of a sabbatical leave cannot exceed the annual contracted salary of the recipient of the leave. Consequently, the further limitation to one percent of professional staff produces no real monetary savings. In addition, the Council on Higher Education has recently developed through guidelines which have been reviewed by the Legislative Budget Committee which will insure that the operation of the sabbatical or professional leave program is

properly supervised in institutions of higher education in the State of Washington. Prior to any further restrictions, those guidelines should have an opportunity to be used and reviewed for adequacy after some experience has been gained.

Veto
Message

2. Secretary of State

On page 3, line 23, I have vetoed the following proviso:

"PROVIDED, That expenditures should only be used for the purpose of carrying out his statutory or constitutional duties." The provision is a gratuitous insult applied to no other elected official and was included solely to limit the discretionary powers of a separately elected official who has, through his dedication, contributed efforts beyond those required by statute, particularly in identifying problems of youth, racial minorities and urban areas. The citizens of the State of Washington are fortunate to have concerned elected officials willing to personally devote additional time and energy to public service rather than sit back and do no more than is statutorily required. Unless such a provision is included for all officials, which would represent a step backward from responsive government, I will not approve it for a single elected official.

3. Attorney General

On page 4, I have vetoed the appropriation on lines 12 and 13, as follows:

"General Fund--Appropriation for
Washington Organized Crime
Intelligence System----- -0-"

The effect of a zero appropriation for the Organized Crime Intelligence System is to forbid the continuation beyond July 1, 1971, of the Washington Organized Crime Intelligence System for which the Attorney General has received \$99,925 in federal funds and which are matched by "in kind" contributions by his office.

The project is designed to provide the state's governmental and criminal justice agencies information necessary to combat organized crime. Its policies are

governed by a committee of eleven members, the chairman of which is the prosecuting attorney of Snohomish County, two of the members of which are from professions outside of law enforcement, while the other nine members, including the Attorney General, are either directly or indirectly connected with law enforcement as a profession.

Veto
Message

Organized crime, as the very name implies, is a form of criminal activity which transcends normal jurisdictional boundaries, both those which separate the multitude of local governments within the state and those which separate the various criminal justice disciplines. It is systematic, continuous, based on corruption and thrives in the jurisdictional maze caused by fragmented, localized criminal justice agencies. Some central point of reference is obviously necessary to successfully prevent it. The Organized Crime Intelligence System hopes to supply just such a point. It consists of a central index file, a program of training conferences, and a small staff to provide investigatory and technical assistance to local criminal justice agencies.

In the short life of the system, a great deal has been accomplished with these rather minimal tools at no loss to local autonomy or interference with individual rights of privacy. Carefully drafted rules, debated over a number of months, safeguard against possible abuses with regard to the use of any information which may be obtained by the system. In addition, the three staff investigators, two hired directly as a result of the program, have provided vital assistance to the staff of both the federal and county grand juries now in session in Seattle in connection with their investigations of organized crime. Training sessions, attended by more than 70 personnel from local law enforcement agencies throughout the state, have had a marked impact on cooperation between those various agencies in dealing with organized crime. We hope that the success of the project will result in a control of organized crime without infringing upon the rights and responsibilities of local law enforcement agencies; in fact, it was representatives of those agencies who initially requested the creation of the system.

In order that this provision not interfere with the improvement of law enforcement capabilities in the war

against crime in the State of Washington, I have vetoed this restrictive appropriation.

Veto
Message

4. Attorney General

On page 4, I have vetoed the proviso on lines 21-26 as follows:

"PROVIDED FURTHER, That in no event shall the billings for legal services made to agencies, departments and institutions of higher learning during 1971-73 exceed a total of \$5,912,936."

The effect of the second proviso is to render ineffective Section 5 of Senate Bill 648, which established a revolving fund for legal services. That section gives a needed degree of flexibility to state agencies which have unforeseen demands for legal services, allowing them to reallocate additional funds for legal services with the approval of the Office of Program Planning and Fiscal Management. The proviso would specify only the amount of funds which would be spent for legal services and no other service, thus, prohibiting either the agency or the Office of Program Planning and Fiscal Management from making transfers in budgeted items for additional legal services which are necessary and which were not foreseen at the time the Budget was prepared. The proviso will not result in any savings and could cause the state to provide inadequate legal services thereby endangering state funds. Consequently, I have vetoed this proviso.

5. Tax Appeals Board

On page 5, line 28, I have vetoed the following proviso:

"PROVIDED, That the operation of the board is to be considered full time, except that no salary will be paid to board members except each member will receive \$75 per day while sitting at the Appeals Board."

The workload of the Tax Appeals Board has increased to the point that the Board must begin full time operations or risk serious delays in reviewing property tax appeals. To meet the massive backlog, and also to insure that taxpayers

will be granted timely hearings, the Board was placed on a full time basis beginning April 1, 1971.

Veto
Message

At the same time that the Board began full time operations, the members were placed on a salary rather than a per diem basis. This was done for several reasons including:

1. At the present time, RCW 82.03.050 permits the Governor to determine whether or not the Board should be operated on a full time basis. The section, however, limits compensation to \$10,000 per fiscal year if the Board members are paid on a per diem basis. The proviso in the Appropriations Act requires the continuation of the payment on a per diem basis, which has the net effect of limiting payment to Board members to \$10,000 per year which would place the Board back on a part-time operational basis.
2. Because of the extremely heavy workload, the members are required to meet on a full time basis. At the present per diem rate of \$75 per day plus expenses of \$15, the members would be paid \$23,400 if they met 260 days per year. Little or no savings would be achieved if Board members were paid on a per diem basis for full time operation.
3. Board members paid on a per diem basis do have the option becoming members of the retirement system but they do not earn annual or sick leave. If the Board is working full time, yet being compensated on a part time basis, members would be treated quite differently from other boards such as the Liquor Control Board and Utility and Transportation Commission members.

In summary, the principal objections to paying members on a per diem basis, as set forth in the proviso are: (1) regardless of the method of payment, the workload requires full time operation of the Board; (2) no monetary savings will result from compensation for a full time Board or a per diem basis; (3) payment on a per diem basis subjects members to inequitable treatment because they cannot earn annual or sick leave as other officers and employees can; and, (4) in view of the compensation limitations in RCW 82.03.050, it would be impossible to operate the Board on a full time basis.

6. Department of General Administration

On page 6, line two, I have vetoed the following proviso:

Veto
Message

"PROVIDED, That \$707,000 shall be allocated to the Division of Banking."

Under the state's Budget and Accounting Act, RCW 43.88, the Governor is responsible for reducing agency expenditures so as not to exceed revenues available in a fiscal period. It is clear that if this proviso were allowed to remain and if it were necessary to reduce expenditures commensurate with a decline in forecasted revenues, it would be necessary for other divisions within the Department of General Administration to absorb the additional savings which would have otherwise been assigned to this division. The potential opportunity for such preferential treatment as presented in the proviso is simply inconsistent with sound administrative procedures.

7. The Cemetery Board

Veto on page 11, line 4, the words "General Fund for."

The funds for operating the Cemetery Board are provided from a special account entitled Cemetery Account. The removal of the words "General Fund for" is intended to correct a drafting error in the bill and to clarify the source of funding for this agency.

8. Department of Social and Health Services - Division of Institutions

On page 13, beginning on line 13, I have vetoed the proviso which states:

"PROVIDED, That it is the intent that the facilities at Fort Worden shall continue to serve it [s] residents to June 30, 1973."

As I indicated in my earlier comments, given the surplus capacity in other state juvenile institutions, the strong need to restore at a future legislative session the proper funding level of the Juvenile Probation Subsidy Program so as to continue to adequately support this innovative treatment program and the shockingly high cost per

resident if Fort Worden were continued in operation, I am vetoing the proviso which would require the state to continue operation of the Fort Worden facility and I have instructed the Secretary of the Department of Social and Health Services to prepare a plan for the orderly phase-out of this facility. In addition, and in order to assist the community of Port Townsend to attract new business to replace the lost state jobs, I have instructed the Director of the Department of Commerce and Economic Development to take positive steps to assist the community to provide other employment opportunities for residents of that community.

Veto
Message

9. Department of Social and Health Services - Division of Institutions

On page 13, beginning on line 21, I have vetoed the proviso dealing with Northern State Hospital.

The legislature has provided \$9.8 million to continue operation of Northern State Hospital for the entire 1971-73 biennium. Based upon a fiscal analysis, it has been determined that the \$9.8 million appropriation is inadequate to fund the operation of Northern State Hospital and provide the proper level of care for patients in that facility. I therefore, am vetoing the provisos which allocate \$9.8 million to operate Northern State Hospital and require the Department of Social and Health Services to study alternative uses of the facility and submit its findings to the 43rd Session of the Legislature and am directing the Secretary of the Department of Social and Health Services to continue to operate Northern State Hospital at a level of expenditure which will insure proper patient care and to further submit to the 1972 Special Session of the Legislature, alternative plans for the use of the Northern State Hospital facilities and for providing the necessary mental health care to residents of that area together with a supplemental budget request which would provide the funds necessary to properly operate the Hospital for the entire 1971-73 biennium.

10. Department of Social and Health Services - Public Assistance

On page 15, line 8, I have vetoed that portion of the language of a proviso designating internal agency management structure. The department and I share the desire that fraud

investigations be centralized in a single administrative unit. While that portion of the proviso is unnecessary, I have not vetoed it. However, the additional requirement that it "shall be directly responsible to an Assistant Secretary of the Department" imposes unnecessary constraints on the Department at a time when they are in the process of organizing to provide optimum services in all the areas of their responsibility. To direct this organizational assignment, out of context, is undesirable. Therefore, a veto of that language, "which shall be directly responsible to an Assistant Secretary of the Department of Social and Health Services:" will retain the legislative intent to centralize the fraud investigation and referral activities but allow the Secretary to place this activity in its appropriate organizational setting.

11. Department of Social and Health Services - Public Assistance

On page 16, line 12, I have vetoed a proviso restricting the use of certain appropriated funds.

The proviso appropriating \$2,836,778 for state funds to finance the "medical-only" program if the United States Department of Health, Education and Welfare does not provide a waiver to the State must be eliminated so that these funds can be utilized to achieve the flexibility necessary to correct other program deficiencies that are inherent in this Budget.

We believe that the United States Department of Health, Education and Welfare should eventually grant the waiver. However, if this is not the case, there are several options for financing the revised medical plan open to the state while this proviso is directed toward only one of those options.

12. Department of Social and Health Services - Public Assistance

On page 16, line 18, I have vetoed a proviso limiting the use of certain appropriated funds.

The appropriation of \$14,058,000 restricted to the purpose of supplying money grants to certain categories of

assistance recipients creates several very difficult problems for the Department. Provision for State Office exceptions on individual cases, aside from being a serious administrative problem, violates State Law under RCW 74.08.040 and violates HEW program regulations 20-7, Title 45, Chapter 11, Part 233.20 (a) (2) (V). Difference in standards within programs as proposed for AFDC-Regular versus AFDC-Employable cases is prohibited unless it can be demonstrated that bona fide differences in requirements actually exist (HEW Handbook IV 4324.28).

Veto
Message

Additionally, the kinds of exceptions envisioned by this proviso would negate much of our efforts toward simplified program standards. Again, simplification is an essential part of our plan to reduce error and fraud in the public assistance system and the savings that I have mentioned previously cannot be attained if this proviso were to remain.

The \$16.8 million contained in the immediately preceding section and this one will be held for additional caseload, or other grant problems. Veto of the restrictions will allow the department to provide the best possible response to legislative intent without jeopardizing our ability to simplify or creating problems with federal compliance.

13. Department of Social and Health Services - Public Assistance

On page 19, beginning on line 3, I have vetoed a proviso relating to day care service.

The proviso establishing demonstration projects providing 24 hour day care services is proposed at a time when the legislature failed to provide adequate funds for on going day care services. However, because I believe that the Department should engage in innovative projects to improve child care services as an adjunct to the goal of providing employment opportunities to all persons who are public assistance recipients, I have instructed the Department to, within means available, engage in selective research projects including a 24-hour day care service project as well as to make improvements in all child care programs.

A veto of the proviso will allow the use of the funds contained in it to help continue ongoing day care services and provide some funds for demonstration projects of the kind intended in the proviso.

14. Department of Social and Health Services

On page 19, beginning on line 7, I have vetoed a proviso establishing an advisory group to the State Public Assistance Advisory Commission. It is inconsistent with SHB 417 which abolished the Public Assistance Advisory Commission as well as other advisory groups to the Department of Social and Health Services and allows the Department to appoint new advisory groups as necessary to carry out the realigned responsibilities of the Department. I have been assured by the department that they plan to include recipients in advisory committees that will conform to the reorganized structure of the department and I have directed the Secretary to assure that adequate recipient representation is provided.

15. Department of Social and Health Services - Public Assistance

On page 20, beginning on line 28, I have vetoed a proviso prohibiting certain uses of Urban, Racial and Rural Disadvantaged appropriation funds.

In the first instance, I have been advised by a number of legislators that the proviso in question was not in the draft copies of the appropriation nor the explanatory material made available to legislators on May 7 and which most legislators reviewed over the weekend prior to the vote on the Budget on May 10. While I am uncertain as to exactly how the proviso became inserted into the final conference version of the report, I am certain that many legislators were not aware of its existence when they voted on the Budget.

Secondly, the Superintendent of Public Instruction and the State Board of Education, as well as a number of local school district superintendents have urged me to veto the proviso because of its possible impact on the total school transportation system in this state.

One of the reasons the Urban, Racial and Rural

Disadvantaged student program was shifted to the Department of Social and Health Services was to allow the state to obtain federal matching funds as a means of paying for the cost of the program. I am gravely concerned that if the proviso were allowed to remain, it would conflict with the recent United States Supreme Court decision giving school boards the discretion of bussing to desegregate schools and could result in total inability to use the appropriation to obtain federal matching funds. This would result in the need to provide additional state tax resources to make up for those federal resources which would be lost because of the conflict.

Veto
Message

Finally, I believe this decision should be left to local school districts who best know their own needs and problems. For these reasons, I have vetoed the proviso.

16. Planning and Community Affairs Agency

On page 22, beginning on line 15, I have vetoed the phrase "of law enforcement agencies of municipal governments."

I am vetoing those words of the proviso which would allocate the additional \$100,000 to meet the problems of drug abuse solely to law enforcement agencies.

The need for additional assistance to many drug abuse programs is evident. These funds will be withheld until the second year of the biennium to be utilized as newly required state matching funds for federal law and justice grants. Flexibility should be maintained to assure that they can be used to meet the highest priority local programs, whether they be in the prevention, rehabilitation or enforcement area, and which will satisfy the federal matching requirements. The vetoed language does not assure that flexibility.

17. Parks and Recreation Commission

On page 23, beginning on line 32, I have vetoed the proviso requiring reopening of two specific parks.

Because of the decline in revenues below estimates and in order to maintain a balance between revenues and

expenditures during 1970, each state agency was requested to reduce expenditures. In order to meet the assigned savings goal, the Parks and Recreation Commission ceased operating five state parks. Given the need for continuing austerity, funds were not included in the budget for the Commission to resume operating these five parks during the 1971-73 biennium. The 1971 Legislature not only reduced the total amount of funds available for operating parks by \$193,898, the Legislature, through the proviso, would divert an additional \$47,000 from operating funds for other parks, to reopen two of the five parks which were closed. Given the critical shortage of funds for park operations, I am vetoing the proviso which would reopen two of the closed parks at the expense of closing or reducing the operations of parks in other parts of the state. In addition, I am requesting the Parks and Recreation Commission to work with other units of government to determine if they could assist in providing needed recreational facilities by reopening, even on a limited basis, parks in their jurisdiction.

18. Department of Commerce and Economic Development

On page 24, beginning on line 20, I have vetoed a proviso requiring use of general funds to operate certain tourist information centers.

The 1971 Legislature directed that 50% of the cost of the Tourism Promotion Program be financed from the Motor Vehicle Fund. In addition, the Legislature directed through the proviso that the state continue to operate five tourist information centers in the state. The purpose of this veto is to allow for the operation of these tourist information centers, but from the Motor Vehicle Fund appropriation rather than the General Fund appropriation as would be required by the proviso directing the agency to continue operating tourist information centers. Because each of the five tourist information centers is located adjacent to an interstate highway, the majority, if not all, of tourists who stop to seek information at these centers are motorists. It seems more appropriate that the operating costs of these centers, because of their relationship to highway travel, be financed from the Motor Vehicle Fund rather than the General Fund appropriation.

19. Colleges and Universities

I have vetoed similar provisos contained in the appropriations act for each of the state colleges and universities, as follows:

Veto
Message

- a. University of Washington, page 27, line 28 to page 28, line 15;
- b. Washington State University, page 30, line 20 to page 31, line 7;
- c. Eastern Washington State College, page 33, line 3 to 23;
- d. Central Washington State College, page 35, line 13 to 33;
- e. The Evergreen State College, page 37, line 22 to page 38, line 9;
- f. Western Washington State College, line 27, to page 39, line 14.

Each proviso would set aside a portion of the operating funds for the college to be held in a reserve status until such time as it can be determined whether or not the number of students actually enrolled during fall of 1971 and forecasted to be enrolled during fall of 1972 are consistent with the number of students for which funds were provided for in the Budget. I wish to make it clear that while I am vetoing this proviso, I endorse the concept of reserving funds as expressed by the proviso until a more accurate determination of enrollment can be made. However, I believe the redistribution of funds between schools is a significant decision which should be made by the entire Legislature, unless timing makes that impossible. Inasmuch as the Legislature will meet in special session in January, 1972, only a few days after the date specified in the proviso, we will have an opportunity to bring this and other fiscal matters before the whole Legislature. Consequently, there is no reason for this procedure to remain in effect. Pursuant to the provisions of Senate Bill 208, (Ch. 40, Laws of 1971, Ex. Sess.) the legislative intent is clear, I concur with it, and will direct the colleges and universities to place the sums contained in the vetoed provisos into reserve. In the event I am satisfied that the criteria relating to enrollment estimates have been met, the funds will be allocated. Otherwise, the entire Legislature will be requested to redistribute these amounts among the schools, or to other programs.

20. Colleges and Universities

Veto
Message

The budgets of five of the colleges and universities contain a proviso which states, "That the increase in tuition and fees shall be phased over a two-year period of time or until a degree is granted to those out-of-state students enrolled during spring quarter of the 1970-71 academic year."

The language of these provisos may be somewhat unclear. While I have not vetoed any portion of the language, I wish to clarify it by indicating what I believe to be clear legislative intent, based upon revenue assumptions contained in the Budget, and communications with legislative committees. It is intended that the increase in tuition for out-of-state (non-resident) students be phased in two steps with approximately one-half the increase in the 1971-72 academic year, and the entire increase to the maximum level established by the 1972-73 academic year. The qualifying language "or until a degree is granted" was intended to shorten the period of phasing for a non-resident student who completes a degree program, and chooses to begin another, and was not intended to lengthen the period of phasing for non-resident students who take more than two years to complete a degree program.

21. Community Colleges

I have vetoed a proviso contained in the appropriation to the community colleges on page 47, line 8, which limits the allocation of certain funds for the second year of the biennium, based on a study of vocational education weighting formulas.

During the 1971 Legislative Session, information was presented indicating that the weighting which provides 1.5 times the funding for costs of vocational technical enrollment than for academic transfer enrollment did not accurately reflect the actual cost to the community college system. As a result, \$3,129,620 representing the cost of additional weighting was placed into a contingent status for allocation by the Governor, by January 1, 1972, subject to approval of the Legislative Budget Committee, based upon a staff study by the Legislative Budget Committee, utilizing procedures and definitions specified by the Council on Higher Education. Based upon my allotment authority, I will direct

the community college system to place this amount into reserve, pending further allocation. My reasons for vetoing this section are similar to the veto of provisions in the budgets of the four-year colleges and universities. I concur with the need for the study, and believe the procedures established by the study are appropriate. If the study shows that the weighting assumed by the Legislature is appropriate, I will allocate the funds. Because the time for allocation is nearly coincident to the 1972 Special Session, if the study indicates that some alternation should be made in the allocation weighting, I will propose a redistribution of funds for the approval of the entire legislature.

Veto
Message

22. Community Colleges

On page 50, beginning on line 29, I have vetoed the words "academic general education and."

The general purpose of the proviso is to establish a higher priority for academic transfer, vocational training courses, and adult basic education, than for lower priority courses in allocating available funds and student spaces. If insufficient spaces are available to serve all students, the proviso requires that "academic general education" and "community service" courses either be discontinued, or continued on a self-supported basis.

The "academic general education" category includes courses which are generally remedial in nature and are not specifically designed for students who will transfer to a four-year institution, for students who want to complete high school, or for adults who want a basic education. These courses do, however, serve to develop the competencies of individuals so that they may effectively participate in future academic transfer courses and perhaps even more importantly assist individuals in gaining the skills necessary so that they may participate in the vocational technical occupational programs of the community colleges. Many of these individuals are referred under such state programs as Vocational Rehabilitation and WIN (Work Incentive, administered by the Department of Employment Security). A listing of the courses shows such titles as elementary algebra, human relations, writing skills development, basic mathematics, fundamental of business mathematics, patterns of writing, English fundamentals, and

effective studies. To eliminate such courses from the community college curriculum or to require that they be supported entirely by the students is to strike at the heart of the program desperately needed by those citizens of the state who have only the community colleges to serve their educational needs; consequently, at the request of both the Council on Higher Education and the State Board for Community Colleges, I am vetoing their inclusion in the category of programs to be either discontinued or made self-supporting. However, I have approved the remainder of the proviso as it relates to "community service" programs.

Veto
Message

It is clear that some courses identified as "academic general education" more properly fit within the "community service" designation, and that this designation varies from college to college. While the answer to this is not to immediately require that all "academic general education" courses be treated as "community service" courses, I will specifically ask the Community College Board to control any redesignation of courses now categorized as "community service" and to provide necessary recommendations and information to the Council on Higher Education to meet the requirements of HCR 7 and to assure that uniform standards for categorizing courses on a uniform basis at all schools is achieved by the 1972 Legislative Session.

23. Special Appropriations

On page 53, line 7, I have vetoed the wording which would require me to distribute the funds provided to partially compensate for the employer contributions to the Public Employees' Retirement Fund. While the funds may ultimately be distributed on a pro rata basis, further time is needed to determine whether special problems exist requiring some other method of distribution. My veto of this section is designed to provide flexibility to distribute the funds in the most desirable manner after we have had the opportunity for further analysis.

24. Teachers' Retirement System

On page 55, beginning on line 25, I have vetoed the entire section appropriating \$20 million for contributions to the Teachers' Retirement System.

The Budget as passed by the 1971 Legislature is in excess of \$22 million out of balance. A preliminary analysis indicates that of this amount, approximately \$15 million is needed to maintain the state \$365 per pupil guarantee for students in kindergarten through the twelfth grade during the 1972-73 fiscal year. It is equally clear that unless the 1972 Special Session of the Legislature adds approximately \$15 million to the Common School Apportionment appropriation, local school districts will either have to reduce the quality of their education programs or increase special levies to supplement the inadequate amount of state funds provided in the Appropriations bill. Because I do not believe it is desirable to reduce the quality of education and because I am opposed to increasing special levies to make up for an inadequate amount of state support, I am vetoing the General Fund appropriation of \$20 million and will ask the 1972 Special Session of the Legislature to make a supplemental appropriation to the Superintendent of Public Instruction to assure that the \$365 per pupil guarantee can be maintained for both years of the 1971-73 biennium. I would like to point out that by vetoing the appropriation to the Teachers' Retirement Fund, it is with complete assurance that pensions payments to retired teachers will be made.

Veto
Message

I recognize that the veto of the appropriation to the Teachers' Retirement System also deletes state funds used to pay one-half of the administrative cost of the system. The appropriation for administration has been left intact. In order to meet the formula for payment of administrative costs contemplated by RCW 41.32.410 and insure that the members of the system will not have to bear an inequitable share of the administrative costs, funds from my emergency fund appropriation will be made available to pay one-half of administrative costs until a supplemental appropriation can be provided by the 1972 Legislature.

25. Unanticipated Receipts

On page 60, line 26, I have vetoed a portion of the section dealing with unanticipated receipts.

During the 1971-73 biennium, the state will receive into its general and other funds from which the Legislature makes appropriations, over \$900 million in federal matching grants and contracts. These funds represent a major source

of support to Public Assistance and other Human Resources programs, public school through education grants, highway construction, and many other programs of state government. Each state agency in their budget request clearly identifies the amount and the purpose of each federal grant that is anticipated to be received by the agency during the biennium. Because the federal appropriations are for only a one-year duration, whereas the state budget is for a two-year period, it is necessary for each agency to estimate the amount of federal funds they will receive. During the course of the biennium as federal appropriations are established, all agencies go through a procedure of reducing or increasing their estimate of federal revenues to reflect final federal grant allocations. Section 109 in its present form would require each state agency to receive the approval of the Legislature, if it is in session, or the Legislative Budget Committee, if the Legislature is not in session, in the event that federal grants are in excess of the amounts anticipated in the budget.

It is clear that the Legislature wants to assure that whenever not specifically precluded by the terms or the nature of the grant the receiving state agency will utilize federal grant funds in excess of amounts estimated in the Budget to support regular state programs, so as to save state tax funds. I am in full agreement with the desirability of using any available federal funds in lieu of state tax resources and have approved that portion of the section which places this requirement on state agencies.

However, the requirement that approval of either the Legislature or the Legislative Budget Committee must be obtained prior to expenditure is unworkable. While I am in agreement with the fundamental principle of government that the Legislature appropriate all funds to be expended, the State of Washington is at a distinct disadvantage compared to those states who have a full time Legislature responding to changes in federal laws, new federal programs or changes in the amount of federal revenues to be allocated to state programs. In order for this state to be able to respond to changing federal conditions, it must have a mechanism whereby federal funds can be utilized in a timely manner. Such a procedure already exists as set forth in RCW 43.79.250-.280 which designates the Governor as the state's agent to receive and deposit in the Treasury, federal funds not anticipated in

the Budget and further allows him to authorize the expenditure of these funds. It is, in essence, this procedure which the state has been following since 1945. The process of determining whether a particular grant is in excess of those estimated in the budget, requiring compliance with this provision is a time consuming process and would result in large numbers of small grants or contract charges being processed through the Legislative Budget Committee. Normal federal allocations to the Department of Public Assistance, which may be in excess of earlier estimates, because of frequent changes in federal regulations and, which must be expended immediately to avoid cash flow problems, could be delayed unnecessarily by requiring committee approval. I see no compelling need to involve a legislative interim committee in the routine bookkeeping task of adjusting revenue estimates to final federal grant allocations and the potential delays and administrative burdens seem highly desirable. Therefore, I have vetoed a portion of Section 98 requiring such prior approval.

Veto
Message

I have approved the provision in Section 47 which requires quarterly review by the Legislative Budget Committee of allocations of the Law and Justice Committee, which represents the most significant new federal program. I have also directed the Office of Program Planning and Fiscal Management to develop improved information for both the 1972 and 1973 Session of the Legislature on new federal programs, and I believe these two procedures will provide more meaningful information to the Legislature than the controls in Section 98.

26. Salaries

On page 63, line 16, I have vetoed Section 107 which was intended by the Legislature to preclude those state employees who are not under the jurisdiction of either the State Department of Personnel or the Higher Education Personnel Board from receiving a salary increase as long as they remain in the same job classification. Employees which would presumably be affected by this section include college and university faculty members and employees exempt from Civil Service status in state agencies. Based upon informal advice from the Attorney General, it is clear that the language of the section is so defective as to accomplish the exact opposite of that intended by the Legislature. The

essence of the advice from the Attorney General is that the only state employees in a job classification are those employees in the classified service, as classified by the Department of Personnel or the Higher Education Personnel Board and that faculty members and exempt personnel are not in the category which can be construed to be a job classification. If the section were allowed to remain, it would result in the withholding of regular merit salary increases to employees in the classified service, a result specifically rejected by vote in the Senate, while not prohibiting a salary increase for non-classified personnel.

Veto
Message

Because this section so clearly has the opposite effect from that intended and because it is so discriminatory in its application to some employees and not others and finally because if implemented, it would create chaos in salary administration for classified employees, I am vetoing the entire section.

27. Travel

On page 67, line 29, I have vetoed a portion of the section which establishes procedure dealing with out-of-state travel.

While I concur with the legislative intent of Section 109 to reduce the amount of state funds expended for out-of-state travel, I do not concur with the Legislature's intent to apply these restrictions to executive branch agencies or the method expressed in the section for controlling out-of-state travel. I believe it is equally desirable to reduce the out-of-state travel for all agencies of state government and not just those agencies which are part of the executive branch of government. The control procedure set forth in the act would require the Director of the Office of Program Planning and Fiscal Management to become unduly preoccupied in reviewing and approving each request for out-of-state travel to the extent that it will be necessary to sacrifice more important and economically beneficial activities. From another standpoint, it is an absurdity to expect someone from the Budget Office to determine the priority of individual trips related to scholarly and research pursuits in our colleges and universities. I expect each agency head to manage the internal affairs of the agency for which he is responsible,

and to take the steps necessary to reduce the amount of out-of-state travel in his agency so that it is unnecessary to establish a centralized approval procedure. I have allowed to remain in this section the requirement that each agency submit a monthly out-of-state travel report to the Office of Program Planning and Fiscal Management which will be forwarded to the 1973 Session of the Legislature and the Legislative Budget Committee. I believe that by making agency heads responsible for the control of out-of-state travel and by allowing the reporting requirements to remain in the section, agency heads will be able to achieve a more effective utilization of out-of-state travel than could possibly be achieved through a centralized control procedure.

Veto
Message

28. Internships

I have vetoed Section 112 which prohibits expenditure of state funds for student internships in state government. The Legislature during the past session utilized a large number of student interns. The Conference Committee which dealt with the Budget inserted this proviso which had been in no other version of the Budget, and it was not discussed on the Floor. Apparently, the members of the Conference Committee take the position that what is good for the Legislature is not good for the Executive Branch. I do not agree. Intern programs have played an essential role in the entire educational process, providing relevant experience for the student with substantial return to the state at minimal state cost. Work study programs, which play a growingly important role in educational programs would be eliminated. While emphasis is placed on opportunities which can be funded entirely with non-state funds, in many instances some state participation is essential. For example, the state participates in a program with the American Industrial Development Council and the Economic Development Administration to train an American Indian for subsequent work in industrial development on Indian Reservations. The state is required to pay one-half of the salary of the intern, receives valuable service from him during his period with state government, and will receive substantial long-term benefit from his training. This proviso would require breaching our commitment to the participants in this program without completing it. Additionally, it would require breaching a commitment with other interns already hired, with little financial savings. This proviso represents unwise

policy, inserted at the last minute by the Conference Committee, and has therefore been vetoed.

Veto
Message

29. Salaries

I have vetoed Section 113, which was intended by the Legislature to preclude the payment of salary increases to those state employees paid from appropriated funds who earn in excess of \$15,000 a year. Based upon informal advice received from the Attorney General, it is clear that this section, like Section 107, has some effects which were not anticipated by the Legislature. In essence, this section would not apply uniformly to all state employees. For example, employees paid from such non-appropriated funds as the Central Stores Revolving Fund, the Printing Revolving Fund, Horticultural District Funds, Agricultural Local Funds, Commodity Commission Funds, Farm Revolving Fund, all college and university Local Plant Funds, all college and university grant and contract funds, Washington State Historical Association Local Museum Fund, the Eastern Washington Historical Society Local Museum Fund, the Forest Insect Disease Control Fund, the Clark-McNary Fund, the Forest Assessment Fund, the Log Patrol Revolving Fund, the State Forest Nursery Fund, the Slash Clearance Fund, and the Forest Access Revolving Fund would not be affected because these employees are not paid from funds contained in this bill.

While there are sufficient technical errors alone in the section to warrant its veto, I am equally concerned about the effect that the section would have on the quality of leadership in state government if such a section were allowed to remain. During the past six years, this administration has diligently worked to attract fresh leadership, people with innovative ideas who are willing to make the effort necessary to make state government more responsive to the public. This fresh leadership has resulted in a whole new way of caring for those who are retarded, for those who are affected with mental illness, for those juveniles and adults who have violated the law. It has resulted in increasing relevance in the instructional programs of the state colleges and universities. It has resulted in more vigorous efforts to clean up this state's air and water. I believe the citizens of this state can be justifiably proud of these and the many other changes which this new leadership has accomplished in response to an era marked by unprecedented

economic growth and an equally unprecedented decline in employment and by social disorder and unrest. I am simply unwilling to follow the legislative suggestion that we reward the hard work and dedication of these employees by limiting their opportunity to continue to receive any merit adjustments which other employees would continue to receive.

Veto
Message

Therefore, I have vetoed Section 113 in its entirety.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 276
[Substitute House Bill No. 152]
CAPITAL BUDGET

AN ACT Adopting the capital budget; making appropriations for capital improvements; authorizing certain projects; and declaring an emergency.

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

NEW SECTION. Section 1. That a capital budget is hereby adopted and subject to provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1973, out of the several funds hereinafter named:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Reappro-	From the	From the
	priations	Fund Designated	General Fund
Acquire land and buildings, repair buildings, provide drainage facilities, relocation of utilities, other improvements, East Capitol Site			
General Fund	876,096		
Remodel and repair Capitol buildings, offices and			

facilities (624,025)		
General Fund	494,368	129,657
Construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as determined by the State Capitol Committee		
State Building Construction Account	3,786,267	
General Office relocation and rearrangement of facilities		
Capitol Building Construction Account		65,000
Modernization of electrical distribution system- Phase II		
General Fund	50,723	
Acquisition, development, and improvement of lands, improvements and facilities within the East Capitol Site		
Capitol Purchase and Development Account	1,792,403	
Develop Capitol Lake recreational		

facilities
 (102,864)

 Capitol Building
 Construction
 Account 52,864 50,000

Repairs and
 improvements to
 Capitol Lake area
 Capitol Building
 Construction
 Account 25,000

Repair Insurance
 Building
 Capitol Building
 Construction
 Account 352,200

Acquisition,
 development,
 maintenance, and
 operation of
 temporary parking
 programs, routes,
 facilities and
 services for state
 employees and office
 during construction
 of permanent parking
 facilities on East
 Capitol site.
 State Capitol
 Vehicle Parking
 Account 12,000

Renovation and
 replacement of
 utility tunnels
 Capitol Building
 Construction
 Account 211,755

Develop parking
 facilities west side
 of Capitol Way
 Capitol Building
 Construction
 Account 750,000

Clean and

Construction Fund 2,500,000

Total (14,397,107) 12,714,721 1,552,729 129,657

FOR THE MILITARY DEPARTMENT

	Reappro- priations	From the Fund Designated	From the General Fund
Construct training center expansion- Bellingham (21,989)			
General Fund	17,591		4,398
Construct new armory-Seattle (3,000,000)			
Seattle Armory Account	2,200,000	800,000	
Purchase land and construct new armory- Aberdeen			
General Fund	32,937		
Construct, repair, remodel buildings and improve facilities, including architect and engineering fees (106,968)			
General Fund	98,150		8,818
 Total (3,161,894)	 2,348,678	 800,000	 13,216

FOR THE SCHOOL FOR THE BLIND

	Reappro- priations
Major roof repairs and waterproofing exterior of buildings	
General Fund	5,000
Construct and equip Student Residence Hall	
State Building and Higher	

Education	
Construction	
Account	174,674

Total (179,674)	179,674
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FOR THE SCHOOL FOR THE DEAF

Reappro-
priations

Renovate Hospital to
provide isolation
ward

General Fund	8,000
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Remodel
Superintendent's
apartment to student
dormitory

General Fund	19,500
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Construct and
equip Fieldhouse

State Building and
Higher Education
Construction

Account	147,042
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Total (174,542)	174,542
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FOR WESTERN HOSPITAL

Reappro-
priations

Renovate utilities

General Fund	16,462
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Remodel and equip
ward buildings

CEP & RI Account	300,000
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Total (316,462)	316,462
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FOR RAINIER SCHOOL

Reappro-
priations

Construct and equip
laundry building
addition

General Fund	5,000
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Repair and replace
toilets in
buildings

General Fund 63,500

Construct and equip

Vocational-

Training building

State Building

and Higher

Education

Construction

Account 613,500

Construct and equip

Volunteer Services

building-"Student

Store"

State Building and

Higher Education

Construction

Account 144,600

Total (826,600) 826,600

FOR FIRCREST SCHOOL

Reappro-
priations

Construct and equip

Activities building

General Fund 41,969

Replace Redwood

Hall-Phase I and

II (4,163,713)

General Fund 2,000,542

State Building and

Higher Education

Construction

Account 2,163,171

Total (4,205,682) 4,205,682

FOR THE PENITENTIARY

	Reappro-	From the	From the
	priations	Fund Designated	General Fund

Remodel wings

1, 2, 3, 4 for

academic school			
General Fund	233,897		413,569
CEP & RI Account	197,408	227,052	

Total (1,071,926)	431,305	227,052	413,569
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FOR THE REFORMATORY

Reappro-
priations

Renovation of
utilities

 State Building and
 Higher Education
 Construction
 Account 36,294

Construct Chapel

 State Building and
 Higher Education
 Construction
 Account 26,907

Remodel Inmates'
dining room and
bakery

 General Fund 400,121

Divide Cellhouse
No. 2 for better
supervision

 General Fund 18,965

Total (482,287)	482,287		
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FOR THE PURDY TREATMENT CENTER FOR WOMEN

Reappro-
priations

Construct and equip
new women's
correctional
institution
(695,688)

 General Fund 498,000

 CEP and RI
 Account 197,688

Total (695,688)	695,688		
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FOR THE CASCADIA JUVENILE RECEPTION-DIAGNOSTIC CENTER

From the
Fund Designated

Construct and equip
two new diagnostic
cottages
CEP and RI
Account 56,000

FOR THE MAPLE LANE SCHOOL

Reappro-
priations

Construct and equip
Treatment Security
building (292,400)
General Fund 42,400
State Building and
Higher Education
Construction
Account 250,000

Total (292,400) 292,400

FOR THE GREEN HILL SCHOOL

From the
Fund Designated

Construct and equip
Treatment Security
building and
renovate isolation
unit
CEP and RI
Account 150,590

FOR THE GROUP HOMES

Reappro-
priations

From the
General Fund

Construct and equip
new group home
(152,230)
General Fund
(152,230) 136,000 16,230

FOR THE INDIAN RIDGE YOUTH CAMP

Reappro-

priations
 Construct and equip
 Youth Camp
 General Fund 6,500

 FOR THE VETERANS' HOME

Reappro-
 priations
 Major roof repairs
 to various buildings
 General Fund 3,500
 Replace plumbing and
 fixtures in hospital
 General Fund 1,000

Total (4,500) 4,500

 FOR THE DIVISION OF INSTITUTIONS-HEADQUARTERS

	Reappro- priations	From the Fund Designated	From the General Fund
Repair or replace electric, water, steam and sewer lines, boilers, install emergency generators; reduce air and water pollution (2,732,093)	General Fund 142,243 CEP and RI Account 1,089,850	1,500,000	
Roof repairs, parking area repairs, road repairs and other minor repairs to buildings at various institutions including repairs to meet health inspectors recommendations (1,178,922)	CEP and RI Account 378,922	800,000	
Upgrade fire and safety standards per			

recommendations of state fire marshals and safety inspectors			1,458,109
Preplanning for schematic plans for projects in 1969-73			
Capital budget			
General Fund	369,665		
<hr/>			
Total (5,738,789)	1,980,680	2,300,000	1,458,109

FOR THE DEPARTMENT OF ECOLOGY

From the
General Fund

For construction of ground water observation wells: PROVIDED, That these funds shall be expended only for wells located on lands east of the crest of the Cascade Mountains			180,000
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FOR THE STATE PARKS AND RECREATION COMMISSION

	Reappro-	From the	From the
	priations	Fund Designated	General Fund

Purchase and develop park sites, develop boat moorages, group camp facilities, historical sites and markers, and archeological investigations (8,646,920)			
Outdoor Recreation Account	2,914,919	5,732,001	
Construct, repair and improve park facilities including but not limited to trailer dumps, erosion control,			

preservation,
sanitation and water
systems (2,065,367)

General Fund	734,821		1,330,546
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Total (10,712,287)	3,649,740	5,732,001	1,330,546
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FOR THE DEPARTMENT OF FISHERIES

	Reappro- priations	From the General Fund
Construct and improve fish farms, rearing ponds, spawning channels, hatcheries, fishways and other fish facilities, purchase land and make emergency re- pairs to structures: PROVIDED, That \$665,000 of the amount in subsection (1) below shall be en- cumbered and expended only to the extent of revenue generated by any legislation enacted for salmon fishing licenses or revision upward of any existing license fee structure.		

(1) General Fund-- state appropriation (1,144,920)	210,920	934,000
(2) General Fund-- federal appropriation (812,000)	175,000	637,000
(Federal share of 50% reimbursable projects)		
(3) General Fund-- federal appropriation		

(425,000)		425,000
(100% federally reim-		
bursable projects)		
<hr/>		
Total (2,381,920)	385,920	1,996,000

FOR THE DEPARTMENT OF GAME

	Reappro-	From the
	priations	Fund Designated
Purchase and develop		
land (4,196,840)		
Outdoor Recreation		
Account	454,000	3,742,840
Construct and equip		
Fish and Game		
Protective		
facilities (100%		
Reimbursable)		
Game Fund		1,000,000
Construct or		
purchase and improve		
headquarters		
buildings, hatcheries,		
facilities, rearing		
ponds, game range		
facilities, and		
brooder houses and		
pens		
Game Fund		3,293,294
Construct and equip		
Fish and Game		
Protective facilities		
(50% or 75%		
Reimbursable)		
Game Fund		330,000
<hr/>		
Total (8,820,134)	454,000	8,366,134

FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappro-	From the	From the
	priations	Fund Designated	General Fund
Rights-of-way			
acquisition, construct			
honor camp bridges and			
culverts, timber			

access road
 constructions,
 construct scaling
 stations, lookout
 towers, improvements
 to fire protective
 facilities, construct
 and equip district
 headquarters, and
 construct wild life
 enclosures (746,356)

General Fund	128,016		405,340
Forest Development Account		200,000	
Resources Management Account	13,000		

Water development,
 road construction,
 land clearing and
 leveling of
 agricultural land
 and range
 improvements (1,246,419)

Forest Development Account	456,656	200,000	
Resources Management Account	131,299	458,464	

Acquire land for
 recreational areas in
 forested and
 waterfront
 locations (2,068,458)

Outdoor Recreation Account	493,740	1,574,718	
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Construct and provide
 seed orchard
 facilities

Resources Management Account	54,000		
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Acquire site for
 nursery expansion
 and construct
 buildings and

irrigation system			
Forest Development			
Account		220,000	
Expand irrigation			
system at Webster			
nursery			
Forest Development			
Account		38,000	
Total (4,373,233)	1,276,711	2,691,182	405,340

FOR THE UNIVERSITY OF WASHINGTON

		Reappro-	From the
		priations	University of
			Washington
			Building
			Account
Construct and equip			
large classroom and			
Auditorium building			
State Building and			
Higher Education			
Construction			
Account	240,000		
Construct and equip			
Computer Center			
State Building			
and Higher			
Education			
Construction			
Account	1,282,011		
Provide for Far			
Eastern Library			
University of			
Washington Building			
Account	442,904		
Remodel and enlarge			
Physical Plant			
Services building			
State Building and			
Higher Education			
Construction			
Account	1,297,000		
Physics building			
addition			

State Building and
Higher Education
Construction
Account 611,000

Construct and equip
Psychology building
State Building and
Higher Education
Construction
Account 3,324,000

Radiation Therapy and
Hospital Clinic
expansion
State Building and
Higher Education
Construction
Account 1,915,000

Construct Scientific
Stores Addition
University of
Washington
Building Account 250,000

Utilities, Services,
Minor Repairs and
Betterments
(5,181,000)
University of
Washington
Building Account 2,881,000 2,300,000

Construct and equip
new Law Center
building (5,519,000)
State Building and
Higher Education
Construction
Account 4,919,000
University of
Washington
Building Account 600,000

Construct and equip
Performing Arts
building (Meany Hall)
(6,842,000)
State Building and
Higher Education

Construction Account	3,542,000		
University of Washington Building Account		3,300,000	
Health Sciences Teaching increment		4,500,000	
Health Sciences expansion (5,480,000)			
State Building and Higher Education Construction Account	1,500,000		
University of Washington Building Account	980,000	3,000,000	
Preplanning for schematic plans for new capital projects			100,000
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Total (36,983,915)	23,183,915	13,800,000	

POP WASHINGTON STATE UNIVERSITY

	Reappro- priations	From the Washington State University Building Account	From the General Fund
Addition to and remodeling of Arts Hall (2,173,150)			
Washington State University Building Account	1,600,000	573,150	
Construct and equip meats laboratory building			
Washington State University Building Account	200,000		
Controlled Environment laboratories relocation			
Washington State			

University Building		
Account	200,000	
Acquire and develop		
land to replace		
Hawawii and Whitlow		
property: PROVIDED,		
That the proceeds		
from said property		
shall be deposited in		
Washington State		
University Building		
Account		
Washington State		
University Building		
Account	53,900	
Construct Design		
Disciplines building,		
Phase I		
Washington State		
University Building		
Account	209,000	
Remodel buildings		
and improve		
facilities		
(3,314,700)		
Washington State		
University Building		
Account	1,800,000	1,514,700
Extend Utilities		
(1,701,900)		
Washington State		
University Building		
Account	900,000	801,900
Moveable equipment		
for Humanities		
building		
Phase I		592,027
Moveable equipment		
for Agricultural		
Sciences building,		
Phase II (353,725)		
Washington State		
University Building		
Account	278,725	75,000
Construct and equip		

Physical Sciences
 building, Phase I
 and II (4,811,000)
 State Building and
 Higher Education
 Construction
 Account 2,800,000
 Washington State
 University
 Building Account 2,011,000
 Construct and equip
 Multi-Purpose
 Coliseum
 (3,550,000)
 Washington State
 University Building
 Account 2,800,000 750,000
 Remodel Wilson Hall 1,474,600
 Livestock teaching
 and research
 facilities, Phase
 I; Beef Cattle
 laboratory and sheep
 center 1,168,200
 Complete remodeling
 of Troy Hall 981,000
 Remodel Bryan Hall 1,302,640
 Preplanning for
 schematic plans for
 new capital
 projects 100,000
 Construct and equip
 General storage
 building
 Washington State
 University
 Building Account 12,500
 Construct and equip
 addition to McCoy
 Hall
 Washington State
 University
 Building Account 10,200
 Construct and equip
 Agricultural Sciences

Building Phase I
(300,000)

State Building and
Higher Education
Construction
Account 220,000
Washington State
University
Building Account 80,000

V Laboratory Animal
Resource Facility
planning and design

31,020

Total (22,539,562) 11,164,325 11,344,217 31,020

FOR EASTERN WASHINGTON STATE COLLEGE

Reappro-	From the	From the
priations	Eastern	General
	Washington State	Fund
	College Capital	
	Projects Account	

Construct and equip
Creative Arts
complex, Phase II
(2,251,961)

General Fund 463,504
State Building and
Higher Education
Construction
Account 1,374,187
Eastern Washington
State College
Capital Projects
Account 414,270

Remodel Buildings,
develop and improve
facilities, major
betterments and
extend utilities
(220,862)

General Fund 3,548
Eastern Washington
State College
Capital Projects
Account 110,314 107,000

Improve campus
services and
facilities
(469,760)

Eastern Washington State College Capital Projects Account	304,760	165,000
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Purchase Land

Eastern Washington State College Capital Projects Account	126,000
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Construct Creative
Arts Building,
Phase I

Eastern Washington State College Capital Projects Account	53,981
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Construct Classroom
building, Patterson
Hall, Phase I and
II (274,828)

General Fund	197,517
State Building and Higher Education Construction Account	77,311

Construct Heating
Plant and Services
(102,583)

General Fund	84,442
State Building and Higher Education Construction Account	18,141

Construct Health and
Physical Education
Facilities, Phase I
(178,782)

State Building and Higher Education Construction Account	154,782
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Eastern Washington State College Capital Projects Account	24,000
Utility Tunnels, Phase I General Fund	31,226
Utility Tunnels, Phase II Eastern Washington State College Capital Projects Account	869,679
Preplanning for schematic plans for projects in the 1971-73 capital budget General Fund	15,687
Addition to speech facilities Eastern Washington State College Capital Projects Account	53,981
Purchase Fire Truck Eastern Washington State College Capital Projects Account	37,500
Construct and equip Health and Physical Education building, Phase III	136,000
Utility tunnels and utility service extensions	1,776,500
Moveable equipment for buildings under State Building Authority	157,550
Cheney Sewer system	69,000
Preplanning for schematic plans for new capital	

projects 45,000

Prepare plans for
Turnbull Research
Center

15,000

Instruction and
Computer Center
Building, design and planning
Plant Services,
Phase II and III
Maintenance
Building,
Plant Storage
Building

91,642

20,278

Total (6,997,800)

4,414,830

2,471,050

111,920

FOR CENTRAL WASHINGTON STATE COLLEGE

Reappro- From the
priations Central
Washington State
College Capital
Projects Account

Construct and equip
Library-Instructional
Complex

State Building and
Higher Education
Construction

Account 4,953,859

Construct and equip
Boiler Plant
addition

Central Washington
State College
Capital Projects

Account 50,000 601,740

Remodel buildings
and improve
facilities and campus,
and obtain equipment
(540,000)

Central Washington
State College
Capital Projects

Account 390,000 150,000

Utilities extensions and renovations	1,159,167
Landscaping and irrigation improvements to the campus	150,000
College share of L.I.D. projects of the City of Ellensburg	395,110
Construct building for buildings and grounds department	67,000
Long range utility study	50,000
Moveable equipment for projects under State Building Authority	300,000
Preplanning for schematic plans for new capital projects	50,000
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Total (8,316,876)	5,393,859 2,923,017

FOR THE EVERGREEN STATE COLLEGE

	Reappro- priations	From the Evergreen State College Capital Projects Account	From the General Fund
Construct and equip library			
State Building and Higher Education Construction Account	952,351		
Construct and equip lecture halls			
State Building and Higher Education Construction Account	86,909		
Construct and equip			

Shop and Garages,

Phase I

State Building and
Higher Education
Construction

Account 94,909

Construct and equip
College Activities
building, Phase I

State Building and
Higher Education
Construction

Account 2,970,412

Construct and equip
Resident Hall,

Unit I

State Building and
Higher Education
Construction

Account 2,523,066

Construct and equip
Science laboratories,
Phase I

State Building and
Higher Education
Construction

Account 1,200,217

Construct and equip
College Recreation
Center, Phase I

State Building and
Higher Education
Construction

Account 209,702

Construction of
Roads, Utilities and
Site improvements

State Building and
Higher Education
Construction

Account 505,953

Construct and equip
Central Heating
plant

State Building and

Higher Education Construction Account	24,396		
Landscaping and improvements to campus, Phase I State Building and Higher Education Construction Account	412,566		
Provide working drawings for Seminar building			225,000
Provide working drawings for Science laboratories, Phase II			219,000
Provide working drawings for Drama- Music-Instructional building, Phase I	156,000		
Preplanning for schematic plans for new capital projects	50,000		
Total (9,630,481)	8,980,481	206,000	444,000

FOR WESTERN WASHINGTON STATE COLLEGE

	Reappro-	From the	
	priations	Western	
		Washington State	
		College Capital	
		Projects	
		Account	
Land Acquisition (712,621)			
General Fund	188,500		
Western Washington State College Capital Projects Account	154,121	370,000	
Remodel college buildings and improvements to			

buildings and
 facilities (1,819,991)
 General Fund 69,948
 Western Washington
 State College
 Capital Projects
 Account 936,043 814,000

Construct and equip
 Classroom building
 State Building and
 Higher Education
 Construction
 Account 1,550,852

Renovation of Old
 Main building
 State Building and
 Higher Education
 Construction
 Account 967,662

Construct and equip
 Education-Psychology
 building (Miller
 Hall) (521,798)
 State Building and
 Higher Education
 Construction
 Account 68,685
 Western Washington
 State College
 Capital Projects
 Account 453,113

Utility expansion
 and modernization
 (1,732,105)
 General Fund 57,845
 Western Washington
 State College
 Capital Projects
 Account 10,860 1,663,400

Construct and equip
 addition to Arts
 building
 Western Washington
 State College
 Capital Projects

Account	22,579	
Construct and equip		
Library addition		
State Building and		
Higher Education		
Construction		
Account	1,018,532	
Addition to		
Auditorium-Music		
building		
State Building and		
Higher Education		
Construction		
Account	1,802,758	
Construct and equip		
Physical Education		
Building (596,116)		
State Building and		
Higher Education		
Construction		
Account	437,296	
Western Washington		
State College		
Capital Projects		
Account	158,820	
Fairhaven Unit		
Academic		
Facilities		
Western Washington		
State College		
Capital Projects		
Account	51,660	
Library Addition,		
Phase III		369,000
Auditorium/Music		
addition and		
Social Sciences,		
Phase I Completion		
(950,000)		
General Fund	450,000	
Western Washington		
State College		
Capital Projects		
Account		500,000
Moveable equipment		

for buildings		100,000	
Preplanning for schematic plans for new capital projects (167,660)			
General Fund	6,407		
Western Washington State College Capital Projects Account		111,253	50,000
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Total (12,383,334)	8,516,934		3,866,400

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappro-	From the
	priations	Community College
		Capital Projects
		Account

Construction of new
campus, Fort
Steilacoom Community
College, Phase I
(1,487,263)

Public School Building Construction Account		1,215,508
Community College Capital Projects Account		271,755

Construction of
Phase I and
equipment for Phase II
Bellevue Community
College

Community College Capital Projects Account		8,518,517
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Construction of
Phase I and
equipment for Seattle
Community College
Central Campus

Community College Capital Projects		
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Account	4,000,000	
Temporary or Emergency Relocatable Facilities controlled by the State Board Community College Capital Projects Account	2,738,345	
Capital projects contingency and minor capital projects Community College Capital Projects Account	1,609,310	
Discretionary funds for the State Board Community College Capital Projects Account	194,016	
Construction of North Campus, Seattle Community College, Phase IA and IB Community College Capital Projects Account	205,590	
Completion of Phase I Construction, Edmonds Community College Phase IA and IB (2,141,334) Community College Capital Projects Account	577,369	1,563,965
Completion of projects authorized by Board of Education and for other community college projects according to priority of need Community College Capital Projects Account	3,103,684	
Community College		

Construction,
 Repairs, Remodeling,
 Land Acquisition,
 Equipment and other
 capital improvements:
 PROVIDED, That not
 to exceed 5,000,000
 shall be available
 for the Seattle
 Central Area campus
 Community College
 Capital Projects
 Account 26,727,936

Construction,
 repairs, remodeling,
 land acquisition,
 equipment and other
 capital improvements
 for Seattle Community
 College
 General Fund 950,000

Remodel Edison
 North to complete
 Phase I of Seattle
 Community College
 Central Campus 1,401,800

Construct Technical
 building for
 occupational
 training facilities,
 Columbia Basin
 College 1,112,735

Construct academic
 facilities, Walla
 Walla Community
 College 5,716,957

Health Occupational
 building to house
 paramedical and
 related instructional
 programs, Spokane
 Community College 1,485,066

Construct Technical
 building for
 occupational training,

Wenatchee Valley College	898,360
Construct Science- Technical building, Green River Community College	1,850,498
Agricultural building to house agriculture, farm mechanics and related programs, Spokane Community College	908,291
Preplanning for schematic plans for new capital projects	100,000
V Language Research Center, Phase II, Everett Community College	728,900
Science Building, Edmonds Community College	4,400,554
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Total (70,279,156)	50,112,030 20,167,126

FOR THE BOARD OF EDUCATION-SUPERINTENDENT OF PUBLIC INSTRUCTION

	Reappro- priations	From the Common School Construction Fund	From the Common School Building Con- struction Account
Public School Building Construction (10,235,845)			
Public School Building Construction Account	250,000		
Common School Building Construction Account	9,380,651		605,194
Public School			

Building
 Construction
 including
 commitments made
 to school districts
 pursuant to the
 unfunded allocation
 authority
 contained in
 Chapter 244, Laws
 of 1969, extraordinary
 session: PROVIDED,
 That not to exceed
 280,000, or so much
 thereof as needed,
 may be utilized to
 fund the school
 buildings systems
 study directed in
 Chapter ..., (SSB
 109), Laws of 1971,
 1st extraordinary
 session (77,337,004)

Common School
 Construction

Fund	31,952,393	45,384,611	
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Total (87,572,849)	41,583,044	45,384,611	605,194
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FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Reappro-
 priations

Construct new wing
 to Museum building
 State Building and
 Higher Education
 Construction

Account	315,489
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FOR THE STATE PATROL

Reappro- From the
 priations Motor Vehicle
 Fund

Construct and equip
 scalehouses including

site acquisitions and improvement to existing sites (381,100)		
Motor Vehicle		
Fund	190,000	191,100
Construct		
Communication Center and District Headquarters, East King County (570,750)		
Motor Vehicle		
Fund	452,750	118,000
Replace Radio Relay Facility-Okanogan		
Motor Vehicle		
Fund	30,000	
Replace Communications- Columbia River Area		
Motor Vehicle		
Fund	118,931	
Construct detachment offices at Kelso and Chehalis		366,000
Install Radio Communications Equipment in remote weigh stations		8,600
Install water and sanitary facilities at westbound Gig Harbor weigh station		3,000
Land acquisition- District I Headquarters, Tacoma		55,000
Replace auxiliary power plants		14,100
Mobile Radio Relay Station (35,700)		
Motor Vehicle		
Fund	17,000	18,700
Construct detachment		

office-Bellingham
and Okanogan

Motor Vehicle

Fund 14,996

(Reappropriations from Motor Vehicle Fund are reappropriations from State Patrol Highway Account which is being abolished.)

Total (1,598,177)	823,677	774,500
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FOR THE EMPLOYMENT SECURITY DEPARTMENT

From the Unemployment Compensation
Administration Fund

Improvement of existing
central office buildings
and necessary related costs:

PROVIDED, That this
appropriation shall be
available only to the
extent that federal
funds under section
903 of the Federal
Social Security Act
are made available
for this purpose:

PROVIDED FURTHER,
That this appropriation
is made pursuant to and
is limited by provisions
of section 903-c(2) of
the Federal Social Security
Act as amended: PROVIDED
FURTHER, That any
unexpended balance of said
federal funds shall be
promptly returned to
the account of the
State of Washington
in the Unemployment
Compensation Trust
Fund as may be required
by federal law or
regulation

500,000

NEW SECTION. Sec. 1A. FOR THE UNIVERSITY OF WASHINGTON
HEALTH SERVICES EXPANSION--General Fund Reappropriation: PROVIDED,

That this reappropriation shall not be allotted if sufficient funds are available in the University of Washington Building Account: PROVIDED FURTHER, That any disbursements that may be made from this reappropriation shall be repaid to the general fund prior to June 30, 1973.....\$ 4,500,000.

NEW SECTION. Sec. 2. There is hereby appropriated from the general fund to the state board for community college education the sum of \$350,000 or so much thereof as may be required for construction and equipping the final unit of the engineering technology building on the south campus of the Seattle community college: PROVIDED, That the director of the office of program planning and fiscal management may allocate from this appropriation no more than shall be realized from the pending sale of the real property and improvements thereto known as the Holgate branch of the Seattle community college.

NEW SECTION. Sec. 3. The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 4. Before a capital project shall begin or an obligation incurred or contract entered into, the Director of the Office of Program Planning and Fiscal Management, with the approval of the Governor, shall first allot funds therefor or so much as may be necessary from the appropriation made herein.

NEW SECTION. Sec. 5. Additional Federal or other receipts and gifts and grants in excess of those estimated in the budget may be allotted by the Governor for capital projects included in the Capital Budget. In addition, the Governor may receive and allot any Federal funds made available for capital outlay at any one of the six institutions of higher education. Whenever possible, funds from other available sources shall be used to finance projects for which General Fund appropriations are made in this act.

NEW SECTION. Sec. 6. To effectively carry out the provisions of this act, the Governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

NEW SECTION. Sec. 7. Reappropriations shall be limited to the unexpended balances remaining June 30, 1971, in the current appropriation for each project.

NEW SECTION. Sec. 8. The governor, through the Director of the Office of Program Planning and Fiscal Management, may authorize a transfer of funds appropriated for a capital project in excess of the amount required for the completion of such project to another capital

project for which the appropriation is insufficient only within the Division of Institutions, Department of Social and Health Services, or between appropriations for a specific department, commission or institution of higher education. No such transfer shall be used to expand the capacity of any facility beyond that anticipated by the legislature in making the appropriations. A report of any transfer effected 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.

NEW SECTION. Sec. 9. Any capital improvement or capital project for construction, repair or maintenance authorized by this act, unless constructed pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: PROVIDED, That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs nor to any improvement or project costing less than twenty-five hundred dollars, nor to portions of projects involving inmate labor at a state institution.

NEW SECTION. Sec. 10. Except as provided in section 12 of this act none of the funds appropriated in this act shall be used by any community college for satellite or secondary campuses, nor any facilities acquired therefore; a satellite or secondary campus for the purposes of this act shall be any location having facilities to carry on instructional programs away from the primary campus of a community college district, with the exception of those facilities of a temporary nature, including facilities in local high schools, in community or privately owned buildings, mobile units, or in any other facility or location which is rented or leased for a period not to exceed two years.

NEW SECTION. Sec. 11. None of the funds appropriated in this act shall be used for new dormitory facilities at community colleges. In addition, any proposals to establish new dormitory facilities at any community college shall be included in the capital budget request of the state board for community colleges as submitted to the office of program planning and fiscal management, and thereafter shall be included in the executive budget for review by the legislature. Such facilities shall not be established unless authorized by the legislature.

NEW SECTION. Sec. 12. No expenditures of appropriated funds for minor capital outlays and/or repairs approved in this act shall be made by any state institution of higher learning offering post-high school educational programs until such anticipated expenditures have been reported to the office of program planning

fiscal management and the legislative budget committee.

NEW SECTION. Sec. 13. Notwithstanding any other provision of law, it is the intention of the Legislature that the Institutions of Higher Education not expend any local plant funds or any other moneys for construction of married student housing during the 1971-73 biennium.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of state government and its existing public institutions, and shall take effect immediately.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This capital budget contains only \$6.8 million in new state General Fund appropriations, a sharp reduction from previous biennia. However, at the last minute certain projects were added by the Senate from the General Fund, with no discussion, and totally ignoring higher priority and urgent projects which should be funded if state General Fund money were available. Because of the lack of time, the Capital Budget returned by the Senate was not discussed in the House. This does not represent a responsible method of allocation of state resources, and I have therefore vetoed appropriations for several projects.

Veto
Message

The specific items I have vetoed are as follows:

1. Washington State University

On page 26, lines 28-30, I have vetoed the following appropriation:

	From the <u>General Fund</u>
Laboratory Animal Facility	
Facility Planning & Design	\$31,020.

The Laboratory Animal Resource Facility project consists of a holding facility for livestock under veterinarian care at the University. While it is a project

that will eventually have high priority, it has not been accorded a sufficiently high priority by the University this coming biennium to warrant funding it from the state General Fund.

Veto
Message

2. Eastern Washington State College

On page 30, beginning on line 26 through line 1 on page 31, I have vetoed the following appropriations:

	From the <u>General Fund</u>
Instruction and Computer Center Building, Design and Planning	\$91,642
Plant Services - Phase II and III Maintenance Building	
Plant Storage Building	\$20,278

The Instruction and Computer Center Building is basically an instructional classroom and faculty office space facility with a small area set aside for housing the computer operations. Given the slowdown in enrollment growth at the college, it will be several years before enrollments reach a level where additional space of this type will be required, according to the college's own space utilization standards.

The Plant Services, Phase II and III, project at Eastern Washington State College is another structure that cannot be justified at this time on the basis of needed space. Currently the college stores supplies and other plant articles in a variety of places, which the college administrators indicate will be adequate now that there is a slowdown in college growth.

While I am sure that both of these projects will materialize in a future biennium, they do not warrant funding at this time from the state General Fund.

3. For the State Board of Community
College Education

On page 43, lines 15 through 21, I have vetoed the following appropriations:

From the Community College Capital ^{Veto}
Projects Account ^{Message}

Language Research Center (correctly
identified as Learning Resource
Center)
Phase II - Everett Community College \$728,900

Science Building - Edmonds Community College \$4,400,554

My capital budget for community colleges was based upon fully utilizing the unused bonding capacity of the Community College System of \$13.9 million. The amendment by the Legislature to the Tuition and Fee Bill (HB 740) which excluded Vietnam veterans from paying the increase in tuition and fees will further reduce this unused bonding capacity by \$2.6 million. As a result of this amendment, there are not sufficient funds available for those projects initially included in the Capital Budget, let alone the two additional projects added by the Legislature.

For the Legislature to add two more projects, for an additional \$5.1 million may be a popular political approach, but not a responsible method of handling community college facility requirements.

I am certain that the Learning Resource Center at Everett Community College and the Science Building at Edmonds Community College will receive additional consideration by the next session of the legislature, at the same time additional financing is considered.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 277
[House Bill No. 313]
PUBLIC HEALTH--
COUNTY HOSPITALS AND INFIRMARIES--
TUBERCULOSIS HOSPITAL DISTRICT CREATED--
TUBERCULOSIS HOSPITAL FACILITIES

V. AN ACT Relating to the public health; authorizing the creation of
tuberculosis and respiratory disease hospital districts;

implementing the law relating to county hospitals and infirmaries; amending section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252; amending section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270; amending section 1, chapter 162, Laws of 1943 as last amended by section 7, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010; amending section 5, chapter 162, Laws of 1943 as last amended by section 16, chapter 54, Laws of 1967 and RCW 70.32.050; amending section 6, chapter 162, Laws of 1943 as last amended by section 17, chapter 54, Laws of 1967 and RCW 70.32.060; amending section 3, chapter 117, Laws of 1959 as last amended by section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090; adding a new section to chapter 36.62 RCW; creating new sections; repealing section 36.62.280, chapter 4, Laws of 1963 and RCW 36.62.280; providing for the levy of certain taxes; and declaring an emergency.

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

Section 1. Section 36.62.252, chapter 4, Laws of 1963 as amended by section 3, chapter 36, Laws of 1967 ex. sess. and RCW 36.62.252 are each amended to read as follows:

Every county which maintains a county hospital or infirmary shall establish a "county hospital fund" into which fund shall be deposited all moneys received from any source for hospital or infirmary services including money received for services to recipients of public assistance and other persons without income and resources sufficient to secure such services. Obligations incurred from such hospitalization and infirmary care shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners a monthly report of receipts and disbursements in the county hospital fund which report shall also show the balance of cash on hand.

Sec. 2. Section 36.62.270, chapter 4, Laws of 1963 and RCW 36.62.270 are each amended to read as follows:

In the event that additional funds are needed for the operation of a county hospital or infirmary, the board of county commissioners shall have authority to adopt a supplemental budget. Such supplemental budget shall set forth the amount and sources of funds and the items of expenditure involved. In the adoption of a supplemental budget the board of county commissioners shall follow the same procedure as required under the provisions of RCW 36.40.180.

NEW SECTION. Sec. 3. There is added to chapter 36.62 RCW a new section to read as follows:

Payments from the state department of social and health

services shall be made upon billing forms as prescribed by the department and shall be paid into the county hospital fund. Before the end of the 1969-1971 state fiscal biennium, each county which received an advance for an infirmary from the department of social and health services for that state fiscal biennium shall return the amount of such advance by county warrant of treasurer's check to the department. At the beginning of the 1971-1973 state fiscal biennium and conditioned upon recovery of the advances made for the previous biennium, the state department of social and health services shall advance to the county an amount equal to the amount paid by the department to the county for the care of public assistance recipients in a county infirmary for the preceding two months of February and March, which amount may be used to defray costs in the first month's operation of the state fiscal biennium. No advance shall be made for a county hospital.

At the beginning of each succeeding state fiscal biennium, the department will advance an amount approximating two months' cost of operation as described in the preceding paragraph upon recovery in the preceding biennium of the amount advanced for that biennium. Reimbursements for the actual costs of operation, provided they are essential and necessary to the operation of the infirmary and have been included in the biennial appropriation, shall be made monthly by the state department of social and health services to the counties.

NEW SECTION. Sec. 4. Section 36.62.280, chapter 4, Laws of 1963, and RCW 36.62.280 are each repealed.

NEW SECTION. Sec. 5. The purpose of sections 5 through 14 of this 1971 amendatory act is to authorize and establish a tuberculosis and respiratory disease hospital district in the state to operate a hospital and supply hospital service for the residents of such district and such others as the district shall deem necessary.

NEW SECTION. Sec. 6. There is hereby established a tuberculosis and respiratory disease hospital district in the state, hereinafter in this 1971 amendatory act referred to as the Eastern district, consisting of the following named counties: Okanogan, Chelan, Kittitas, Yakima, Benton, Walla Walla, Franklin, Grant, Douglas, Ferry, Lincoln, Adams, Columbia, Asotin, Garfield, Whitman, Spokane, Stevens and Pend Oreille; the headquarters county of such district shall be Spokane county. Such hospital district is authorized to operate a hospital in the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

NEW SECTION. Sec. 7. The Eastern tuberculosis and respiratory disease hospital district in this state shall be governed by a commission consisting of five members, three of whom shall be members of the legislative authority of the headquarters county to be chosen by and to serve at the pleasure of such legislative authority and two

of whom shall be elected by and to serve at the pleasure of an advisory committee to the commission made up of the chief health officers of the respective counties within the district. If such advisory committee shall fail to fill a vacancy within two weeks, the governor shall fill such vacancy and so notify the commission. Initial members of the commission shall be elected or appointed within ten days of the effective date of sections 5 through 14 of this 1971 amendatory act. Such advisory committee shall counsel the commission with respect to commission powers and duties under sections 5 through 14 of this 1971 amendatory act. Failure of any member to continue in public office shall result in a commission vacancy which shall be filled as in the case of original appointment or election.

NEW SECTION. Sec. 8. The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis and respiratory diseases. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis and respiratory control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission.

NEW SECTION. Sec. 9. The district commission shall have authority:

(1) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said commission shall have the power to contract with other communities, corporations or individuals for the services provided by said district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(2) To enter into any contract with the United States government, or any state or municipality for carrying out any of the powers authorized in sections 5 through 14 of this 1971 amendatory act;

(3) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the district shall be brought in the

headquarters county of the district; and

(4) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature and to do all those things necessary to carry out the purposes of sections 5 through 14 of this 1971 amendatory act.

Commission members shall be reimbursed for reasonable expenses incurred in connection with commission business and meetings, including subsistence and lodging and travel while away from their place of residence. Commission organization and proceedings shall be in accordance with that for public hospital district commissions under RCW 70.44.050.

NEW SECTION. Sec. 10. The commission shall as soon as possible after the effective date of sections 5 through 14 of this 1971 amendatory act enter into those necessary negotiations and agreements to obtain the use of the present tuberculosis hospital facilities at Edgecliff in Spokane, Washington.

NEW SECTION. Sec. 11. Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow-up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In

V addition, environmental conditions today make vital the advancement of remedies relating to respiratory diseases. In order to carry on

V tuberculosis and respiratory disease 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, the receipts therefrom to be forwarded by the treasurers of such county 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 funds are to be used by the chief health officers to carry out tuberculosis control and respiratory

V disease treatment on a local county level. 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. 12. The district created by section 6 of this 1971 amendatory act shall not participate in any distributions made pursuant to chapter 70.32 RCW on and after the effective date of sections 5 through 14 of this 1971 amendatory act. On and after January 1, 1972 the provisions of chapter 70.32 RCW as now or hereafter amended shall not apply to the eastern district created by section 6 of this 1971 amendatory act.

NEW SECTION. Sec. 13. The department of social and health services shall have the same authority over the hospital of a tuberculosis and respiratory disease hospital district as its authority over any privately administered hospital in this state.

NEW SECTION. Sec. 14. Until January 1, 1972, counties and the state shall continue to pay for the treatment of county patients at Edgecliff in Spokane, Washington, in the same manner as they have during this 1969-1971 fiscal biennium prior to the effective date of sections 5 through 14 of this amendatory act.

NEW SECTION. Sec. 15. The following words and phrases shall have the designated meanings in section 15 through 25 of this 1971 amendatory act unless the context clearly indicated otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Secretary" means the secretary of the department of social and health services or his designee;
- (3) "Tuberculosis hospital" and "tuberculosis hospital facility" refer to hospitals for the care of persons suffering from tuberculosis;
- (4) "Tuberculosis control" refers to the procedures administered in the counties for the control and prevention of tuberculosis, but does not include hospitalization.

NEW SECTION. Sec. 16. From and after the effective date of sections 15 through 25 of this 1971 amendatory act, the secretary shall have sole administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to sections 15 through 25 of this 1971 amendatory act. Pursuant to that responsibility, the secretary shall have the following powers and duties:

- (1) To provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;
- (2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to sections 15 through 25 of this

1971 amendatory act.

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of the tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act.

NEW SECTION. Sec. 17. The medical director of any tuberculosis hospital facility operated pursuant to sections 15 through 25 of this 1971 amendatory act shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.

NEW SECTION. Sec. 18. In order to maintain adequate tuberculosis hospital facilities for the residents of the state of Washington and to assure their proper care pursuant to sections 15 through 25 of this 1971 amendatory act, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall commencing January 1, 1972, levy annually a tax in the sum equal to the amount which would be raised by a levy of one-sixteenth mill against the actual value of the taxable property in the county. Upon collection such sum shall be paid to the state general fund to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act. All other sources of revenue payable for the cost of hospitalization in tuberculosis hospital facilities operated pursuant to sections 15 through 25 of this 1971 amendatory act shall be collected by such tuberculosis hospital facilities and paid into the general fund of the state.

There is hereby appropriated from the state general fund to the department such revenue as is collected and paid over to the general fund resulting from the one-sixteenth mill levy provided for herein, and the collections made by the tuberculosis hospital facilities for the cost of hospitalization. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to sections 15 through 25 of this 1971 amendatory act: PROVIDED, That in the event that the revenues collected under this section exceed the cost of

hospitalization, surplus revenues will be returned to the counties in proportion to the property taxes collected from those counties.

NEW SECTION. Sec. 19. During the period from the effective date of sections 15 through 25 of this 1971 amendatory act to January 1, 1972 each of the respective counties enumerated in section 18 of this 1971 amendatory act will be responsible for the cost of care for hospitalization of patients with tuberculosis from the respective counties, when such patients are unable to pay all or any of the hospitalization costs: PROVIDED, That no county enumerated in section 18 of this 1971 amendatory act shall be liable for payment for such cost of care beyond the amount budgeted and collected in each such county for tuberculosis hospitalization and control as a result of revenue from previous levied tuberculosis taxes or payments in lieu of taxes.

NEW SECTION. Sec. 20. From the effective date of sections 15 through 25 of this 1971 amendatory act in any county enumerated in section 18 of this 1971 amendatory act currently maintaining a tuberculosis hospital facility, the department will assume all assets and liabilities relating to such hospitals and the counties and the department are authorized and directed to take all steps required by law to effect such transfer.

Sec. 21. Section 1, chapter 162, Laws of 1943 as last amended by section 7, chapter 47, Laws of 1970 ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, ~~((including hospitalization,))~~ case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the ~~((board of county commissioners))~~ legislative authority of each county ~~((in the state))~~ enumerated in section 18 of this 1971 amendatory act shall budget and commencing January 1, 1972 shall levy annually a tax in a sum equal to the amount which would be raised by a levy of ~~((one-eighth))~~ one-sixteenth of a mill against the actual value of the taxable property in ~~((the))~~ any county enumerated in section 18 of this 1971 amendatory act, to be used for the control of tuberculosis, including ~~((hospitalization,))~~ case finding, prevention and follow up of known cases of tuberculosis: PROVIDED, That upon certification of the ~~((state director of health))~~ secretary that any such county has an unexpended balance from such levy, over and above the amount required for adequate tuberculosis control, including ~~((hospitalization,))~~ case finding, prevention and follow up of known cases of tuberculosis within ~~((the))~~ such county, the ~~((board of county commissioners))~~ legislative authority may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such

unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090 as now or hereafter amended. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of ~~((the))~~ 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 ~~((board of commissioners))~~ legislative authority and the ~~((state))~~ department ~~((of health))~~ a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 22. Section 5, chapter 162, Laws of 1943 as last amended by section 16, chapter 54, Laws of 1967 and RCW 70.32.050 are each amended to read as follows:

All arrangements for hospital care, tuberculosis case finding and post hospital public health follow-up of known cases of tuberculosis of any county enumerated in section 18 of this 1971 amendatory act shall be the responsibility of the local health officer and shall be carried out pursuant to rules and regulations adopted by the state board of health.

Sec. 23. Section 6, chapter 162, Laws of 1943 as last amended by section 17, chapter 54, Laws of 1967 and RCW 70.32.060 are each amended to read as follows:

~~((The admission of all patients whose maintenance is paid for in whole or in part by county or state funds to a county hospital or facility shall be upon application to the local health officer;))~~ Medical reports on the condition of ~~((such))~~ all patients shall be submitted to the health department of ((the)) any county ((maintaining)) enumerated in section 18 of this 1971 amendatory act of the patient's ~~((support))~~ residence by the hospital medical director at such times, on such forms and in accordance with such procedure as may be prescribed by the ~~((state director of health))~~ secretary.

Sec. 24. Section 3, chapter 117, Laws of 1959 as last amended by section 15, chapter 110, Laws of 1967 ex. sess. and RCW 70.32.090 are each amended to read as follows:

In any county enumerated in section 18 of this 1971 amendatory act where the ~~((state director of health))~~ secretary has certified that the proceeds of the ~~((one-half))~~ one-sixteenth mill tax levy is more than adequate to provide for tuberculosis control, including ~~((hospitalization;))~~ case finding, prevention, and follow-up of known cases of tuberculosis in the county, the ~~((board of county~~

commissioners)) legislative authority, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the ((one-half)) one-sixteenth mill tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law, or the ((board)) legislative authority in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

NEW SECTION. Sec. 25. On and after January 1, 1972 the provisions of RCW 70.30.010, 70.30.040, 70.30.050, 70.30.080, 70.30.100, 70.32.015, 70.32.021, 70.32.040, 70.32.080 and 70.32.085 shall not apply to any facility operated pursuant to sections 15 through 25 of this 1971 amendatory act. V

NEW SECTION. Sec. 26. This 1971 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. V

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill establishes a hospital district in Eastern Washington to operate a tuberculosis hospital for that area and in Western Washington authorizes operation and control of tuberculosis hospitals in the State Department of Social and Health Services. As passed, the bill establishes a major distinction in types of services available between the hospital district and the rest of the state in that the district can treat respiratory disease as well as tuberculosis. In view of the obvious inequities and legal problems created by this distinction I have vetoed all references to respiratory disease in the bill in order that the concept of establishing necessary and effective treatment of tuberculosis throughout the state may be more equitably implemented.

Veto
Message

Section 18 of the bill purports to transfer certain county millage to the state general fund to be used for tuberculosis hospitalization. Because it was the apparent

and expressed intent of the drafters of this legislation to have the revenue available to the Department of Social and Health Services without further legislative action, all references to the general fund in section 18 are inappropriate and in fact prevent implementation of the legislation.

Veto
Message

For the foregoing reasons, I have vetoed those references in Section 18.

Section 26 of the bill is an emergency clause which would bring about implementation of this legislation immediately. Because there is more than sufficient time to do what is necessary to implement this act without an emergency clause, and because immediate implementation would put a strain on the resources of the state, I have vetoed section 26.

Section 12 of the bill, in part provides that the eastern district will be prohibited from receiving any payments from the local county funds after the effective date of the act. Because section 14 provides that the counties will continue to make payments in the eastern district until January 1, 1972, and because these payments are necessary for the operation of the eastern district, I have vetoed the first sentence of section 12. This resolves the conflict between sections 12 and 14 and preserves the fiscal viability of the legislation.

Section 25 provides that certain laws shall not apply to any facilities operated by the Department of Social and Health Services after January 1, 1972. It was the intent of the drafters to create a complete tuberculosis program under the new enactments, including control programs as well as hospitalization. Because the reference to facilities in section 25 may confuse the application of that section, I have vetoed reference to facilities. This veto does not change the substance of the section but clarifies the legislative intent to create a new and complete program and substitute it for the previous one.

In section 18 provision is made for utilization of income to the hospital facility. However, there is non-hospitalization related income for which no provision was made. Because it is necessary to utilize all income

available to the facility, and because there is language in section 18 which limits its utilization, I have vetoed that language which is so limiting. This veto allows the facility effectively to utilize all available income, and is in keeping with the intent of the drafters.

Veto
Message

Section 23 requiring tuberculosis hospitals to report to the county of the patient's residence his medical condition, is limited to counties outside the eastern district. Since this information is equally important to all counties whether or not within the eastern district, I have vetoed that language limiting the applicability of that section in order that all counties shall receive reports on the condition of patients who are residents of their counties.

In section 18 and section 24 provision is made for counties to levy taxes and language is included which would have the levy commence January 1, 1972. Because this would postpone realization of that income until the first quarter of 1973, I have vetoed that language establishing January 1, 1972 as the commencement date of the levy. This veto allows realization of the levy income in the first quarter of 1972 as was intended by the legislature.

Section 8 of the bill establishes the superintendent of the eastern district hospital as the tuberculosis control officer for the district. I question the wisdom of the provision because tuberculosis control outside of a hospital is appropriately and has successfully been a local county function. However, the legislature, in setting up a program for tuberculosis control and treatment, determined that this structure is appropriate for the eastern district. Therefore, although with some misgivings, I have determined not to veto that language making the superintendent of the eastern district hospital the tuberculosis control officer for the district."

CHAPTER 278

[Engrossed House Bill No. 373]

WASHINGTON STATE PATROL--
RETIREMENT PENSIONS

AN ACT Relating to retirement pensions; and amending section

43.43.260, chapter 8, Laws of 1965 as amended by section 4, chapter 12, Laws of 1969 and RCW 43.43.260; and providing an effective date.

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

Section 1. Section 43.43.260, chapter 8, Laws of 1965 as amended by section 4, chapter 12, Laws of 1969 and RCW 43.43.260 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

V (1) ((A) As long as such member is not employed by the United States, the state or any agency or instrumentality or political subdivision thereof a prior service annuity which shall be equal to ((one and one-half)) two percent of the member's average final salary multiplied by the number of years of prior service rendered by the

V member: PROVIDED, That as long as any such member is employed by the United States, the state or any agency or instrumentality or any political subdivision thereof, a prior service annuity which shall be equal to one and one-half percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future. The retirement allowance of all members presently retired shall be recomputed and shall in the future be paid in accordance with the benefits provided in this section.

NEW SECTION. Sec. 2. This 1971 amendatory act shall have an effective date of July 1, 1971.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of two items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill amends the State Patrol Retirement

Veto
Message

System to increase the prior service annuity for retired state patrolmen from 1 1/2% of the member's average final salary multiplied by the number of years of prior service to 2% of such salary figure.

Veto
Message

During consideration of this bill in the legislative process an amendment was added which excluded those persons from the benefits of this increase who are employed by the United States, the State or any agency or instrumentality or political subdivision thereof.

Pensions are earned upon the basis of past service and should not be conditioned upon the category of employment a person eligible for a pension undertakes after termination of his service. Excluding persons employed by a government agency from the benefit increase while granting such increases to persons employed with a private employer is patently discriminatory and there is no justification for this distinction.

I have accordingly vetoed two items in section 1. The remainder of the bill is approved."

CHAPTER 279

[Engrossed Substitute House Bill No. 740]

INSTITUTIONS OF HIGHER EDUCATION--

FEEES

AN ACT Relating to institutions of higher education; amending section 28B.15.100; chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.100; amending section 28B.15.200, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.200; amending section 28B.15.300, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.300; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 269, Laws of 1969 ex. sess. and RCW 28B.15.380; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.400; amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.500; amending section 29, chapter 261, Laws of 1969 ex. sess. as amended by section 8,

chapter 59, Laws of 1970 ex. sess. and RCW 28B.15.520; amending sections 9 and 10, chapter 59, Laws of 1970 ex. sess. and RCW 28B.15.523 and 28B.15.525; amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.600; amending section 9, chapter 269, Laws of 1969 ex. sess. and RCW 28B.40.361; amending section 28B.50.320, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 59, Laws of 1970 ex. sess. and RCW 28B.50.320; amending section 18, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.340; amending section 2, chapter 8, Laws of 1971 and RCW 28B.50.350; amending section 20, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.360; amending section 28B.50.370, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 238, Laws of 1969 ex. sess. and RCW 28B.50.370; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing sections 28B.15.030, 28B.15.040 and 28B.15.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.030, 28B.15.040, and 28B.15.050; and repealing section 28B.15.410, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.410.

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.15 RCW a new section to read as follows:

"Colleges and universities" for the purposes of this chapter shall mean Central Washington State College at Ellensburg, Eastern Washington State College at Cheney, Western Washington State College at Bellingham, The Evergreen State College in Thurston County, community colleges as are provided for in chapter 28B.50 RCW, the University of Washington and Washington State University.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms,

dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. Operating fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the general operation and maintenance of their particular institution.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's colleges and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution.

NEW SECTION. Sec. 4. The board of trustees or regents of each of the state's colleges or universities may allocate from services and activities fees an amount not to exceed one dollar per quarter or one dollar and fifty cents per semester to an institutional student loan fund for needy students, to be administered by such rules or regulations as the board of trustees or regents may adopt: PROVIDED, That loans from such funds shall not be made for terms exceeding twelve months, and the true annual rate of interest charged shall be six percent.

Sec. 5. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.100 are each amended to read as follows:

The board of regents and board of trustees at each of the state's colleges and universities shall charge to and collect from each of the students registering at the particular institution such general tuition fees (~~((incidenta!))~~) , operating fees , services and activities fees, and other fees as such board shall in its discretion determine: PROVIDED, That such general tuition fees and (~~((incidenta!))~~) operating fees for quarters other than summer session shall be in at least the amounts for the respective institutions as set forth in RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500 as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be consistent with RCW 28B.15.500 as now or hereafter amended.

Sec. 6. Section 28B.15.200, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.200 are each amended to read as follows:

Minimum general tuition fees ((and incidental)) operating fees, and services and activities fees at the University of Washington other than at summer quarters shall be as follows:

(1) For schools and departments other than ((the schools of medicine and dentistry)) programs leading to the degrees of doctor of medicine and doctor of dental surgery, for

(a) Full time resident students

(i) General tuition fee, ((thirty-five)) thirty-nine dollars; ((and ~~iii~~ incidental fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session:))

(ii) Operating fees, eighty-nine dollars; and

(iii) Services and activities fees, thirty-seven dollars: PROVIDED, That the total of the general tuition fees together with operating fees and services and activities fees shall not exceed an amount of five hundred sixty-four dollars in any one academic year exclusive of the summer session.

(b) Full time nonresident students

(i) General tuition fee, not less than one hundred ((five)) fifteen dollars; ((and))

(ii) ((Incidental)) Operating fees, ((an amount which together with such general tuition fee, will be not less than one hundred fifty)) three hundred one dollars; and

(iii) Services and activities fees, thirty-seven dollars.

(2) For ((schools of medicine and dentistry)) programs leading to the degrees of doctor of medicine and doctor of dental surgery, for

(a) Full time resident students ((except physical and occupational therapy students))

(i) General tuition fee, not less than one hundred eleven dollars; ((and))

(ii) ((Incidental)) Operating fees, ((an amount which, together with such general tuition fee, will be not less than one hundred fifty)) eighty-nine dollars; and

(iii) Services and activities fees, thirty-seven dollars.

(b) Full time nonresident students ((except physical and occupational therapy students))

(i) General tuition fee, not less than one hundred ((sixty-five)) eighty-one dollars; ((and))

(ii) ((Incidental)) Operating fees, ((an amount which, together with such general tuition fee, will be not less than two)) three hundred ((fifty)) one dollars; and

(iii) Services and activities fees, thirty-seven dollars.

((c) Full time resident physical and occupational therapy students

(i) General tuition fee, not less than sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred ten dollars;

(d) Full time nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars;)

Sec. 7. Section 28B.15.300, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.300 are each amended to read as follows:

Minimum general tuition fees ((and incidental)), operating fees, and services and activities fees at Washington State University other than at summer semesters shall be as follows:

A. For schools, colleges and departments other than the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, ((fifty-two)) fifty-eight dollars and fifty cents; ((and

(b) Incidental fees, an amount which, together with such general tuition fees, will be not less than one hundred five dollars; PROVIDED, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred fifty dollars in any one academic year exclusive of the summer session;))

(b) Operating fees, one hundred thirty-three dollars and fifty cents; and

(c) Services and activities fees, fifty-five dollars and fifty cents; PROVIDED, That the total of the general tuition fees together with operating fees and services and activities fees shall not exceed an amount of five hundred sixty-four dollars in any one academic year exclusive of the summer session.

(2) Full time nonresident students:

(a) General tuition fee, one hundred ((fifty-seven)) seventy-two dollars and fifty cents; ((and))

(b) ((Incidental)) Operating fees, ((an amount which, together with such general tuition fee, will be not less than two hundred twenty-five)) four hundred fifty-one dollars and fifty cents; and

(c) Services and activities fees, fifty-five dollars and fifty cents.

B. For the college of veterinary medicine, for

(1) Full time resident students:

(a) General tuition fee, not less than ((fifty-two)) one

hundred sixty-two dollars and fifty cents; ((and))

(b) ((Incidental)) Operating fees, ((an amount which, together with such general tuition fee, will be not less than)) one hundred ((fifty-five)) thirty-three dollars and fifty cents; and

(c) Services and activities fees, fifty-five dollars and fifty cents.

(2) Full time nonresident students:

(a) General tuition fee, not less than ((one)) two hundred ((fifty-seven)) seventy-one dollars and fifty cents; ((and))

(b) ((Incidental)) Operating fees, ((an amount which, together with such general tuition fee, will be not less than three)) four hundred ((twenty-five)) fifty-one dollars and fifty cents; and

(c) Services and activities fees, fifty-five dollars and fifty cents.

Sec. 8. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 269, Laws of 1969 ex. sess. and RCW 28B.15.380 are each amended to read as follows:

In addition to any other exemptions as may be provided by law, the board of regents at the universities may exempt the following classes of persons from the payment of general tuition fees ((or)) and ((incidental)) operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one half of the tuition payable by other nonresident students. (2) Members of the staffs of the University of Washington and Washington State University. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington.

Sec. 9. Section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 102, Laws of 1970 ex. sess. and RCW 28B.15.400 are each amended to read as follows:

The board of trustees of Eastern Washington State College, Central Washington State College, Western Washington State College and The Evergreen State College shall each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee ((and incidental)) and operating fees, and services and activities fees as follows:

(1) Full time resident students:

(a) General tuition fee, not less than ((fifteen)) twenty-five dollars; ((and))

(b) Services and activities fees, not less than forty-eight

dollars and fifty cents; and

(c) ~~((Incidental))~~ Operating fees, an amount which, together with such general tuition fee and services and activities fees, will not be more than one hundred ~~((twenty))~~ sixty-nine dollars.

(2) Full time nonresident students:

(a) General tuition fee, not less than ~~((forty-five))~~ ninety-six dollars;

(b) Services and activities fees, not less than forty-eight dollars and fifty cents; and

(c) ~~((Incidental))~~ Operating fees, an amount which, together with such general tuition fee and services and activities fees, will not be more than ~~((two))~~ four hundred ~~((forty))~~ fifty-three dollars.

Sec. 10. Section 28B.15.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.500 are each amended to read as follows:

General tuition fees ~~((and incidental))~~, operating fees and services and activities fees charged students registered at each community college other than at summer quarters shall be as follows:

(1) Full time resident students:

(a) General tuition ~~((fees))~~ fee, ~~((fifty))~~ forty-one dollars and fifty cents per quarter; ~~((and))~~

(b) ~~((Incidental))~~ Operating fees ~~((not more than twenty))~~ twenty-seven dollars per quarter; and

(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.

(2) Full time nonresident students:

(a) General tuition ~~((fees))~~ fee, one hundred ~~((fifty))~~ thirty-one dollars and fifty cents per quarter; ~~((and))~~

(b) ~~((Incidental))~~ Operating fees, ~~((not more than twenty))~~ eighty-one dollars per quarter; and

(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.

Tuition ~~((and incidental))~~, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for part time students, ungraded courses, noncredit courses, and short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 11. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter or the laws of the state, the boards of trustees or regents of each of the state's colleges or universities, and the various community colleges consistent with regulations and procedures established by the state

board for community college education, may waive, in whole or in part, the tuition, operating, and services and activities fees for needy or disadvantaged students: PROVIDED, That a state-wide student aid advisory committee shall be appointed by the director of the state board for community college education to assist the director in the promulgation of such regulations and procedures and to provide specific advice to the director in the development of priorities recognizing need based on income levels: PROVIDED FURTHER, That the total dollar amount of such tuition and fee waivers awarded in any quarter or semester other than summer shall be not more than three percent of an amount determined by estimating total collections from tuition, operating and services and activities fees had no waivers under this section been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED FURTHER, That the total dollar amount of such tuition and fee waivers awarded by the various community colleges in any quarter other than summer shall be not more than three percent of an amount determined by estimating the total collections of all community colleges from tuition, operating and services and activities fees had no waivers under this section been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED FURTHER, That no waiver under this section shall be granted to a person who is not a "resident student" as defined in RCW 28B.15.010.

Sec. 12. Section 29, chapter 261, Laws of 1969 ex. sess. as amended by section 8, chapter 59, Laws of 1970 ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended the college board shall be authorized to permit the boards of trustees of the various community colleges to waive general tuition fees, (~~incidental~~) operating fees, services and activities fees, and any other fees for needy students who are enrolled in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate.

In addition to the authority above, community college districts may contract with school districts to provide such courses of study. School districts are also authorized to claim such students for attendance purposes.

Sec. 13. Section 9, chapter 59, Laws of 1970 ex. sess. and RCW 28B.15.523 are each amended to read as follows:

For the purpose of RCW 28B.15.520, "needy student" shall mean a student who demonstrates to the board of trustees the financial inability, either through his parents, family and/or personally, to meet the total cost of general tuition fees, (~~incidental~~) operating

fees, services and activities fees, and any other fees or any portion of such total for any quarter or semester.

Sec. 14. Section 10, chapter 59, Laws of 1970 ex. sess. and RCW 28B.15.525 are each amended to read as follows:

The state board for community college education shall establish the criteria for the determination of financial need which shall be the basis for the determination by a board of trustees or their designee that a particular applicant is a "needy student". In establishing the criteria the state board shall consider the following:

- (1) (a) Assets and income of the student; and/or
- (b) Assets and income of the parents, or other individuals legally responsible for the care and maintenance of the student;
- (2) The cost of attending the community college the student is enrolled in;
- (3) (a) The cost of requirements for the student and the dependent members of his family; and/or
- (b) The cost of requirements for the parents, or other individuals legally responsible for the care and maintenance of the student.

The total of the general tuition fees, (~~incidental~~) operating fees, services and activities fees, and any other fees waived for any quarter or semester shall not exceed the sum of subsections (2) and (3) less subsection (1).

Sec. 15. Section 28B.15.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.600 are each amended to read as follows:

The boards of regents of the state's universities and the boards of trustees of the state colleges may refund or cancel in full general tuition fees (~~and incidental~~) operating fees, and services and activities fees if the student withdraws from the university or college prior to the sixth day of instruction of the quarter or semester for which said fees have been paid or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. Said boards of regents and trustees may extend the refund or cancellation period for students called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

Sec. 16. Section 9, chapter 269, Laws of 1969 ex. sess. and RCW 28B.40.361 are each amended to read as follows:

The boards of trustees may exempt from the payment of general tuition (~~or incidental~~) operating fees, or services and

activities fees, except for individual instruction fees, all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service.

Sec. 17. Section 28B.50.320, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 59, Laws of 1970 ex. sess. and RCW 28B.50.320 are each amended to read as follows:

~~((Forty percent of all general tuition fees))~~ All ~~((incidental))~~ operating fees, services and activities fees, and all other income which the trustees are authorized to impose shall be deposited as the trustees may direct unless otherwise provided by law. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of trustees of the community college district. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state.

Sec. 18. Section 18, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.340 are each amended to read as follows:

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

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

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

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

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

28B.50.400.

Sec. 19. Section 2, chapter 8, Laws of 1971 and RCW 28B.50.350 are each amended to read as follows:

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

Said bonds:

- (1) Shall not constitute
 - (a) an obligation, either general or special, of the state; or
 - (b) a general obligation of the college or of the college board;
- (2) Shall be
 - (a) either registered or in coupon form; and
 - (b) issued in denominations of not less than one hundred dollars; and
 - (c) fully negotiable instruments under the laws of this state; and
 - (d) signed on behalf of the college board with the manual or facsimile signature of the chairman of the board, attested by the secretary of the board, have the seal of the college board impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;
- (3) Shall state
 - (a) the date of issue; and
 - (b) the series of the issue and be consecutively numbered within the series; and
 - (c) that the bond is payable both principal and interest solely out of the bond retirement fund created for retirement thereof;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (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.50.330 through 28B.50.400, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

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

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

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

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

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

Sec. 20. Section 20, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.360 are each amended to read as follows:

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

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

to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

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

Sec. 21. Section 28B.50.370, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 238, Laws of 1969 ex. sess. and RCW 28B.50.370 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the bond retirement fund of the state board for community college education, the following:

(1) Amounts derived from ((up to sixty percent of all)) general tuition fees as are necessary to pay the principal of and interest on the bonds and to secure the same;

(2) Any grants which may be made, or may become available for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the college board shall charge and collect general tuition fees as established by this chapter and deposit ((up to sixty percent of)) such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

NEW SECTION. Sec. 22. 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.

NEW SECTION. Sec. 23. An additional fee of sixty dollars per academic year shall be added to the operating fee for all students enrolled in a program leading to a graduate degree.

NEW SECTION. Sec. 24. The following acts or parts of acts are hereby repealed:

(1) Section 28B.15.030, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.030;

(2) Section 28B.15.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.040;

(3) Section 28B.15.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.050; and

(4) Section 28B.15.410, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.410.

NEW SECTION. Sec. 25. If any provision of this 1971 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 May 8, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Substitute House Bill No. 740, as passed by the

Veto
Message

Legislature, provided for fee increases for students attending institutions of higher education. Several other provisions relating to education were also contained within the bill.

Veto
Message

I have signed Engrossed Substitute House Bill 740 with the following exception:

On page 10, section 12, lines 30 through 33, I have vetoed the following item:

"In addition to the authority above, community college districts may contract with school districts to provide such courses of study. School districts are also authorized to claim such students for attendance purposes."

Section 12, as initially included within Substitute House Bill 740, was an amendatory section changing references to classifications of student fees at community colleges. The above language was added as a House floor amendment to the substitute bill. It allows community colleges to contract with school districts to provide educational opportunities for those individuals who previously did not complete high school. Although the basic purpose of this amendment has merit, it does present several administrative problems for the amendment also allows school districts to claim such students for attendance purposes.

School districts and community colleges presently have authority to perform these educational services. Present statutes also allow intergovernmental agreements between the community colleges and school districts. The amended language does not define clearly the relationships between the K-12 and community college program areas. The budgetary impact is potentially significant, but no fiscal review of the procedure was conducted nor additional appropriation made. The language allows both community colleges and common schools to count these students for funding purposes.

The Superintendent of Public Instruction has requested that this section be vetoed for the following reasons:

- "1. There are currently adequate procedures available for school districts to enter into such

agreements.

2. School districts could enter into interdistrict agreements with other school districts to provide special dropout rehabilitation programs.
3. Leaving this language in ESHB 740 would tend to encourage the fragmentation of the high school program as it now operates.
4. High schools should be challenged to provide programs for their students rather than "contracting" them to a community college.
5. Probably the most important monetary angle of this language would allow such students to be counted as FTE's for community colleges as well as their attendance being claimed by school districts."

While the concept may be meritorious, the potential impact, apparently unrecognized by the legislature, is too great to allow this provision to become law without adequate study.

I am forwarding a copy of this veto message to the Superintendent of Public Instruction and to the State Board for Community College Education requesting them to review this matter and make recommendations where appropriate to me and to the next legislative session to insure that adequate educational opportunities exist for students desiring to acquire their high school diploma."

CHAPTER 280

[Engrossed House Bill No. 291]

GAMBLING

AN ACT Relating to gambling; adding new sections to chapter 9.47 RCW; creating new sections; amending section 1246, Code of 1881 as last amended by section 248, chapter 249, Laws of 1909 and RCW 9.66.010; repealing section 5, page 98, Laws of 1879, section 1257, Code of 1881, section 3, chapter 7, Laws of 1957 and RCW 4.24.080; repealing section 99, page 93, Laws of 1854, sections 104, 105, page 222, Laws of 1869, sections 110, 111,

page 206, Laws of 1873, section 1253, Code of 1881, section 217, chapter 249, Laws of 1909 and RCW 9.47.010; repealing section 218, chapter 249, Laws of 1909 and RCW 9.47.020; repealing section 220, chapter 249, Laws of 1909 and RCW 9.47.030; repealing section 1, chapter 119, Laws of 1937 and RCW 9.47.040; repealing section 2, chapter 119, Laws of 1937 and RCW 9.47.050; repealing section 221, chapter 249, Laws of 1909 and RCW 9.47.060; repealing section 100, page 93, Laws of 1854, section 105, page 222, Laws of 1869, section 111, page 206, Laws of 1873, sections 5, 6, page 98, Laws of 1879, sections 1257, 1258, Code of 1881, section 222, chapter 249, Laws of 1909 and RCW 9.47.070; repealing section 226, chapter 249, Laws of 1909 and RCW 9.47.110; repealing section 228, chapter 249, Laws of 1909 and RCW 9.47.130; repealing section 1, chapter 6, Laws of 1909 and RCW 9.47.140; providing for the suspension of certain parts of this act upon judicial declaration of invalidity until the state Constitution be amended; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 9.47 RCW a new section to read as follows:

It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, to preserve the freedom of the press and to avoid restricting participation by individuals in sports and social pastimes, which social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature hereby declares that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious, civic and patriotic causes and undertakings is in the public interest and that it must differentiate clearly between gambling for profit and professional fund-raising by bona fide charitable and nonprofit organizations.

The legislature further finds that, as conducted prior to the enactment of this 1971 amendatory act, bingo was the subject of exploitation by professional gamblers, promoters, and commercial interests.

It is hereby declared to be the policy of the legislature that all phases of the supervision and regulation of bingo and of the

V conduct of bingo games, raffles, pinball machines and other similar
mechanical amusement devices, amusement games, social card rooms,
V punch boards and pull tabs should be closely controlled.

All of the provisions of this 1971 amendatory act shall be liberally construed to achieve these ends, and administered and enforced with a view to carrying out the above declaration of policy.

NEW SECTION. Sec. 2. There is added to chapter 9.47 RCW a new section to read as follows:

As used in this 1971 amendatory act:

(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

V or accident insurance nor does it include drawings conducted by business enterprises in connection with business promotions, where there is no charge to enter the drawing or any other charges directly or indirectly related thereto, and it is not necessary to make any purchase to enter the contest and it is not necessary to be present at the drawing to win any of the prizes: PROVIDED, That no sponsoring business firm may conduct more than one such drawing during each calendar year and that the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the first grand opening of any such outlet.

(3) "Player", except as otherwise in section 16 of this 1971 amendatory act 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 section 16 of this 1971 amendatory act, 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 section 16 of this 1971 amendatory act, 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 section 16 of this 1971 amendatory act, 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 social card games or nonprofessional gambling activities as set forth in section 16 of this 1971 amendatory act and only as authorized in this 1971 amendatory act, 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 or payment in lieu 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 nickle or dime, as the case may be, to complete any one operation thereof, shall not be

deemed a gambling device. In addition, any punch boards or pull tabs as authorized and defined in section 11 subsection (2) of this 1971 amendatory act or any device or mechanism utilized in amusement games as defined in subsection (13) of this section shall not be deemed a gambling device hereunder.

(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, 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 or social card games, and which receives not more than five 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 and social card 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, amusement games or social card games. 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, except for any such organization incorporated under the laws of this state for at least twenty-five years, 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 this 1971 amendatory act committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

NEW SECTION. Sec. 3. 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 section 16 of this 1971 amendatory act or to any act or acts in furtherance thereof.

NEW SECTION. Sec. 4. (1) All gambling devices as defined in section 2 of this 1971 amendatory act 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 this 1971 amendatory act.

(2) No property right in any gambling device as defined in section 2 of this 1971 amendatory act shall exist or be recognized in any person, except the possessory right of officers enforcing this 1971 amendatory act.

(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 section 16 of this 1971 amendatory act 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 section 2 of this 1971 amendatory act 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 section 16 of this 1971 amendatory act, 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 section 16 of this 1971 amendatory act 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.

NEW SECTION. Sec. 5. (1) 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 section 16 of this 1971 amendatory act or to any act or acts in furtherance thereof.

V NEW SECTION. Sec. 6. (1) All professional 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 V under this subsection against any professional gambling premises, which shall not include premises where the sole gambling activity is those nonprofessional gambling activities set out in section 16 of this 1971 amendatory act, 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 V be a professional 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 section 16 of this 1971 amendatory act, 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 V political subdivision or other public agency thereof, are in effect, is determined by a court having jurisdiction to be a professional 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 section 16 of this 1971 amendatory act, or any act or acts in furtherance thereof are carried on.

NEW SECTION. Sec. 7. Professional gambling activities prohibited in sections 3, 4 and 5 of this 1971 amendatory act may be enjoined in an action commenced by the attorney general or by the prosecuting attorney or legal counsel of any city or town in which the prohibited activities may occur.

NEW SECTION. Sec. 8. 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, pinball machines or similar mechanical amusement devices, amusement games and social card games or or any person conducting social card games as defined and authorized in this 1971 amendatory act or operating pinball machines or similar mechanical devices, punch boards or pull tabs 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 this 1971 amendatory act 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 this 1971 amendatory act 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.

NEW SECTION. Sec. 9. (1) Proof of possession of any device used for professional gambling or any record relating to professional gambling specified in section 4 of this 1971 amendatory act is prima facie evidence of possession thereof with knowledge of its character or contents.

(2) In any prosecution under the 1971 amendatory act in which it is necessary to prove the occurrence of any event which takes place outside the county where the prosecution is pending, a published report of its occurrence in any daily newspaper, magazine or any other periodically printed publication of general circulation shall constitute prima facie evidence of the occurrence of the event.

NEW SECTION. Sec. 10. In any proceeding arising out of a violation of this 1971 amendatory act, if a natural person refuses to answer a question or produce evidence of any other kind on the ground

V- that he may be incriminated under this 1971 amendatory act thereby, the court, when requested in writing by the prosecuting attorney, or legal counsel of any city or town wherein a violation of this 1971 amendatory act occurs, shall, unless it finds that to do so would be clearly contrary to the public interest, order such person to answer or produce the evidence. After complying with the order, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, no such answer or evidence shall be received against him in any other investigation or proceeding. But he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury or contempt committed in answering, or failing to answer or in producing, or failing to produce, evidence in accordance with the order.

NEW SECTION. Sec. 11. (1) No county, city or other political subdivision or public agency of this state shall license, tax, permit or authorize any act, transaction or thing in violation of the criminal provisions of this 1971 amendatory act.

V- (2) Every county or city, by local law and ordinance and in accordance with the provisions of this 1971 amendatory act, may provide for the taxing of punch boards, pull tabs and pinball machines, none of which shall be deemed a gambling device for the purposes of section 2, subsection (5) hereof, and prescribe the tax therefor, the tax receipts to go to the county or city so taxing the same: PROVIDED, That (a) punch boards, pull tabs and pinball machines may be placed only in premises for which a permit or license has been granted to serve alcoholic beverages by the individual glass or opened bottle under authority of Title 66 RCW by the Washington state liquor control board; and (b) tax registration for pinball machines shall only be issued on the basis of individual tax registration for each machine located within the premises served and removal of such machine from such premises for use elsewhere shall result in immediate revocation of such tax registration; and (c) punch boards and pull tabs, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect the gross income of the business in which the punch boards and pull tabs are displayed; and (d) all prizes for punch boards and pull tabs, which shall be merchandise items only, must be on display within the immediate area of the premises wherein any such punch board or pull tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud under section 18 of this 1971 amendatory act.

The terms "punch boards" and "pull tabs" as used in this section shall be the usual and ordinary meaning of such terms as of the effective date of this 1971 amendatory act. The term "pinball

machines" shall mean those machines as described in section 2, subsection (5).

(3) Every county or city may authorize the playing of bingo, the holding of raffles, the operation of pinball machines or similar amusement devices, amusement games and social card games, all by bona fide charitable or nonprofit organizations, by taxing the same, except social card games shall be licensed hereunder, the receipts therefor to go to the county or city so taxing or licensing. Social card games as described in section 16(2) of this 1971 amendatory act shall only be allowed in card rooms of a bona fide charitable or nonprofit organization when no fee of any kind is charged for participation therein, no employee of the organization participates in any said game, and no benefits inure to the organization therefrom.

The conduct of bingo games shall be subject to the following restrictions irrespective of whether the restrictions are contained in local laws or ordinances, but nothing herein shall be construed to prevent the inclusion within such local law or ordinance of other provisions imposing additional restrictions upon the conduct of such games:

(a) No person, firm, association, corporation or organization other than as authorized under the provisions of this 1971 amendatory act shall conduct such game, or shall obtain a lease for or otherwise make available for conducting bingo therein, a hall or other premises, for any consideration whatsoever, direct or indirect.

(b) No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game, nor shall the rental under such lease exceed the usual rental for such premises in the same locality.

(c) No bingo game shall be held, operated or conducted if the compensation to any person taking part in the management or operation of such game is based upon a percentage of the receipts or net profits derived from the operation of such game.

(d) The entire net proceeds of any game of bingo and of any rental therefor shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same. Net proceeds for the purposes of this subsection shall mean that amount remaining after expenses for supplies, rental, and prizes awarded to participants are deducted from the gross proceeds of such game.

The wilful violation of subsections (a), (b), (c) or (d) above shall be a felony and punishable by a fine of not more than one hundred thousand dollars or imprisonment for five years, or both, and any wilful violation of any provision of any local law or ordinance

shall constitute and be punishable as a gross misdemeanor.

NEW SECTION. Sec. 12. Except as otherwise provided in sections 14 or 16 of this 1971 amendatory act, it shall be lawful to own, operate or conduct, or permit to be operated or conducted, or to participate in the operation of any public card room, not to exceed eight tables, wherein persons may engage in card games of skill, each game having a monetary limit of one dollar on each wager by a participant therein, in which the success depends upon the knowledge, attention, experience and skill of the player whereby the elements of chance in any such card game are overcome, improved or turned to the advantage of said player, if said public card room is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns, where the said card room may be licensed.

NEW SECTION. Sec. 13. It shall be lawful to conduct or to participate in any amusement game at any agricultural fair as the same are defined in section 2 of this act and the conduct of or participation in any such amusement game shall not: (1) Be deemed gambling for the purposes of any of the provisions of chapter 9.47 RCW; (2) be deemed a lottery for the purposes of any of the provisions of chapter 9.59 RCW or under Article 2, section 24 of the state Constitution; and (3) be deemed committing or maintaining a public nuisance under any law of this state, nor shall a place where any amusement game as defined in this act be conducted be deemed a public nuisance for the purposes of RCW 9.66.010.

NEW SECTION. Sec. 14. Before it shall be lawful for any person, firm or corporation to own, operate or conduct, or permit to be operated or conducted, or participate in the operation of any card room as described herein, it shall first be necessary that such card room be licensed by the city, town or county in which it is located.

Before any such license shall be issued, a verified application shall be filed in duplicate with such city, town or county, with a copy to be filed with the division of professional licensing within the department of motor vehicles, containing the full name and address of each person, firm or corporation having any interest, either directly or indirectly, in said license, and other material facts, including full financial disclosure, which may be deemed appropriate by such local authority, together with a written affidavit by three bona fide residents of the state of Washington who shall recommend such applicant and the officers thereof if a corporation, as being of good moral character: PROVIDED, HOWEVER, That the city, town or county may establish any other requirements it deems necessary or appropriate for the protection of the public welfare in determining whether to issue a license under this 1971 amendatory act: AND PROVIDED FURTHER, That this 1971 amendatory act

is not intended to require any city, town or county to issue a license under the provisions thereof.

NEW SECTION. Sec. 15. It shall be unlawful for any person under the age of twenty-one years to play cards in any public card room as described herein. Any person or licensee who shall permit any person under the age of twenty-one years to play cards in a card room as described herein shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 16. A person or an organization is not engaged in "professional gambling" as defined in section 2, subsection (5) of this 1971 amendatory act when (1) such person or organization is engaged in such nonprofessional gambling activities as bingo, raffles, the operation of pinball machines or similar amusement devices, punch boards and pull tabs, amusement games, or social card games, all as defined and only as in this 1971 amendatory act authorized, or (2) the person or organization having substantial proprietary or other authoritative control over a residence or premises permits persons to engage in social card games on equal terms with other participants, such social card games being those of skill, in which the success of the player depends substantially upon the knowledge, attention, memory, experience and skill of the player or players and whereby the elements of chance are either overcome, improved or turned to the advantage of the players when said games are played on tables licensed as provided in this 1971 amendatory act and when only an hourly table fee is charged, no other direct benefit shall inure to the person or organization permitting said games, nor shall any representative or agent of said person or organization be a player in said game.

NEW SECTION. Sec. 17. Any person, firm or corporation doing any act required to be licensed under sections 12 through 16 of this 1971 amendatory act with reference to public card rooms, without having in force a license issued to said person, firm or corporation, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 18. Any person, association or corporation, whether charitable or nonprofit or otherwise, operating a bingo game, raffle, pinball machines or similar mechanical amusement devices, punch boards or pull tabs, any amusement game or social card game, or permitting a social card game, all as authorized by the provisions of this 1971 amendatory act, who or which, directly or indirectly, shall in the course of such operation or permission;

- (1) Employ any device, scheme or artifice to defraud; and/or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which such statement is made; and/or
- (3) Engage in any act, practice, or course of operation as

would operate as a fraud or deceit upon any person; and/or

(4) Fail to make any report as required in section 8 of this 1971 amendatory act;

As to subsections (1), (2) or (3), shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years, or both, and as to subsection (4), shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 19. In addition to any other penalty provided in this 1971 amendatory act, every person, directly or indirectly controlling the operation of a bingo game, raffle, pinball machines or similar mechanical amusement devices, punch boards or pull tabs, any amusement game, or social card game, all as authorized by the provisions of this 1971 amendatory act, including every director, officer, and/or manager of any association or corporation conducting the same, whether charitable or nonprofit or otherwise, shall be liable, jointly and severally, for money damages suffered by any person because of any violation of this 1971 amendatory act, together with interest on any such amount of money damages at six percent per annum from the date of loss, and reasonable attorney's fees: PROVIDED, That if any such director, officer and/or manager did not know any such violation was taking place and/or had taken all reasonable care to prevent any such violation from taking place, the burden of proof thereof to be upon such director, officer and/or manager, such director, officer and/or manager shall not be liable hereunder. Any civil action under this section may be considered a class action for the purposes of RCW 4.08.070.

NEW SECTION. Sec. 20. When there has occurred a violation of any provision of this 1971 amendatory act on any property or premises for which one or more licenses, permits, or certificates issued by this state, or any political subdivision or public agency thereof are in effect, 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 provision 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.

NEW SECTION. Sec. 21. If any provision of this 1971 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: PROVIDED, That should provisions of this 1971 amendatory act pertaining to the playing of bingo, or holding raffles, or permitting the operation of pinball machines or similar amusement devices or permitting the operation of amusement games or authorizing punch

boards or pull tabs be held invalid or unconstitutional by the supreme court of the state of Washington as being violative of Article II, section 24, of the Constitution of the state of Washington, then the provisions hereof relating to each such item as aforesaid specifically declared invalid or unconstitutional by such court shall remain inoperative unless and until the qualified electors of this state shall approve an amendment to Article II, section 24, of the Constitution which may remove any constitutional restrictions against the legislature enacting such laws.

Sec. 22. Section 1246, Code of 1881 as last amended by section 248, chapter 249, Laws of 1909 and RCW 9.66.010 are each amended to read as follows:

A public nuisance is a crime against the order and economy of the state. Every place

(1) ~~((Wherein any gambling, swindling game or device, bookmaking, pool selling, or bucket shop or any agency therefor shall be conducted, or any article, apparatus or device useful therefor shall be kept; or,~~

~~(2))~~ Wherein any fighting between men or animals or birds shall be conducted; or,

~~((3))~~ (2) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or,

~~((4))~~ (3) Where vagrants resort; and

Every act unlawfully done and every omission to perform a duty, which act or omission

(1) Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or,

(2) Shall offend public decency; or,

(3) Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway; or,

(4) Shall in any way render a considerable number of persons insecure in life or the use of property;

Shall be a public nuisance.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 99, page 93, Laws of 1854, sections 104 and 105, page 222, Laws of 1869, sections 110 and 111, page 206, Laws of 1873, section 1253, Code of 1881, section 217, chapter 249, Laws of 1909 and RCW 9.47.010;

(2) Section 218, chapter 249, Laws of 1909 and RCW 9.47.020;

(3) Section 220, chapter 249, Laws of 1909 and RCW 9.47.030;

(4) Section 1, chapter 119, Laws of 1937 and RCW 9.47.040;

(5) Section 2, chapter 119, Laws of 1937 and RCW 9.47.050;

(6) Section 221, chapter 249, Laws of 1909 and RCW 9.47.060;

(7) Section 100, page 93, Laws of 1854, section 105, page 222, Laws of 1869, section 111, page 206, Laws of 1873, sections 5 and 6, page 98, Laws of 1879, sections 1257 and 1258, Code of 1881, section 222, chapter 249, Laws of 1909 and RCW 9.47.070;

(8) Section 226, chapter 249, Laws of 1909 and RCW 9.47.110;

(9) Section 228, chapter 249, Laws of 1909 and RCW 9.47.130;

and

(10) Section 1, chapter 6, Laws of 1909 and RCW 9.47.140.

V NEW SECTION. Sec. 24. Notwithstanding any other provision of this 1972 amendatory act, no county, city, or town, shall prohibit any activity provided for in this 1971 amendatory act, unless such county, city or town has in effect an ordinance(s) which shall have been approved by a majority of the members of the legislative authority of such county, city or town, relative to such named activity and prohibiting the same.

NEW SECTION. Sec. 25. This 1971 amendatory act shall constitute the exclusive legislative authority for the licensing or taxing by any city, town or county of any nonprofessional gambling activity and its application shall be strictly construed to those activities herein permitted and to those persons or associations herein permitted to engage therein.

V NEW SECTION. Sec. 26. This 1971 amendatory act shall automatically expire, and thereafter be of no force and effect, including the repealer section herein, section 23 of this 1971 amendatory act, if Senate Joint Resolution No. 5 of the 1971 regular session of the legislature is not approved by the people of the state of Washington. Upon the expiration of this act as aforesaid RCW 9.47.010, 9.47.020, 9.47.030, 9.47.040, 9.47.050, 9.47.060, 9.47.070, 9.47.110, 9.47.130, and 9.47.140 shall be of full force and effect.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain sections and items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...House Bill 291 as originally introduced represented a comprehensive regulatory scheme for all types of gambling activity which distinguished between professional and non-professional gambling in terms of the type of sanction imposed. Professional gambling was penalized through the criminal process while non-professional gambling

Veto
Message

would incur civil penalties only.

Veto
Message

Establishing this distinction recognizes that certain types of gambling are widespread yet relatively harmless from a law enforcement standpoint and receive little or no condemnation from society. Unfortunately, the bill as presented to me by the legislature muddies this distinction, and in the opinion of numerous law enforcement officials dangerously opens the door to professional gambling in Washington.

The genesis of House Bill 291 was the recognition that bingo games and raffles and amusement games when conducted by non-profit organizations on an occasional basis were properly classified as relatively harmless and non-professional, not deserving criminal sanction but only civil prohibitions coupled with stringent regulation. The constitutionality of this act under Article II, Section 24 of the State Constitution is dependent on maintenance of this classification scheme with its hierarchy of sanctions free from tampering or inclusion of other forms of gambling not properly categorized as non-professional either because they are profit making or because they are easily subjected to abuse.

My action on this bill restores the distinction between professional and profit seeking activities and those which are social, casual and non-professional.

Therefore, I have vetoed those sections and items conceptually inconsistent with these aims -- punchboards, gambling pinballs and cardrooms. I have also vetoed section 26 as I do not believe that the cause of harmless bingo, raffles and amusement games should be tied to the passage of SJR 5.

I have vetoed several other sections of the bill to cure various technical difficulties. Thus, for example, I have vetoed the section dealing with immunity for witnesses in gambling prosecutions at the suggestion of key law enforcement officials, in light of the new grand jury law."

CHAPTER 281

[House Bill No. 172]

TAXATION--

DELETES OBSOLETE ENABLING LEGISLATION FOR NET INCOME TAX

AN ACT Relating to revenue and taxation; amending section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.050; amending section 82.04.230, chapter 15, Laws of 1961 as last amended by section 33, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.230; amending section 82.04.240, chapter 15, Laws of 1961 as last amended by section 34, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 35, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.250; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 36, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 37, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.270; amending section 82.04.280, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.280; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 4, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.290; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 31, chapter 262, Laws of 1969 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 32, chapter 262, Laws of 1969 ex. sess. and RCW 82.12.020; amending section 1, chapter 168, Laws of 1965 ex. sess. as amended by section 60, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.125; amending section 3, chapter 168, Laws of 1965 ex. sess. as amended by section 61, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.127; amending section 1, chapter 132, Laws of 1967 ex. sess. as amended by section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; amending section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129; amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.050; amending section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065; amending section 74.04.150, chapter 26, Laws of 1959 as last amended by section 3, chapter 92, Laws of 1970 ex. sess. and RCW 74.04.150; repealing sections 1 through 29 and 68, chapter 262, Laws of 1969 ex. sess. and RCW 82.30.010 through 82.30.290; repealing

section 40, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.437; repealing section 41, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.292; repealing sections 42 through 59, chapter 262, Laws of 1969 ex. sess. and RCW 82.31.010 through 82.31.170; repealing section 67, chapter 262, Laws of 1969 ex. sess.; and declaring an emergency.

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

Section 1. Section 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.050 are each amended to read as follows:

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

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of

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

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible

personal property to consumers.

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

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

Sec. 2. Section 82.04.230, chapter 15, Laws of 1961 as last amended by section 33, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.230 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of forty-four one-hundredths of one percent ((: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use multiplied by the rate of twenty-two one-hundredths of one percent));

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 3. Section 82.04.240, chapter 15, Laws of 1961 as last amended by section 34, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.240 are each amended to read as follows:

Upon every person except persons taxable under subsections (2), (3), (4), (5), (6), or (8) of RCW 82.04.260 engaging within this

state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of forty-four one-hundredths of one percent (~~(= PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of twenty-two one-hundredths of one percent)~~).

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 4. Section 82.04.250, chapter 15, Laws of 1961 as last amended by section 35, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.250 are each amended to read as follows:

Upon every person engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent (~~(= PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of twenty-two one-hundredths of one percent)~~).

Sec. 5. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 36, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, corn, (~~(rye)~~) and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent (~~(= PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the tax imposed shall be equal to the gross proceeds derived from sales multiplied by the rate of one two-hundredths of one percent)~~).

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent (~~(= PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be~~

equal to the value of the flour manufactured, multiplied by the rate of one-sixteenth of one percent)).

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent ((: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-eighth of one percent)).

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent ((: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-sixteenth of one percent)).

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent ((: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-twentieths of one percent)).

(6) Upon every person engaging within this state in the business of manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of four-tenths of one percent ((: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-two one-hundredths of one percent)).

(7) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such

corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent ((~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-two one-hundredths of one percent~~)).

(8) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent ((~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three two-hundredths of one percent~~)).

Sec. 6. Section 82.04.270, chapter 15, Laws of 1961 as last amended by section 37, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsection (1) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent ((~~PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of twenty-two one-hundredths of one percent~~)).

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution ((~~PROVIDED,~~

That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the amount of tax as to such persons shall be computed by multiplying twenty-two one-hundredths of one percent of the value of the article so distributed as of the time of such distribution)) : PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Sec. 7. Section 82.04.280, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is used or to be used, primarily for foot or vehicular traffic including publicly owned mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of

revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one-hundredths of one percent (~~(+ PROVIDED, That upon and after the effective date of the provisions of chapter 262, laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of twenty-two one-hundredths of one percent)~~).

Sec. 8. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 4, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.275 and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent (~~(+ PROVIDED, That upon and after the effective date of the provisions of chapter 262, laws of 1969 ex. sess., which impose a tax upon net income, the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of twenty-two one-hundredths of one percent)~~). This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 9. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 31, chapter 262, Laws of 1969 ex. sess. and RCW 82.08.020 are each amended to read as follows:

There is levied and there shall be collected a tax on each retail sale in this state equal to four and one-half percent of the selling price (~~(+ PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the tax imposed by this section shall be equal to three and one-half percent of the selling price)~~). The tax imposed under this

chapter shall apply to successive retail sales of the same property ((and to the retail sale of intoxicating liquor by the Washington state liquor stores)).

Sec. 10. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 32, chapter 262, Laws of 1969 ex. sess. and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four and one-half percent ((: PROVIDED, That upon and after the effective date of the provisions of this amendatory act which impose a tax upon net income, the tax imposed by this section shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three and one-half percent)).

Sec. 11. Section 1, chapter 168, Laws of 1965 ex. sess. as amended by section 60, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.125 are each amended to read as follows:

Due to the tremendous rise in living costs during the past decade, including increased property taxes, the failure of federal old age and survivors insurance and similar types of pension systems to adequately reflect in their pension payments these costs, and because savings once deemed adequate for retirement living are now grossly inadequate, it is therefor deemed necessary that the legislature now grant people retired on fixed incomes some relief from real property taxes. This relief must be granted to insure that thousands of persons now retired on fixed incomes can remain in

possession of their homes, thus not becoming a burden on state or local government.

~~((This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective:))~~

Sec. 12. Section 3, chapter 168, Laws of 1965 ex. sess. as amended by section 61, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.127 are each amended to read as follows:

RCW 84.36.125 and 84.36.126 shall become effective upon the approval of the voters of the state of an amendment to Article 7, section 1 of the Constitution of the state of Washington so as to authorize this form of exemption.

~~((This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective:))~~

Sec. 13. Section 1, chapter 132, Laws of 1967 ex. sess. as amended by section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay the first fifty dollars of real property taxes due and payable in any one year if the following conditions are met:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the five calendar years preceding the year for which the exemption is claimed; or the property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the preceding calendar year and the person claiming the exemption must also have been a resident of the state of Washington for the last ten calendar years preceding the year for which the exemption is claimed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, by contract purchase, or by deed of trust, 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) If the person claiming the exemption is a male, he must have been sixty-five years of age or older on February 15th of the year in which the exemption is claimed, or must have been, at the time of filing, totally disabled and as such retired under a public or private retirement plan.

(4) If the person claiming the exemption is a female, she must have been sixty-two years of age or older on February 15th of the year in which the exemption is claimed.

(5) 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: PROVIDED, HOWEVER, That this subsection shall not apply with respect to an occupant who is related to the person claiming the exemption and who is either a student under the age of twenty-five who is pursuing a full course of studies or who is making payments as a sharing of the expenses of maintaining the residence not in excess of one hundred dollars per month.

(6) The combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse shall not have been in excess of three thousand dollars for the preceding calendar year.

((This section shall expire upon the date the provisions of this 1969 amendatory act which impose a tax upon net income become effective.))

Sec. 14. Section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129 are each amended to read as follows:

For the purposes of RCW 84.36.128:

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

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

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

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

((This section shall expire upon the date the provisions of chapter 262, laws of 1969 ex. sess., as now or hereafter amended, which impose a tax upon net income become effective.))

V
Sec. 15. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 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 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 ((; and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills)); the levy by or for any school district shall not exceed 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.

Sec. 16. Section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065 are each amended to read as follows:

In each of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972 the state shall levy for collection in 1968 and 1969 and 1970 and 1971 and 1972 and 1973 respectively for the support of common schools of the state a tax of two mills upon the assessed valuation of all taxable property within the state adjusted to fifty percent of true and fair value of such property in money in accordance with the ratio fixed by the state department of revenue. Such levy shall be in addition to the levy (~~of two mills~~) for public assistance purposes as provided in RCW 74.04.150 and 84.52.050, as now or hereafter amended.

Sec. 17. Section 74.04.150, chapter 26, Laws of 1959 as last amended by section 3, chapter 92, Laws of 1970 ex. sess. and RCW 74.04.150 are each amended to read as follows:

The state shall levy annually a tax (~~not to exceed two mills~~) within the limitations provided for in RCW 84.52.050, as now or hereafter amended, upon the assessed valuation of all taxable property within the state for public assistance purposes.

~~((The authority of the state to make such levy shall expire as provided in RCW 84.52.050, as now or hereafter amended.))~~

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) Sections 1 through 29 and 68, chapter 262, Laws of 1969 ex. sess. and RCW 82.30.010 through 82.30.290;

(2) Section 40, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.437;

(3) Section 41, chapter 262, Laws of 1969 ex. sess. and RCW 82.04.292;

(4) Sections 42 through 59, chapter 262, Laws of 1969 ex. sess. and RCW 82.31.010 through 82.31.170; and

(5) Section 67, chapter 262, Laws of 1969 ex. sess.

NEW SECTION. Sec. 19. 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 May 5, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 21, 1971 with the exception of sections 13, 14, 15 and 16 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...The general purpose of this bill is to remove from various provisions of our tax law references to chapter 262, Laws of 1969, ex. sess., the tax reform "package" which did not become effective by reason of the failure of the voters to approve HJR 42 in the 1970 general election.

Veto
Message

Sections 13 and 14 of Engrossed House Bill No. 172 remove these references from RCW 84.36.128 and from RCW 84.36.129, respectively, both statutory provisions relating to the present \$50.00 property tax exemption for low income elderly home owners.

Engrossed Substitute House Bill No. 283, which I have signed today, provides for a new system of property tax relief for low income elderly home owners, and repeals, in section 27(2) and (3) these very same provisions which are amended by sections 13 and 14 of Engrossed House Bill No. 172. In order to avoid any inconsistency between the provisions mentioned above, and specifically in order to avoid any uncertainties as to the effect of the repealers contained in Engrossed Substitute House Bill No. 283, I have vetoed sections 13 and 14 of Engrossed House Bill No. 172.

Sections 15 and 16 of Engrossed House Bill No. 172 consist of Senate amendments purporting to continue the "2 mill shift" in the state property tax to be levied for support of the common schools in 1971 and 1972. However, section 15 does not raise the aggregate millage limitation to 22 mills for levies made in these two years. Such a raise in the aggregate limitation is necessary in order to continue

the 2 mill shift and to continue, at the same time, the present levying authority of other taxing districts.

Veto
Message

Sections 24 and 25 of Engrossed Substitute Senate Bill No. 897 are identical to sections 15 and 16 of Engrossed House Bill No. 172, with the exception that section 24 of Engrossed Substitute Senate Bill No. 897 does raise the aggregate millage limitation for 1971 and 1972. Relying upon the corresponding provisions of Engrossed Substitute Senate Bill No. 897, which correct the technical deficiency in these provisions of Engrossed House Bill No. 172, accordingly I have vetoed sections 15 and 16 of Engrossed House Bill No. 172.

With the exception of the four items discussed above, Engrossed House Bill No. 172 is approved."

CHAPTER 282

[Engrossed House Bill No. 86]

INTERMEDIATE SCHOOL DISTRICTS

AN ACT Relating to education; amending section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010; amending section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020; amending section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030; amending section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040; amending section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050; amending section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060; amending section 7, chapter 176, Laws of 1969 ex. sess., as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070; amending section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080; amending section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and RCW 28A.21.090; amending section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100; amending section 11, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.110; amending section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120; amending section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130; amending section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140; amending section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160; amending section 17, chapter 176, Laws of 1969

ex. sess. and RCW 28A.21.170; amending section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180; amending section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190; amending section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220; amending section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080; amending section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050; amending section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060; amending section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070; amending section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080; amending section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090; amending section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 and RCW 28A.44.100; amending section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186; amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100; amending section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW; repealing section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.150; repealing section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230; repealing section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020; repealing section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040; repealing section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050; repealing section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.060; repealing section 28A.88.070, chapter 223, Laws of 1969 ex.

sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070; repealing section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080; repealing section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073; creating new sections; and declaring an emergency.

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

Section 1. Section 1, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.010 are each amended to read as follows:

It shall be the intent and purpose of this ((1969 amendatory act)) chapter to reorganize existing ((offices of county superintendent of schools and county boards of education into)) intermediate school district offices in order ((that the territorial organization of the intermediate school districts may be more readily and efficiently adapted to the changing economic pattern and educational program in the state, so that the children in the state will be provided with equal educational opportunities)) to:

(1) Establish intermediate school district offices as regional educational service agencies which will provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties;

(3) Make the territorial organization of intermediate school district offices as such educational service agencies and the school districts more readily and efficiently adaptable to the changing economic pattern and educational programs within the state; and

(4) Provide the pupils within the state with equal educational opportunities.

Sec. 2. Section 2, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.020 are each amended to read as follows:

~~((1))~~ On or before July 17, 1969, the state board of education shall create a system of intermediate school districts, the boundaries of each of which shall be compatible with the state wide plan of potential intermediate districts heretofore adopted by the state board of education pursuant to section 3, chapter 139, laws of 1965 and RCW 28-19-320. Prior to the creation of such system and the boundaries of the individual intermediate school districts, the state board may make such changes in that state-wide plan and those boundaries as it deems consistent with the purposes stated in RCW 28A-21-040. Prior to the creation of such system and districts the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

~~(2)~~) The state board of education ((may)), at any time it deems advisable ((7)) or upon petition of any intermediate school

district board ((of education)), may make ((such)) changes in the number and boundaries of the intermediate school districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the intermediate school districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW

V. 28A.21.010 ((as now enacted or hereafter amended)); PROVIDED, That no intermediate school district may be eliminated through consolidation with another district without the consent of the board of the intermediate school district which would be eliminated.

Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in ((the formation of or)) making any change in boundaries ((as provided in subsections {1} and {2} above)) shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

(({3})) The ((state)) superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable ((county or)) intermediate school district boards and superintendents to consider the ((initial)) proposed ((plan as provided in subsection {1} above; its districts and)) changes ((thereto: Such personnel, material, supplies and information shall thereafter be furnished to intermediate school district boards of education and superintendents when proposed changes are in question.

Intermediate districts created pursuant to chapter 439, laws of 1965 as amended shall be called intermediate school districts and shall be subject to all of the provisions of this 1969 amendatory act).

Sec. 3. Section 3, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this section, in each intermediate school district there shall be an intermediate school district board ((of education; which shall)) consisting of seven members elected by the voters of the intermediate school district, one from each of seven intermediate school district board-member districts ((; such)). Board-member districts ((to be)) in districts reorganized under section 2 of this 1971 amendatory act, or as provided for in section 4 of this 1971 amendatory act and under this section, shall be initially determined by the state board of education ((on or before July 1, 1969)). If a reorganization pursuant to section 2 of this 1971 amendatory act places the residence of a board member into another or newly created intermediate school district, such member shall serve on the board of the intermediate school district of residence until the next general school election

at which time a new seven member board shall be elected. If the redrawing of board member district boundaries pursuant to this chapter shall cause the resident board member district of two or more board members to coincide, such board members shall continue to serve on the board until the next general school election at which time a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing intermediate school district boards. Each intermediate school district board member shall be elected by the ((qualified)) registered voters ((in his)) of the respective board member district ((only)). ((At least)) Beginning in 1971 and every ((four)) ten years thereafter, intermediate school district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes; PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be redrawn for the purposes of the next general school election immediately following the effective date of this 1971 amendatory act and the next general school election immediately following any reorganization pursuant to this chapter. Such district board ((may)), if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, ((may)) shall decide such questions.

Election of board members shall be held at the time of the general school election ((commencing with the general school election of 1969)). Such election shall be called and notice thereof given by the county auditor of each county in the manner provided by law for giving notice of the election of school district directors and such election shall be conducted by the official who conducts the general school election for first class school districts.

Filing for candidacy for the intermediate school district board shall be with the county auditor of the headquarters county of the intermediate school district not more than sixty days nor less than forty-six days prior to the general school election, and the auditor shall certify the names of candidates to the officials conducting the elections in the board-member districts ((; except that for the elections to be conducted in November, 1969, the filings shall be with the county auditor of the most populous county in the intermediate school district who shall make such certifications)).

The term of office for each board member shall be four years and until ((his)) a successor is duly elected and qualified. For the first election or an election following reorganization, board-member

district positions numbered one, three, five, and seven in each intermediate school district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years.

Any intermediate school district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions numbered eight and nine shall be filled at the next general school election, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

The term of every intermediate school district board member shall begin after the election returns have been certified, a certificate of election issued, and the oath of office taken ((at which time the term of all existing county or intermediate district board members shall terminate and all duties of county board members affecting the county office shall be assumed by the new intermediate school district board serving those counties. Each intermediate school district board shall be organized at the first meeting of the board after the beginning of such term)). In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the intermediate school district board ((of education)). In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the state board of education shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until the next general school election, at which time there shall be elected a member to fill the unexpired term.

((After July 1, 1969, the then incumbent county and intermediate district board members who reside in the newly created intermediate school districts shall meet at the call of the then incumbent intermediate district superintendent or county superintendent of the most populous county in the newly created district, and elect from among their number board members for the new district, one from each board member district, to serve until the new intermediate school district board assumes office.))

No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an intermediate school district board at the same time.

NEW SECTION. Sec. 4. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Any intermediate school district board which elects under

section 3 of this 1971 amendatory act to increase the size of the intermediate school district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven intermediate school board members. In such case the term of office of all existing intermediate school board members shall expire at the next general school election and seven intermediate school board members shall be elected in accordance with the provisions of section 3 of this 1971 amendatory act.

NEW SECTION. Sec. 5. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Absence of any intermediate school district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the intermediate school district board to declare by resolution that such board member position is vacated.

Sec. 6. Section 4, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.040 are each amended to read as follows:

Every school district must be included entirely within a single intermediate school district ((and within a single board member district thereof)). If the boundaries of any school district within an intermediate school district are changed in any manner so as to extend the school district beyond the boundaries of that intermediate school district, the state board shall change the boundaries of the intermediate school districts so affected ((so that all of the school district as constituted by such change of boundaries shall be included within one intermediate school district)) in a manner consistent with the purposes of section 1 of this 1971 amendatory act and this section.

Sec. 7. Section 5, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for member of the intermediate school district board ((of education)) shall be a ((qualified)) registered voter and a resident of the board-member district for which ((he)) such candidate files ((and shall not be an employee of any school district)). On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington ((and)) and to faithfully discharge the duties of ((his)) the office according to the best of ((his)) such member's ability. The members of the board shall not be required to give bond unless so directed by the state board of education. At the first meeting after each general school election and after the qualification for office of the newly elected members, each intermediate school district board shall reorganize by electing

a chairman and a vice chairman. A majority of all of the members of the board shall constitute a quorum.

Sec. 8. Section 6, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.060 are each amended to read as follows:

~~((All members of the intermediate school district board of education shall be reimbursed for their travel expenses and subsistence while engaged in the performance of their duties under this 1969 amendatory act in accordance with expenses allowable under RCW 43.03.050 and 43.03.060, as now or hereafter amended.))~~ The actual expenses of intermediate school board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended; all such claims shall be approved by the intermediate school district board ~~((of education))~~ and paid from the budget of the intermediate school district.

Sec. 9. Section 7, chapter 176, Laws of 1969 ex. sess. as amended by section 2, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.070 are each amended to read as follows:

Every intermediate school district board ~~((of education))~~ shall appoint and set the salary of an intermediate school district superintendent who shall be employed by a written contract for a term to be fixed by the board but not to exceed four years, and who may be discharged for sufficient cause. ~~((The appointment of the first superintendent under this section shall take effect at the end of the terms of all existing county and intermediate district superintendents in each intermediate school district. All existing county and intermediate district superintendents shall continue in office until the end of their respective terms of office. While holding such positions of the existing superintendents within the intermediate school district shall continue to receive the salary of that office as prescribed by law existing immediately prior to April 25, 1969 to be paid by such intermediate school district. Unless all positions of county and intermediate school district superintendents within an intermediate school district shall become vacant before the expiration of the existing terms of office, no vacancies shall be filled, but the intermediate school district board shall designate another such superintendent within the district to serve in that vacant position for the duration of that term of office. Prior to the assumption of office by the appointive superintendent, if there shall be more than one elected superintendent in office within a district, the intermediate school district board shall designate one of the superintendents to be chairman of the county and intermediate district superintendents within the district and, thereafter, such~~

chairman shall represent such superintendents in matters of concern to the intermediate school district:))

Sec. 10, Section 8, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.080 are each amended to read as follows:

To be eligible for appointment to the office of intermediate school district superintendent, in addition to any other requirements under other provisions of the law, a candidate must have ((completed five years of regular, accredited work in one or more recognized institutions of higher learning; have)) a valid principal's or superintendent's credential of the state of Washington ((and have three or more years' experience in educational administration in the common schools or in the office of a county or intermediate district superintendent or office of an intermediate school district superintendent)) or meet other criteria specifically established by the state board of education as representing appropriate training and qualification for the office of intermediate school district superintendent; but anyone serving as a legally qualified county or intermediate district superintendent or deputy county or intermediate district superintendent in the state of Washington on April 25, 1969 may be deemed qualified to hold the office of intermediate school district superintendent.

NEW SECTION. Sec. 11. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

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

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the intermediate school district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the intermediate school district.

(3) Establish cooperative service programs for school districts within the intermediate school district: PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the intermediate school district shall seek the prior advice of the superintendents of local school districts within the intermediate school district.

NEW SECTION. Sec. 12. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

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

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.71.100 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for handicapped children as provided in chapter 28A.13 RCW and the state supervisor of recreation as provided in chapter 28A.14 RCW.

(3) Apportion such school funds other than state funds as otherwise authorized by law in a manner not in conflict with state or federal law or rules and regulations relating to the distribution and apportionment of such school funds.

(4) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

(5) Perform such other duties as may be prescribed by law or rule or regulation of the state board of education and/or the superintendent of public instruction as provided in sections 29 and 30 of this 1971 amendatory act.

Sec. 13. Section 9, chapter 176, Laws of 1969 ex. sess. as amended by section 1, chapter 53, Laws of 1971 and RCW 28A.21.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every intermediate school district board ((of education)) shall ((have the following additional powers and duties)):

(1) Advise with and pass upon the recommendations of the intermediate school district superintendent in the preparation of ((manuals, courses of study and)) rules and regulations for the circulating libraries established pursuant to RCW 27.16.010.

(2) ((Adopt rules and regulations as it shall deem necessary for the schools of the intermediate school district, not inconsistent with the code of public instruction or with the rules and regulations of the state board of education or the superintendent of public instruction:

~~(3))~~ Approve the budgets of the intermediate school district ((and certify to the board or boards of county commissioners the amount needed from county funds and to the state board of education the estimates of special service funds needed)) in accordance with the procedures provided for in this chapter.

~~((4))~~ (3) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman ((or)) or a majority of the board ((or the intermediate school district superintendent)).

~~((5))~~ Assist the intermediate school district superintendent in). (4) Approve the selection of intermediate school district personnel and clerical staff as provided in ((RCW 28A.21.100)) section 16 of this 1971 amendatory act.

~~((6))~~ (5) Fix the amount of and approve the bonds for those intermediate school district ((superintendent's bond)) employees designated by the board as being in need of bonding.

~~((7))~~ Exercise careful supervision over the common schools of the district and see that all provisions of the common school laws are observed and followed by teachers, supervisors, superintendents and school officers.

(8) Hear and decide all disputes concerning conflicting or incorrectly described school district boundaries.

(9) Hear and act upon appeals as provided in RCW 28A-88-020.)

(6) Keep in the intermediate school district office a full and correct transcript of the boundaries of each school district within the intermediate school district.

~~((10))~~ (7) Acquire by purchase, lease ~~((or))~~, devise, bequest, and gift and otherwise ((7)) contract for real and personal property necessary for the operation of the intermediate school district and to the execution of the duties of the board and superintendent thereof ((7)) and ((to)) sell, lease, or otherwise dispose of that property not ((so)) necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education.

~~((11))~~ (8) Adopt such bylaws ~~((7))~~ and rules and regulations for its own ~~((government))~~ operation as it deems necessary or appropriate.

~~((12))~~ (9) Enter into contracts, including contracts with common and intermediate school districts for the joint financing of cooperative service programs conducted pursuant to section 11 (3) of this 1971 amendatory act, and employ consultants and legal counsel relating to any of the duties, functions, and powers of the intermediate school districts.

NEW SECTION. Sec. 14. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

In addition to other powers and duties prescribed by law every intermediate school district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at state-wide meetings of intermediate school district board members.

(2) Pay dues from intermediate school district funds in an amount not to exceed one hundred dollars per board member per year for membership in a state-wide association of intermediate school district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the intermediate school district

boards within the state: PROVIDED FURTHER, That such association if formed shall not employ any staff but shall contract either with the Washington state school directors' association or with the superintendent of public instruction for staff and informational services.

NEW SECTION. Sec. 15. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Each intermediate school district board, by written order filed in the headquarters office, may delegate to the intermediate school district superintendent any of the powers and duties vested in or imposed upon the board by this 1971 amendatory act or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the intermediate school district superintendent in the name of the board.

Sec. 16. Section 10, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.100 are each amended to read as follows:

The intermediate school district superintendent may appoint with the consent of the intermediate school district board of education assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of ~~((his))~~ the office at such salaries as may be determined by the intermediate school district board of education ~~((7))~~ and shall pay such salaries out of the budget of the district. ~~((All assistant intermediate school district superintendents shall qualify in the same manner as the intermediate school district superintendent; and))~~ In the absence of the intermediate school district superintendent a designated assistant superintendent shall perform the duties of the office. The intermediate school district superintendent shall have the authority to appoint ((a qualified deputy)) on an acting basis an assistant superintendent to perform any of the duties of the office.

Sec. 17. Section 11, chapter 176, Laws of 1969 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 ~~((his))~~ the intermediate school district, counsel with directors and ~~((teachers))~~ staff, and assist in every possible way to advance the educational interest in ~~((his))~~ the intermediate school district.

(3) ((Distribute promptly all reports, laws, forms, circulars, and instructions which he may receive for the use of the schools and the teachers, and execute the instructions, rules and regulations, and decisions of the superintendent of public instruction, as provided by law; enforce any outline course of study adopted by the state board of education or course of study adopted by any other lawful authority, and enforce any rules and regulations promulgated therefor)) 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 on file and preserve in his office the biennial reports of the superintendent of public instruction and such other reports pertinent to the operation of his intermediate district.

(5)) Keep records of ((his)) official acts ((and those)) of the intermediate school district board and superintendents in accordance with section 18 of this 1971 amendatory act.

((6)) 5 Preserve carefully all reports of school officers and teachers and ((at the close of his term of office)) deliver to ((his)) the successor of the office all records, books, documents, and papers belonging to the office either personally ((7)) or through ((his)) a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county where ((his)) the office is located.

((7)) 6 Administer oaths and affirmations to school directors, teachers, and other persons on ((all)) official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

((8) Suspend any teacher who may be teaching in his district, against whom he files charges; in case of any such suspension he shall immediately notify the superintendent of public instruction of his action and shall clearly and fully state his reasons for his action.

(9) Keep an official record of all persons under contract to teach in the schools of his intermediate school district, showing the number of the school district, the date of the contract, the names of the contracting parties, and the date of the expiration of the teacher's certificate and the kind thereof, the salary paid, and the date of commencing school with the length of term in days.

(10) Make an annual report to the superintendent of public

instruction on the first day of August of each year, for the school year ending June 30th, next preceding. The report shall contain an abstract of the reports made to him by the district clerks and such other matters as the superintendent of public instruction shall direct.

(11) Keep in his office a full and correct transcript of the boundaries of each school district in the intermediate school district, including joint districts. In case the boundaries of the districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and at their next regular meeting he shall certify his action to the county commissioners of the county in which the affected districts are located, and shall file with them a complete transcript of the boundaries of all school districts therein affected by his action, which shall be entered upon the journal of that board and become a part of its records. In the event of a dispute over such boundaries, the intermediate school district board shall hear and decide the matter. The intermediate school district superintendent shall, on request, furnish school district clerks with descriptions of the boundaries of their respective districts.

(12) Apportion school funds in the manner not in conflict with state law or the rules or regulations relating to distribution and apportionment of school funds.

(13) Conduct such examination of teachers and make such records thereof as may be prescribed by law. He shall give ten days' notice of each examination by publication in some newspaper of general circulation published in each county in his district, or if there be no newspaper, then by posting up handbills, or otherwise.

(14) Hold teachers' institutes according to law, and conduct such other meetings of the teachers of his intermediate school district as may be for the best interests of the schools, and attend other meetings and conferences which may be of benefit to the schools of his intermediate school district.

(15) Hold at his option each year, one or more school directors' meetings.

(16) Furnish free of charge teachers' registers, clerks' record books, and other materials received free of charge from the superintendent of public instruction to all districts of his intermediate school district.

(17) Counsel with school boards on selection of school sites and whenever any board of directors of a school district of the third class shall be authorized, by the electors of that district, to erect a school building. It shall be the duty of such board, before entering into any contract for the erection of any building, to obtain the approval of the intermediate school district superintendent, of the plans and specifications for the building to

be erected, and the superintendent shall give special attention to the provisions made therein for heating; lighting and ventilation.

{48} Require all reports of school district officers, teachers and others to be made promptly as required by law.

{49}) {7} Require the oath of office of all school district officers be filed in ((his)) the intermediate school district office ((7)) and ((shall)) 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 ((7 upon blanks furnished by the superintendent of public instruction)) as soon as the election or appointment of such officers is determined and their oaths placed on file.

((20) Prepare an annual budget for the district for approval by the intermediate school district board of education.

{24} Serve as a member of the transportation commission as provided by RCW 28A.24.080.

{22}) {8} Assist the school districts in preparation of their budgets as provided in chapter 28A.65 RCW.

((23) Cooperate with the state supervisor of special aid for handicapped children and with school districts in administering the educational program for handicapped children as provided in RCW 28A.43.020.

{24} Cooperate with the state supervisor of recreation and with school districts in administering the recreation program as provided in RCW 28A.44.020.

{25}) {9}. Enforce the provisions of the compulsory attendance law as provided in chapters 28A.27 and ((chapter)) 28A.28 RCW.

((26) Certify certain statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.44 RCW.

{27}) {10} Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.56 RCW.

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

((29}) {12} Perform all other duties prescribed by law ((or)) and the intermediate school district board.

Sec. 18. Section 12, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.120 are each amended to read as follows:

The intermediate school district board ((of education)) shall designate the headquarters office of the intermediate school district. The board of county commissioners in each county shall provide the intermediate school district superintendent and employees with suitable quarters and office for the operations of the intermediate school district. Official records of the intermediate

school district board and superintendent, ((and of)) including each of the county superintendents ((of counties within the intermediate school district, shall prior to January 1, 1974, be transferred to and thereafter)) abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the intermediate school district superintendent. ((Where a county is divided into two or more intermediate school districts)) Whenever the boundaries of any of the intermediate school districts are reorganized pursuant to section 2 of this 1971 amendatory act, the state board of education shall supervise the transferral of such records so that each intermediate school district superintendent shall receive those records relating to school districts within ((his)) the appropriate intermediate school district.

Sec. 19. Section 13, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.130 are each amended to read as follows:

For all actual and necessary travel in the performance of ((his)) official duties and while in attendance upon meetings and conferences, each intermediate school district superintendent and ((his necessary assistants)) employee shall be ((allowed)) reimbursed for their actual traveling expenses and subsistence ((in accordance with)) up to the amounts provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. All claims shall be approved by the intermediate school district board ((of education)) and paid from the funds budgeted by the district. Each intermediate school district superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

NEW SECTION. Sec. 20. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for intermediate school districts modeled after the statutory procedures for school districts as provided in chapter 28A.65 RCW.

Sec. 21. Section 17, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.170 are each amended to read as follows:

The biennial budget request of ((the)) each intermediate school district shall be approved by the respective intermediate school district board ((of education: The budget shall)) and then ((be)) forwarded to the ((state board of education)) superintendent of public instruction for ((its)) revision and approval as provided in section 22 of this 1971 amendatory act. ((Moneys received from the state superintendent of public instruction shall be paid to the

county treasurer in the county wherein the intermediate school district headquarters office is located to be credited to intermediate school district special service fund; and the county treasurer of that county shall be the custodian of the fund; and the auditor of that county shall keep a record of receipts and disbursements; and shall draw and the county treasurer shall honor and pay the warrants;))

Sec. 22. Section 14, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.140 are each amended to read as follows:

The ((state board of education)) superintendent of public instruction shall examine and revise the biennial budget request of each intermediate school district and shall fix the amount to be ((allocated thereto from)) requested in state funds ((and certify to the state superintendent of public instruction the amount of state funds needed)) for the intermediate school district ((budgets as approved by the state board of education;)) system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each intermediate school district and shall ((require the state superintendent of public instruction to)) allocate ((this amount from the current state school fund or)) quarterly the state's portion from funds ((otherwise)) appropriated for that purpose to the county treasurer of the headquarters county of the intermediate school district for deposit to the credit of the intermediate school district ((special service)) general expense fund.

In each intermediate school district, there ((is hereby created)) shall be an intermediate school district ((special service)) general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this ((1969 amendatory act)) chapter, and such moneys as are ((not specifically)) allocated from the county current expense funds, the county institute funds, the county circulating library funds and other funds of the intermediate school district, and such moneys shall be expended ((by warrants drawn by the county auditor of the headquarters county of the intermediate school district upon vouchers approved)) according to the method used by first or second class school districts, whichever is deemed most feasible by the intermediate school district board ((except as otherwise provided in this 1969 amendatory act)). No vouchers for warrants other than moneys being distributed to the school districts ((7)) shall be approved for expenditures not budgeted by the intermediate school district board.

Sec. 23. Section 16, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.160 are each amended to read as follows:

((By January 17, 1977)) All funds under the control of the

office of each ((county superintendent or county board of education of each county combined into an)) intermediate school district shall be combined into the intermediate school district general expense fund((s)) and deposited in the office of the county treasurer of the county in which the intermediate school district headquarters office is located ((7 except that where a county becomes a part of two or more intermediate school districts, then only a portion of the funds of the office of county superintendent and county board of education shall be combined into the funds of each intermediate school district. The portion of such funds to be combined shall be determined as follows:

{1} Of the current expense fund of the county superintendent, that amount representing the same proportion as the assessed valuation of the property for tax purposes of the portion of the county being combined into the intermediate school district is to the assessed valuation of all county property.

{2} Of the county superintendent's special service fund, an amount determined by the state board of education.

{3} Of the county institute fund, the amount representing the same proportion as the number of teachers employed by school districts in the portion of the county being combined into the intermediate district is to the number of teachers employed by all school districts in the entire county not maintaining a separate institute fund). The superintendent of public instruction, by rule or regulation, shall provide by an established formula for the proper distribution of moneys received from the county current expense fund, the county institute fund, and the county circulating library fund in those counties which are a part of two or more intermediate school districts. In case the boundaries of any of the intermediate school districts are changed, the superintendent of public instruction shall order an equitable transfer of such funds from one intermediate school district to another which the superintendent of public instruction deems necessary to adjust for the increase and decrease in the operating costs of the respective districts for the balance of the fiscal year and shall certify to the county commissioners of the affected counties a new ratio for the appropriation of funds to the general expense funds of two or more intermediate school districts under section 24 of this 1971 amendatory act.

Sec. 24. Section 18, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.180 are each amended to read as follows:

The county commissioners of each county shall pay the election costs of intermediate school board elections and shall pay each year from their county current expense fund to the intermediate school district ((current)) general expense fund of the intermediate school district or districts in which the county is located not less than

the amount which the county appropriated to the budget of the county superintendent and/or intermediate district ((superintendent)) or districts and/or intermediate school district or districts for the year 1969. ((Where only a portion of a county is a part of an intermediate school district; the amount to be paid by the county commissioners to the intermediate school district shall be based on an amount not less than that appropriated to the budget of the county or intermediate district superintendent for the year 1969 and determined by a ratio as described in REW 28A.21.160 (1).)) In addition the county commissioner of each county shall pay for services other than those of the county treasurer, auditor, and prosecutor provided to any county and/or intermediate district or districts and/or intermediate school district or districts for the year 1969 but not included in the 1969 budget of any county and/or intermediate district or districts and/or intermediate school district or districts. The county treasurers, auditors, and prosecutors shall provide their services without charge to the intermediate school districts.

NEW SECTION. Sec. 25. There is added to chapter 176, Laws of 1969 ex. sess. and to chapter 28A.21 RCW a new section to read as follows:

Possession and title to any and all personal property or equity in such property purchased in whole or part with county, state, school district, or federal funds, or any combination of the above, for the use or direct benefit of an office of county superintendent or intermediate district and used and/or in the possession of such office fifty percent or more of the time during the period of January 1, 1969 through July 1, 1969, shall immediately be transferred to and vested in the intermediate school district encompassing the largest percentage of the common school students in the respective county. In the event of dispute regarding the transfer of property, the county board of commissioners or the intermediate school district board, within thirty days after the effective date of this 1971 amendatory act, may require the governor to form an arbitration committee to decide the dispute within sixty days of the request. Decisions of the arbitration committee shall be final. The committee membership shall consist of one member appointed by the governor, who shall serve as chairman of the arbitration committee and shall call its first meeting; one member appointed by the affected board of county commissioners; and one member appointed by the affected intermediate school district board: PROVIDED, That no member of the arbitration committee shall be a member of the appointing boards: PROVIDED FURTHER, If necessary to order an equitable transfer of property or equity in such property, the arbitration committee may waive any of the provisions of this

section regarding use or possession of such property.

NEW SECTION. Sec. 26. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW a new section to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the county committee on school organization after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board of education for its approval or revision. Upon receipt of notification of state board of education action, the county committee on school organization shall transmit to the county commissioners of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 27. Section 20, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.190 are each amended to read as follows:

The prosecuting attorney for the county in which the headquarters office of the intermediate school district office is located (~~shall~~), if required by law to devote full time to the duties of his office, as a part of his duties, shall serve upon request as legal advisor to the intermediate school district board and superintendent in all matters relating to their official business. When requested by such board or superintendent, (~~he~~) the prosecuting attorney shall draw all instruments, give legal advice, and represent such board or superintendent with respect to all such matters and business: PROVIDED, That if the prosecuting attorney of the headquarters county is not required by law to devote full time to the duties of his office, then the prosecuting attorney of the county with the greatest population within the intermediate school district and who is by law required to devote full time to his duties shall act as the legal advisor to the district board and superintendent. The prosecuting attorneys of other counties within an intermediate school district, if required by law to devote their full time to the duties of their office, shall be available to assist the headquarters county prosecuting attorney with respect to such matters and business: PROVIDED, That on matters deemed of state-wide concern by the superintendent of public instruction or the state board of education, the superintendent or board may request the attorney general to provide written legal opinions regarding any matter before any intermediate school district.

Sec. 28. Section 23, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.220 are each amended to read as follows:

The superintendents of all local school districts within an intermediate school district shall serve in an advisory capacity to

the intermediate school district board and superintendent in matters pertaining to budgets, programs, policy, and staff.

NEW SECTION. Sec. 29. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction, by rule or regulation, may require the assistance of intermediate school district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the superintendent of public instruction by law or by the Constitution of the state of Washington, upon such terms and conditions as the superintendent of public instruction shall establish. Such authority to assist the superintendent of public instruction shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

NEW SECTION. Sec. 30. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education, by rule or regulation, may require the assistance of intermediate school district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

Sec. 31. Section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as amended by section 146, chapter 176, Laws of 1969 ex. sess. and RCW 28A.71.100 are each amended to read as follows:

The intermediate school district ((~~superintendent must~~)) board may arrange each year for the holding of one or more teachers' institutes and/or workshops for in-service training ((~~r~~)) in such manner and at such time as ((~~he~~)) the board believes will be of benefit to the teachers ((~~of~~)) within the intermediate school district. ((~~He~~)) The board may provide such additional means of teacher in-service training as ((~~he~~)) it may deem necessary or appropriate and there shall be a proper charge against the intermediate school district institute funds and/or the intermediate school district general expense fund when approved by the intermediate school district board.

Intermediate school district ((~~superintendents~~)) boards of contiguous intermediate school districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in

proportion to the numbers of certificated personnel as shown by the last annual reports of the intermediate school districts (~~superintendents~~) holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers, the school district superintendent (~~in his discretion~~) may hold a teachers' institute of (~~two, three, four or five~~) one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this code relating to teachers' institutes held by intermediate school district superintendents.

Sec. 32. Section 28A.24.080, chapter 223, Laws of 1969 ex. sess. as amended by section 104, chapter 176, Laws of 1969 ex. sess. and RCW 28A.24.080 are each amended to read as follows:

School district transportation routes (~~for~~) for purposes of state reimbursement of transportation costs (~~for~~) shall be recommended by the (~~intermediate~~) school district transportation commission in each school district and approved by the (~~state~~) superintendent of public instruction pursuant to rules and regulations promulgated by the superintendent for that purpose. The commission shall be appointed by the superintendent of public instruction and shall consist of (1) a representative of the local board of directors, (2) a representative of the (~~state~~) superintendent of public instruction, and (3) a representative of the intermediate school district (~~superintendent~~) board.

Sec. 33. Section 28A.44.050, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 48, Laws of 1971 and RCW 28A.44.050 are each amended to read as follows:

The intermediate school district (~~superintendent~~) board, after verifying such reports as provided for in RCW 28A.44.080 as hereinafter amended, shall certify, on or before the fifteenth day of August each year, to the appropriate county commissioners (~~and to the county commissioners of such other counties as any high school district of his district may have claims against under the provisions of REW 28A.44.045 through 28A.44.100~~) the amount of each such high school district claim for the cost of educating nonresident high school pupils (~~and~~). Such county commissioners are (~~hereby~~) authorized to levy and shall levy a tax up to the amount permissible under RCW 84.52.050 (~~for~~) against all nonhigh school districts in their respective counties in the aggregate amount as certified to them by the intermediate school district (~~superintendent~~) board. Such levy (~~to~~) shall be made at the same time and in the manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating nonresident high school pupils the intermediate school district (~~superintendent~~) board shall (~~take~~) compute the net difference

between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state (~~current school fund~~) and receipts from the real estate transfer tax as provided in chapter 28A.45 RCW, and such difference (~~to~~) shall be multiplied by the days of attendance of nonresident high school pupils in each case. Such amount, when ascertained and certified as provided in this section, shall constitute a valid claim against the high school district fund hereafter provided for in this section. The above tax shall be collected at the same time and in the same manner as other taxes are collected (~~is~~) and shall be segregated by the appropriate county treasurer into a fund which shall be designated as the high school district fund (~~and which~~). Such fund shall be used only for reimbursing high school districts for the cost of educating nonresident high school pupils whose legal residence shall be in a nonhigh school district.

Sec. 34. Section 28A.44.060, chapter 223, Laws of 1969 ex. sess. as amended by section 16, chapter 48, Laws of 1971 and RCW 28A.44.060 are each amended to read as follows:

The state board of education shall provide each intermediate school district (~~superintendent~~) board in the state with a copy of the rules and requirements for the classification of districts and (~~said board~~), on or before the first day of July of each year, shall certify to every intermediate school district (~~superintendent~~) board in the state a complete list of all high school districts in (~~his~~) the district.

Sec. 35. Section 28A.44.070, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 48, Laws of 1971 and RCW 28A.44.070 are each amended to read as follows:

Each intermediate school district superintendent, on or before the first day of September, shall certify to the appropriate county assessors, the county treasurers, the county auditors, and the boards of county commissioners, a complete list of all high school districts and all nonhigh school districts in (~~his~~) the counties within the intermediate school district.

Sec. 36. Section 28A.44.080, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 48, Laws of 1971 and RCW 28A.44.080 are each amended to read as follows:

The superintendent of every high school district (~~is~~) shall certify under oath, as a part of (~~his~~) an annual report to the intermediate school district (~~superintendent~~) board to be made on or before the fifteenth day of July (~~is~~) as required by law, the following facts as nearly as the same can be ascertained: (~~First, the~~)

(1) Name, post office address, county (and number of),

resident school district ((if obtainable)) and the days of attendance of each nonresident high school pupil ((~~r~~)) who is not a resident of another high school district ((~~r~~)) and is enrolled in the high school, or high schools, of ((his)) the district during the school year ((~~r~~ with the days of attendance of each such nonresident high school pupil. Second)) .

(2) The cost per 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 ((~~shall~~)), 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. 37. Section 28A.44.090, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 48, Laws of 1971 and RCW 28A.44.090 are each amended to read as follows:

The intermediate school district ((superintendent)) 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 ((his district)) the county from the high school district fund ((~~r~~)) and ((~~also~~)) the amounts due to the high school district fund of other counties wherein high school districts may have educated pupils from nonhigh school districts of ((his district)) the county as certified by the intermediate school district ((superintendent)) board of such county to the appropriate county commissioners.

Sec. 38. Section 28A.44.100, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 48, Laws of 1971 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 high school district fund ((~~r~~)) or such prorated portion thereof as may be in such fund at

the time. ((He shall)) The county treasurer, at the same time, shall transfer to the credit of the high school district fund of other counties such amounts ((7 or prorated portions thereof as may be in the high school district fund of his county,)) as may be due the high school district fund of such other county or prorated portions thereof as may be in the high school district fund of the county as certified by the intermediate school district ((superintendent he is acting for)) board.

Sec. 39. Section 28A.60.186, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 48, Laws of 1971 and RCW 28A.60.186 are each amended to read as follows:

Whenever any board of directors of school districts of the third class shall be authorized by the electors of their districts to erect a school building, ((it shall be the duty of)) such board, before entering into any contract for the erection of any such building, ((to)) shall obtain the approval of the intermediate school district ((superintendent)) board of the plans and specifications for the building to be erected, including approval of the heating, lighting, ventilating, and safety thereof.

Sec. 40. Section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 34, Laws of 1969 ex. sess. and RCW 28A.88.010 are each amended to read as follows:

Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or ((school)) board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the ((proper officer or board as hereinafter in this chapter provided)) superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapter 28A.58 RCW therefor and in all other cases shall be governed by this chapter 28A.88 RCW.

NEW SECTION. Sec. 41. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW a new section to read as follows:

Within twenty days of service of the notice of appeal, the

school board, at its expense, or the school official, at such official's expense, shall file the complete transcript of the evidence and the papers and exhibits relating to the decision for which a complaint has been filed. Such filings shall be certified to be correct.

NEW SECTION. Sec. 42. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.88 RCW a new section to read as follows:

Any appeal to the superior court shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

NEW SECTION. Sec. 43. Moneys in any intermediate school district special service fund on the effective date of this 1971 amendatory act shall be transferred to the intermediate school district general expense fund created in section 22 of this 1971 amendatory act by the appropriate county treasurer and after such date there shall be no intermediate school district special service fund.

NEW SECTION. Sec. 44. The following acts or parts of act are each hereby repealed:

(1) Section 15, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.150;

(2) Section 24, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.230;

(3) Section 28A.88.020, chapter 223, Laws of 1969 ex. sess., section 154, chapter 176, Laws of 1969 ex. sess. and RCW 28A.88.020;

(4) Section 28A.88.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.040;

(5) Section 28A.88.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.050;

(6) Section 28A.88.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.060;

(7) Section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070;

(8) Section 28A.88.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.88.080; and

(9) Section 3, chapter 84, Laws of 1970 ex. sess. and RCW 28A.21.073.

NEW SECTION. Sec. 45. If any provision of this 1971 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. 46. This 1971 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. 47. The joint committee on education shall present to the 1973 legislature a comprehensive report on the future role of intermediate school districts in the state's common school system and on alternative methods of funding such districts or any recommended successor to such districts. The joint committee on education, in carrying forth its obligations under this section, shall seek the cooperation and advice of the legislative budget committee, the governor, the superintendent of public instruction, the state board of education, and the Washington state association of counties. Such study shall extend to the possibility of separating intermediate school districts from legal and financial ties to county government.

Passed the House May 9, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...I am vetoing the proviso to section 2 of this bill which would require the consent of an intermediate school district prior to its elimination through consolidation by action of the State Board of Education. The intermediate school district concept is new with the adoption of the common School Code and the State Board of Education should have the power to adjust and vary school boundaries to maximize the effectiveness of our secondary school system. The proviso would hinder this needed flexibility and would detract from the ability of the State Board of Education to make necessary organizational changes as the districts gain experience through operating under the new law."

Veto
Message

CHAPTER 283

[Engrossed House Bill No. 687]

REGULATION OF COMMERCIAL FISHERIES

AN ACT Relating to commercial fisheries; increasing commercial salmon fishing license fees; amending section 75.18.080, chapter 12, Laws of 1955 and RCW 75.18.080; amending section 1, chapter 171, Laws of 1957 and RCW 75.28.012; amending section 2, chapter 171, Laws of 1957 as amended by section 3, chapter 309, Laws of 1959 and RCW 75.28.013; amending section

75.28.060, chapter 12, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1965 ex. sess. and RCW 75.28.060; amending section 5, chapter 309, Laws of 1959 as amended by section 1, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.085; amending section 6, chapter 309, Laws of 1959 and RCW 75.28.087; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 4, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as last amended by section 5, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.140; amending section 75.28.190, chapter 12, Laws of 1955 as last amended by section 10, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.190; amending section 75.28.220, chapter 12, Laws of 1955 as last amended by section 12, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.220; amending section 75.12.010, chapter 12, Laws of 1955 and RCW 75.12.010; amending section 1, chapter 90, Laws of 1969 and RCW 75.28.095; adding a new section to chapter 75.28 RCW; declaring an emergency; and providing an effective date.

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

Section 1. Section 75.18.080, chapter 12, Laws of 1955 and RCW 75.18.080 are each amended to read as follows:

Every person or persons, firm or corporation operating a fishing vessel of any description used in the commercial taking or catching of (~~chinook or silver~~) salmon in offshore waters and the transporting or bringing the same in and through the waters of the state of Washington and delivering the same in any place or port in the state of Washington shall, as a condition of doing so, obtain a permit from the director of fisheries. The fee for said permit shall be (~~ten~~) one hundred dollars for the vessel and operator and ten dollars for each member of the crew thereof, such permit to be effective during the (~~fiscal~~) calendar year in which issued: PROVIDED, That persons operating fishing vessels licensed under RCW (~~75.28.080 and 75.28.100 shall not be required to pay any permit fees hereunder~~) 75.28.085 may apply the delivery permit fee of ten dollars against the fees outlined hereinabove except those holding a valid troll license are exempt from said fees: PROVIDED FURTHER, That if it appears to the director of fisheries, after investigation, that the operation of such vessel under such permit tends to result in the impairment, depletion, or destruction of the salmon resource and supply of this state and in bringing into this state salmon products prohibited by law, in that event, the director under such regulations and terms as he may prescribe, may revoke said permit to use and operate such boat in the waters of this state, and in the event of the revocation of such permit, the further operation of such

vessel as hereinabove set forth shall then be unlawful.

Sec. 2. Section 1, chapter 171, Laws of 1957 and RCW 75.28.012 are each amended to read as follows:

The following licensing districts are hereby created:

(1) Puget Sound licensing district shall include those waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds and estuaries lying inside, easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to Bonilla Point on Vancouver Island.

(2) Grays Harbor Columbia river licensing district shall include those waters of Grays Harbor and tributary estuaries lying inside and easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries lying inside and easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(3) Willapa Bay Columbia river licensing district shall include those waters of Willapa Bay and tributary estuaries lying inside and easterly of a line projected northerly from Leadbetter Point to Cape Shoalwater Light and those waters of the Columbia river and tributary sloughs described in subsection (2).

~~((4) Columbia River licensing district shall include those waters of the Columbia River and tributary sloughs and estuaries lying inside and easterly of a line at the entrance to the Columbia River projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.))~~

Sec. 3. Section 2, chapter 171, Laws of 1957, as amended by section 3, chapter 309, Laws of 1959 and RCW 75.28.013 are each amended to read as follows:

Every owner of a commercial fishing vessel shall obtain an annual commercial salmon fishing license, for each licensing district, used in the lawful commercial taking of salmon therein. The fees for such commercial salmon fishing license shall be in the amounts as set forth in this chapter prescribed by the type of gear employed in the taking of food fish ~~((and shellfish))~~. The license fees for such fishing in one district only shall be in the amounts as set forth in this chapter. Such license fees for such fishing in more than one district shall be, in each such additional district, ~~((three times))~~ the amounts required for fishing in one district only ~~((; except such license fees for fishing in an additional district shall be two times the amounts required for fishing in one district, where such additional district is a joint jurisdictional waters district))~~: PROVIDED, That additional licenses shall not be required

for fishing in more than one district for species of fish other than salmon.

Sec. 4. Section 75.28.060, chapter 12, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1965 ex. sess. and RCW 75.28.060 are each amended to read as follows:

All commercial fishing licenses provided for in this chapter shall be transferable. It shall be unlawful for any license to be operated or caused to be operated by any person other than the ((licensee or any agent or employee of the licensee)) person listed as operator on the license. In the event gear is operated by a nonresident, the gear shall be licensed as nonresident gear. In the event a commercial license is transferred from a resident of the state of Washington to a nonresident the transferee shall be required to pay the difference between the fees for a resident and nonresident licensee.

Sec. 5. Section 5, chapter 309, Laws of 1959 as amended by section 1, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.085 are each amended to read as follows:

Every person, or persons or corporations operating a fishing vessel of any description used in the commercial taking or catching of food fish or shellfish, other than salmon, in offshore waters, and the transportation or possession of food fish or shellfish, other than salmon, through the waters of the state of Washington, and delivering the food fish or shellfish, other than salmon, in any port in the state of Washington shall as a condition of doing so, obtain a delivery permit from the director of fisheries. The fees for such permit shall be ten dollars: PROVIDED, That any permittee under RCW 75.18.080 will not be required to obtain the above prescribed permit. ((This permit can become a valid vessel delivery permit, for the landing of salmon in state ports, by the payment of an added ten dollar fee for each man aboard the fishing vessel, which payment will satisfy provisions required under RCW 75.18.080*)) Possessors of the above described permit who wish to gain a vessel delivery permit under RCW 75.18.080 as now or hereafter amended may upon application to the director of fisheries apply the ten dollar fee for the delivery permit against the cost of the vessel delivery permit set forth in RCW 75.18.080 as now or hereafter amended.

Sec. 6. Section 6, chapter 309, Laws of 1959 and RCW 75.28.087 are each amended to read as follows:

Every owner of a commercial fishing vessel shall obtain an annual commercial fishing license, not otherwise provided for in this chapter, for the taking of food fish and shellfish within the state of Washington ((, provided that)) : PROVIDED, That holders of commercial salmon fishing licenses as set forth in this chapter may retain incidently caught food fish other than salmon, and: PROVIDED

FURTHER, That licensed oyster and clam farmers are not subject to this section. The fees for commercial fishing licenses required in this section shall be in the amounts set forth in this chapter prescribed by the type gear employed in the taking of food fish and shellfish.

Sec. 7. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 4, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.130 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing troll lines in the taking of ((fish and shellfish)) salmon shall be ((twenty-seven dollars and fifty cents per annum for residents and fifty-five dollars per annum for nonresidents)) one hundred dollars per annum. Each license shall entitle the licensee to use six or less troll lines.

The fee for all licenses prescribed in this chapter employing troll lines in the taking of food fish, other than salmon, shall be twenty-seven dollars and fifty cents per annum. Each license shall entitle the licensee to use six or less troll lines.

Sec. 8. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 5, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.140 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing gill nets in the taking of food fish ((and shellfish)) shall be ((thirty-five)) one hundred dollars per annum ((for residents and seventy dollars per annum for nonresidents. The incidental catch of sturgeon lawfully taken is permitted under the gill net license)).

A valid Grays Harbor-Columbia River or Willapa Harbor-Columbia River commercial salmon fishing gill net license shall also be valid when lawfully fishing for sturgeon, smelt and shad in the licensing district for which said license is issued.

Sec. 9. Section 75.28.190, chapter 12, Laws of 1955 as last amended by section 10, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.190 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing purse seines (drum seines, table seines, power block seines) in the taking of food fish ((and shellfish)) shall be ((one)) two hundred ((forty-five)) dollars per annum ((for residents and two hundred thirty dollars per annum for nonresidents)).

Sec. 10. Section 75.28.220, chapter 12, Laws of 1955 as last amended by section 12, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.220 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing reef nets in the taking of food fish ((and shellfish)) shall be ((sixty-two dollars and fifty cents)) one hundred dollars per annum ((for residents and ninety-five dollars per annum for nonresidents)).

NEW SECTION. Sec. 11. There shall be established in the state treasury a fund known and denominated as the department of fisheries building account. Fifty percent of the revenue to be derived from this amendatory act shall be deposited in the department of fisheries building account in the general fund to be used solely for capital outlay for the department of fisheries for salmon propagation and to match federal funds for new fisheries facilities.

NEW SECTION. Sec. 12. The fees for all licenses prescribed in this act shall be double for nonresidents of the state.

Sec. 13. Section 75.12.010, chapter 12, Laws of 1955 and RCW 75.12.010 are each amended to read as follows:

It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam county, state of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point monument" in the latitude 48° 9'3" 30" true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude 122° 40' west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: PROVIDED, That, subject to such seasons and regulations as may be established from time to time by the director, fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the director may establish from time to time((7)). It shall be lawful to fish for salmon for commercial purposes within the above described waters with any lawful gear during the period extending from the tenth day of June to the twenty-fifth day of the following July and from the fifth

day of October to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p.m. of Friday and ending at 4:00 o'clock a.m. of the Sunday following.

AND PROVIDED, That for the privilege of purse seining in said waters during the lawful periods a seiner's permit from the director of fisheries shall be required, which permit shall issue on application and payment of a fee of ten dollars.

AND PROVIDED, That whenever the director determines that a stock or run of salmon cannot be feasibly and properly harvested in the usual manner, and that such stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may maneuver units of lawful gill net and purse seine gear in any number or equivalents at his discretion, by time and area, to fully utilize such harvestable portions of these salmon runs for the economic well being of the citizens of this state, except that gill net and purse seine gear other than emergency and test gear authorized by the fisheries department shall not be used in Lake Washington.

AND PROVIDED, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidby Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidby Island.

NEW SECTION. Sec. 14. There is added to chapter 75.28 RCW a new section to read as follows:

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any salmon while on board a commercially licensed trolling vessel trolling for salmon in waters within the territorial boundaries of the state of Washington or who sells his commercial catch in the state of Washington.

The fee for such license is ten dollars per annum.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any salmon: PROVIDED, That this section does not apply to owners or operators licensed pursuant to RCW 75.28.085 or owners licensed pursuant to RCW 75.28.095.

Sec. 15. Section 1, chapter 90, Laws of 1969 and RCW

75.28.095 are each amended to read as follows:

Every owner of a vessel used as a charter boat from which food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be fifty dollars per annum for residents and one hundred dollars per annum for nonresidents. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington in to state ports.

((No vessel shall be licensed as a charter boat and hold a commercial salmon fishing license or vessel delivery permit at one and the same time:

A vessel may be transferred from charter boat fishing to commercial salmon fishing or vice versa by depositing the appropriate license and vessel delivery permit at the nearest office of the department of fisheries, provided that RCW 75.28.014 has been complied with))

No vessel may engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time: PROVIDED, That the license and delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment shall be included under the provisions of this section.

-V NEW SECTION. Sec. 16. The provisions of section 11 of this 1971 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. The provisions of sections 1 to 10 inclusive of this 1971 amendatory act shall take effect on January 1, 1972.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 21, 1971 with the exception of an item and a section which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Certain sections of HB 687 are in conflict with ^{Veto} the provision of SHB 152, the capital appropriation act, and ^{Message} should be vetoed in order for the Department of Fisheries to

carry out their capital development program.

Veto
Message

This act provides for increases in all commercial fishing license fees. These funds would normally go to the General Fund from which the Department's operating and capital appropriations are made. However, Section 11 of this act provides for creation of a Department of Fisheries Building Account into which fifty percent of the total license revenue is to be deposited to be used for capital outlays by the Department for salmon propagation facilities. There are no appropriations made from the newly created account and while revenues would be deposited to the account, they could not be used for the purposes for which the account was created.

Further, creation of the account would negate the capital appropriation made to the Department in SHB 152. The capital appropriation in SHB 152 is made from the General Fund and contains a proviso to the effect that the major portion of it is available only to the extent increased revenues are generated to offset the amount.

Because HB 687 would require that fifty percent of all license revenue be deposited to the new account, there would be no increased amount to the General Fund to offset the appropriation; in fact, there would be a reduction. The total effect would be that the Department's capital program would be reduced by not only the \$665,000 tied to the proviso but also by \$637,000 of Federal matching funds which would be lost because of the lack of state matching. Under these circumstances, there would be no expansion of the Department's production facilities during the 1971-73 biennium.

I have vetoed section 11 and an item in section 16 of the bill to cure this defect. The veto of this item in section 16 serves a dual purpose. It will allow the immediate implementation of section 13 of the bill by the Department of Fisheries in its effort to manage properly what appears to be a massive migration of Sockeye Salmon into lower Puget Sound early this summer.

With these exceptions, the remainder of EHB 687 is approved."

CHAPTER 284

[Engrossed Substitute House Bill No. 321]

MOTOR VEHICLES--

SUSPENDED SENTENCES--

WASHINGTON HABITUAL TRAFFIC OFFENDERS ACT

AN ACT Relating to motor vehicles; amending section 62, chapter 155, Laws of 1965 ex. sess. as amended by section 68, chapter 32, Laws of 1967 and RCW 46.61.515; adding a new section to chapter 12, Laws of 1961 and to chapter 46.20 RCW; repealing section 46.20.390, chapter 12, Laws of 1961, section 32, chapter 32, Laws of 1967 and RCW 46.20.390; adding a new chapter to Title 46 RCW; and prescribing penalties.

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

Section 1. Section 62, chapter 155, Laws of 1965 ex. sess. as amended by section 68, chapter 32, Laws of 1967 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended; PROVIDED, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: PROVIDED, FURTHER, That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) The license or permit to drive or any nonresident

privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(3) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes.

NEW SECTION. Sec. 2. There is added to Title 46 RCW a new chapter to read as set forth in sections 3 through 16 of this 1971 amendatory act.

NEW SECTION. Sec. 3. It is hereby declared to be the policy of the state of Washington:

(1) To provide maximum safety for all persons who travel or otherwise use the public highways of this state; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

NEW SECTION. Sec. 4. As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or, if a minor, shall have violations recorded with the department of motor vehicles, or forfeited bail for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of motor vehicles: PROVIDED, That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination,

of the following offenses:

- (a) Negligent homicide as defined in RCW 46.61.520; or
- (b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; or
- (c) Driving a motor vehicle while his license, permit, or privilege to drive has been suspended or revoked; or
- (d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020.

(2) Twenty or more convictions or bail forfeitures for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of motor vehicles. Such convictions or bail forfeitures shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions or forfeitures for any nonmoving violation.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

NEW SECTION. Sec. 5. The director of the department of motor vehicles shall certify three transcripts or abstracts of the conviction record as maintained by the department of motor vehicles of any person whose record brings him within the definition of an habitual offender, as defined in section 4 of this chapter, to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state. Such transcript or abstract may be admitted as evidence and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such fact is untrue.

NEW SECTION. Sec. 6. The prosecuting attorney upon receiving the aforesaid transcripts or abstracts from the director shall forthwith file a complaint against the person named therein as being an habitual offender in the superior court in the political subdivision in which such person resides. In the event such person

is a nonresident of this state, the attorney general of the state of Washington shall file such complaint against the accused person in Thurston county superior court.

NEW SECTION. Sec. 7. The court in which such complaint is filed shall enter an order, which incorporates the aforesaid transcript or abstract and is directed to the person named therein, to show cause why he should not be barred as an habitual offender from operating a motor vehicle on the highways of this state. A copy of the show cause order and such transcript or abstract shall be served on the person named therein in the manner prescribed by law for the service of process under chapter 4.28 RCW. Service thereof on any nonresident of the state may be made by the director of the department of motor vehicles in the same manner as service of process on a nonresident motor vehicle operator under the provisions of RCW 46.64.040.

NEW SECTION. Sec. 8. If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of motor vehicles a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of motor vehicles shall revoke the operator's license for a period of five years.

NEW SECTION. Sec. 9. No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the order of the court finding such person to be an habitual offender, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of motor vehicles as hereinafter in this chapter provided.

NEW SECTION. Sec. 10. At the end of two years, the habitual offender may petition the department of motor vehicles for the return of his operator's license and upon good and sufficient showing, the department of motor vehicles may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state.

NEW SECTION. Sec. 11. It shall be unlawful for any person to operate a motor vehicle in this state while the order of revocation

remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of the court prohibiting such operation is in effect shall be guilty of a gross misdemeanor, the punishment for which shall be confinement in the county jail for not more than one year.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged it shall transfer the case to the court of record making such determination for trial.

NEW SECTION. Sec. 12. At the expiration of five years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of motor vehicles for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of motor vehicles shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of motor vehicles may prescribe, subject to the provisions of chapter 46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses.

NEW SECTION. Sec. 13. An appeal may be had from any final action or order of a court of record entered under the provisions of this chapter in the same manner and form as such an appeal would be noted, perfected, and tried in any criminal case.

NEW SECTION. Sec. 14. Nothing in this chapter shall be construed as amending, modifying, or repealing any existing law of Washington or any existing ordinance of any political subdivision relating to the operation or licensing of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof or shall be construed so as to preclude the exercise of regulatory powers of any division, agency, department, or political subdivision of the state having the statutory power to regulate such operation and licensing.

NEW SECTION. Sec. 15. There is added to chapter 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

(1) A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for

which suspension or revocation of his driver's license is mandatory, including suspensions or revocations pursuant to RCW 46.20.308: PROVIDED, That notwithstanding the provisions of RCW 46.20.270 as now or hereafter amended, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.

(2) A petitioner for an occupational driver's license is eligible to receive such license only if:

(a) Within three years immediately preceding the present conviction he has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory or has not had his driver's license suspended or revoked pursuant to RCW 46.20.308; and

(b) He is engaged in an occupation or trade which makes it essential that he operate a motor vehicle; and

(c) He files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2) (a) and (2) (c) above. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court or municipal court having criminal jurisdiction in the county of the petitioner's residence.

If such petitioner is qualified under the provisions of subsection (2) (b) above, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner: PROVIDED, That an occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade: PROVIDED FURTHER, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate.

A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director: PROVIDED, That the director

V shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.

(4) If the convicting judge granted a stay of effect as provided in subsection (1) above, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270 as now or hereafter amended, and at such time also the conviction shall take full effect.

(5) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title.

NEW SECTION. Sec. 16. Section 46.20.390, chapter 12, Laws of 1961, section 32, chapter 32, Laws of 1967, and RCW 46.20.390 are each repealed.

NEW SECTION. Sec. 17. If any provision of this 1971 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. 18. This chapter shall be known and may be cited as the "Washington Habitual Traffic Offenders Act".

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of Section 15 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Section 15 of the bill permits a driver whose license has been suspended or revoked for offenses involving the use of a motor vehicle to be eligible to receive an occupational driver's license. By its terms persons whose license has been suspended or revoked by the operation of Washington's Implied Consent law may again obtain the privilege of driving on the highways of our state. RCW 46.20.308 was adopted by an overwhelming vote of the people only a short time ago. I believe that this serious erosion of the people's determination is unwarranted and unwise. I have therefore vetoed this section of the bill.

Veto
Message

Except as to this section the remainder of the bill is approved."

Veto
Message

CHAPTER 285

[Engrossed House Bill No. 491]

VOCATIONAL EDUCATION

AN ACT Relating to education; amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 283, Laws of 1969 ex. sess. and RCW 28A.04.060; and amending section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 261, Laws of 1969 ex. sess. and RCW 28A.09.100; defining certain terms; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW.

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

Section 1. Section 28B.50.240, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 261, Laws of 1969 ex. sess. and RCW 28A.09.100 are each amended to read as follows:

The state board of education shall have the power to authorize the school districts to offer vocational education programs ~~((which are a part of the regular high school curriculum))~~ in the elementary and secondary schools and the state board shall adopt rules and regulations to implement such programs and shall also adopt such rules and regulations for programs authorized by RCW 28A.58.245 and RCW 28B.50.770.

Sec. 2. Section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 283, Laws of 1969 ex. sess. and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral ~~((points))~~ votes accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes ~~((and the electoral points accruing therefrom))~~ not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director ((shall be accorded as many electoral points as) where there are up to and including one thousand enrolled students in that director's school district ((as) shall be counted as one electoral vote; each vote

cast by a school director where there are at least one thousand one and not more than five thousand enrolled students in that directors' school district shall be counted as three electoral votes; each vote cast by a school director where there are at least five thousand and one enrolled students in that directors' school district shall be counted as six electoral votes; the number of enrolled students in a directors' school district shall be determined by the enrollment reports forwarded to the state superintendent of public instruction for apportionment purposes for the month of September of the year of election ((PROVIDED, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five)); the electoral ((points)) votes shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral ((points)) votes which determines the winning candidate. If no candidate receives a majority of the possible electoral ((points)) votes, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral ((points)) votes accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral ((points)) votes accruing from the votes at any such second election shall be declared elected. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW a new section to read as follows:

It is the purpose of section 4 of this act to provide for uniform definitions of certain terms commonly used in vocational education in order to facilitate ongoing studies and add clarity to the future development of reporting and accounting procedures in this area of education. It will also improve coordination of services of vocational education being delivered by different agencies.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.09 RCW a new section to read as follows:

For the purposes of Title 28A RCW:

(1) The term "vocational education" shall mean a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in or upgrade themselves in gainful employment in recognized occupations and homemaking, which are not designated as professional or requiring a baccalaureate or higher degree.

(2) The term "occupational exploration" shall include prevocational education. The term "occupational exploration" shall mean a series of educational experiences designed to (a) assist individuals in developing their understanding of, appreciation for, aptitudes for, and abilities in recognized occupations; (b) develop an attitude of respect toward work and pride in workmanship; and (c) provide knowledge and experience to assist in the choice of an occupational program.

(3) The terms "industrial arts" and "practical arts" shall mean general education centered around the industrial and technical aspects of current living, offering orientation in and appreciation for production, consumption, and recreation through actual experiences with materials and goods and also providing exploratory experiences which are helpful in the choice of a vocation.

(4) The term "job market area" shall mean the geographic area for recruitment and placement of job entrants, usually determined by each industry or by a collective bargaining agreement.

Passed the House May 8, 1971.

Passed the Senate May 5, 1971.

Approved by the Governor May 21, 1971 with the exception of one section which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...I have vetoed section 2 of this bill. Under present law, school directors of districts within each congressional district cast votes to elect members of the State Board of Education which are weighted to reflect the enrollment of the various districts. This section substitutes for that procedure a new system which is weighted in favor of the smaller districts within the congressional boundaries. I believe this system fails to take into account the concept of proportional representation and would seriously weaken the integrity of the State Board of Education as a representative governing body. Its effect is to violate the spirit of the "one man one vote" doctrine which has become an integral part of our law.

Veto
Message

I approve of the remainder of this bill."

Veto
Message

CHAPTER 286

[Engrossed Substitute House Bill No. 584]

SHORELINE MANAGEMENT ACT OF 1971

AN ACT Relating to shoreline areas; adding new sections to Title 90 RCW as a new chapter therein; defining crimes; prescribing penalties; making an appropriation; authorizing an alternative to Initiative 43; and declaring an effective date and an emergency.

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

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Shoreline Management Act of 1971".

NEW SECTION. Sec. 2. The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in section 11 *[10] of this 1971 act deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

NEW SECTION. Sec. 3. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
 - (a) "Department" means the department of ecology;
 - (b) "Director" means the director of the department of

ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject

V to this chapter: PROVIDED, That lands under the jurisdiction of the department of natural resources shall be subject to the provisions of this chapter and as to such lands the department of natural resources shall have the same powers, duties, and obligations as local government has as to other lands covered by the provisions of this chapter:

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this chapter or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south

to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta -- from DeWolf Bight to Tatsolo Point,

(B) Birch Bay -- from Point Whitehorn to Birch Point,

(C) Hood Canal -- from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area -- from Brown Point to Yokeko Point, and

(E) Padilla Bay -- from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2) (e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this act; the same to be designated as to location by the department of ecology.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the

policies enunciated in section 2 of this 1971 act;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

NEW SECTION. Sec. 4. The shoreline management program of this chapter shall apply to the shorelines of the state as defined in this act.

NEW SECTION. Sec. 5. This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this chapter.

NEW SECTION. Sec. 6. (1) Within one hundred twenty days from the effective date of this chapter, the department shall submit to

all local governments proposed guidelines consistent with section 2 of this 1971 act for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Within sixty days from receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by the department in Olympia and Spokane, at which interested public and private parties shall have the opportunity to present statements and views on the proposed guidelines. Notice of such hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state.

(5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.

NEW SECTION. Sec. 7. (1) Local governments are directed with regard to shorelines of the state in their various jurisdictions to submit to the director of the department, within six months from the effective date of this chapter, letters stating that they propose to complete an inventory and develop master programs for these shorelines as provided for in section 8 of this 1971 act.

(2) If any local government fails to submit a letter as provided in subsection (1) of this section, or fails to adopt a master program for the shorelines of the state within its jurisdiction in accordance with the time schedule provided in this chapter, the department shall carry out the requirements of section 8 of this 1971 act and adopt a master program for the shorelines of the state within the jurisdiction of the local government.

NEW SECTION. Sec. 8. Local governments are directed with regard to shorelines of the state within their various jurisdictions as follows:

(1) To complete within eighteen months after the effective date of this chapter, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public

and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;

(2) To develop, within eighteen months after the adoption of guidelines as provided in section 6 of this 1971 act, a master program for regulation of uses of the shorelines of the state consistent with the guidelines adopted.

NEW SECTION. Sec. 9. Master programs or segments thereof shall become effective when adopted or approved by the department as appropriate. Within the time period provided in section 8 of this 1971 act, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(1) As to those segments of the master program relating to shorelines, they shall be approved by the department unless it determines that the submitted segments are not consistent with the policy of section 2 of this 1971 act and the applicable guidelines. If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

(2) As to those segments of the master program relating to shorelines of state-wide significance the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not provide the optimum implementation of the policy of this chapter to satisfy the state-wide interest. If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.

(3) In the event a local government has not complied with the

requirements of section 7 of this 1971 act it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

NEW SECTION. Sec. 10. (1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares,

transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; and

(h) Any other element deemed appropriate or necessary to effectuate the policy of this act.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in section 2 of this Chapter. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in section 14(3) of this chapter.

NEW SECTION. Sec. 11. (1) Whenever it shall appear to the director that a master program should be developed for a region of the shorelines of the state which includes lands and waters located in two or more adjacent local government jurisdictions, the director shall designate such region and notify the appropriate units of local government thereof. It shall be the duty of the notified units to develop cooperatively an inventory and master program in accordance with and within the time provided in section 8 of this 1971 act.

(2) At the discretion of the department, a local government master program may be adopted in segments applicable to particular

areas so that immediate attention may be given to those areas of the shorelines of the state in most need of a use regulation.

NEW SECTION. Sec. 12. All rules and regulations, master programs, designations and guidelines, shall be adopted or approved in accordance with the provisions of RCW 34.04.025 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the approval or adoption by the department of a master program, or portion thereof, at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county auditor and city clerk. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

NEW SECTION. Sec. 13. To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.

NEW SECTION. Sec. 14. (1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the

government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From the effective date of this chapter until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of section 2 of this 1971 act; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area. In the event the department is of the opinion that any permit granted under this subsection is inconsistent with the policy declared in section 2 of this 1971 act or is otherwise not authorized by this section, the department may appeal the issuance of such permit within thirty days to the hearings board upon written notice to the local government and the permittee;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the policy of section 2 of this 1971 act.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. Any such system shall include a requirement that all applications and permits shall be subject to the same public notice procedures as provided for applications for waste disposal permits for new operations under RCW 90.48.170. The administration of the system so established shall be performed exclusively by local government.

(4) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until forty-five days from the date of final approval by the local government or until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government.

(5) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in section 16(1) of this chapter, the person requesting the review shall have the burden of proof.

(7) Any permit may be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a

permit. In the event the department is of the opinion that such noncompliance exists, the department may appeal within thirty days to the hearings board for a rescission of such permit upon written notice to the local government and the permittee.

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to the effective date of this chapter.

(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

NEW SECTION. Sec. 15. With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance, the department or local government shall allow only selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time: PROVIDED, That other timber harvesting methods may be permitted in those limited instances

where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: PROVIDED FURTHER, That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.

NEW SECTION. Sec. 16. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark.

NEW SECTION. Sec. 17. A shorelines hearings board sitting as a quasi judicial body is hereby established which shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the state land commissioner or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. The pollution control hearings board shall provide the shorelines appeals board such administrative and clerical assistance as the latter may require. The members of the shoreline appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and RCW 43.03.060.

NEW SECTION. Sec. 18. (1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to section 15 of this chapter may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said

copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final order was filed as provided in subsection (5) of section 14 of this 1971 act.

(3) The review proceedings authorized in section 18(1) and (2) of this 1971 act are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. The provisions of chapter 43.21B RCW and the regulations adopted pursuant thereto by the pollution control hearings board, insofar as they are not inconsistent with chapter 34.04 RCW, relating to the procedures for the conduct of hearings and judicial review thereof, shall be applicable to all requests for review as provided for in section 18(1) and (2) of this 1971 act.

(4) Local government may appeal to the shorelines hearing board any rules, regulations, guidelines, designations or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures; the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines

of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of section 2 of this chapter and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearing board.

NEW SECTION. Sec. 19. The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Each local government shall submit any proposed adjustments, to the department as soon as they are completed. No such adjustment shall become effective until it has been approved by the department.

NEW SECTION. Sec. 20. The department and local governments are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this chapter.

NEW SECTION. Sec. 21. The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

NEW SECTION. Sec. 22. In addition to incurring civil liability under section 21 of this 1971 act, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars.

NEW SECTION. Sec. 23. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to

public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

NEW SECTION. Sec. 24. 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, 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.

NEW SECTION. Sec. 25. The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs. Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program.

No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program.

NEW SECTION. Sec. 26. The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulation management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of the interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with

regard to activities or uses of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies.

NEW SECTION. Sec. 27. (1) Nothing in this statute shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: PROVIDED, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying said waters which are in trespass or in violation of state statutes.

(2) Nothing in this section shall be construed as altering or abridging any private right of action, other than a private right which is based upon the impairment of public rights consented to in subsection (1) hereof.

(3) Nothing in this section shall be construed as altering or abridging the authority of the state or local governments to suppress or abate nuisances or to abate pollution.

(4) Subsection (1) of this section shall apply to any case pending in the courts of this state on the effective date of this chapter relating to the removal of structures, improvements, docks, fills, or developments based on the impairment of public navigational rights.

NEW SECTION. Sec. 28. The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them.

NEW SECTION. Sec. 29. The restrictions imposed by this act shall be considered by the county assessor in establishing the fair market value of the property.

NEW SECTION. Sec. 30. The department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to the programs of this chapter.

NEW SECTION. Sec. 31. Additional shorelines of the state shall be designated shorelines of state-wide significance only by

affirmative action of the legislature.

The director of the department may, however, from time to time, recommend to the legislature areas of the shorelines of the state which have state-wide significance relating to special economic, ecological, educational, developmental, recreational, or aesthetic values to be designated as shorelines of state-wide significance.

Prior to making any such recommendation the director shall hold a public hearing in the county or counties where the shoreline under consideration is located. It shall be the duty of the county commissioners of each county where such a hearing is conducted to submit their views with regard to a proposed designation to the director at such date as the director determines but in no event shall the date be later than sixty days after the public hearing in the county.

NEW SECTION. Sec. 32. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

NEW SECTION. Sec. 33. The department of ecology, the attorney general, and the harbor line commission are directed as a matter of high priority to undertake jointly a study of the locations, uses and activities, both proposed and existing, relating to the shorelines of the cities, and towns of the state and submit a report which shall include but not be limited to the following:

- (1) Events leading to the establishment of the various harbor lines pertaining to cities of the state;
- (2) The location of all such harbor lines;
- (3) The authority for establishment and criteria used in location of the same;
- (4) Present activities and uses made within harbors and their relationship to harbor lines;
- (5) Legal aspects pertaining to any uncertainty and inconsistency; and
- (6) The relationship of federal, state and local governments to regulation of uses and activities pertaining to the area of study.

The report shall be submitted to the legislature not later than December 1, 1972.

NEW SECTION. Sec. 34. All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines

of the state so as to achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government.

NEW SECTION. Sec. 35. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party.

NEW SECTION. Sec. 36. Nothing in this chapter shall obviate any requirement to obtain any permit, certificate, license, or approval from any state agency or local government.

NEW SECTION. Sec. 37. This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

NEW SECTION. Sec. 38. Sections 1 through 37 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 39. To carry out the provisions of this 1971 act there is appropriated to the department from the general fund the sum of five hundred thousand dollars, or so much thereof as necessary.

NEW SECTION. Sec. 40. If any provision of this chapter, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

NEW SECTION. Sec. 41. This chapter is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing institutions. This 1971 act shall take effect on June 1, 1971. The director of ecology is authorized to immediately take such steps as are necessary to insure that this 1971 act is implemented on its effective date.

NEW SECTION. Sec. 42. This 1971 act constitutes an alternative to Initiative 43. The secretary of state is directed to place this 1971 act on the ballot in conjunction with Initiative 43 at the next ensuing regular election.

This 1971 act shall continue in force and effect until the secretary of state certifies the election results on this 1971 act. If affirmatively approved at the ensuing regular general election, the act shall continue in effect thereafter.

Passed the House May 6, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 21, 1971 with the exception of an

item in section 3 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Substitute House Bill 584 is one of the most significant pieces of legislation ever passed by the state legislature. It is a clear indication of the commitment of the people of the state, acting through the legislative process to assure the future environmental quality of this state. With the passage of Substitute House Bill 584 and with what I hope will be the approval of the people at the next general election this state will lead the nation in its care and concern for its waterfront areas.

Veto
Message

This bill is the product of extensive legislative hearings, both during the 1970 and 1971 sessions and the interim. It successfully provides for a maximum of input at the local level with appropriate safeguards at the state level to protect the general public interest.

With regard to the general public interest, while the bill should provide for a diversity of participation on the part of local governments in the planning process, the authority at the state level should be confined to a single agency so that a uniform state policy can be developed. Furthermore, as a general principle an agency should not be in the position of both preparing and approving plans for land which it owns or controls.

The proviso in section 3(c) which declares that the Department of Natural Resources "shall have the powers, duties, and obligations as local government has as to other lands covered by the provisions of this chapter" places more than one agency of state government in a policy making position and in effect allows a large land owner both to make and approve its own plans. While I have the highest respect for the Department of Natural Resources and the Commissioner of Public Lands I believe the proviso in section 3(c) is contrary to sound public policy and should be vetoed.

The remainder of Substitute House Bill No. 584 is approved."

CHAPTER 287

[Engrossed House Bill No. 865]

STATE LAND PLANNING COMMISSION CREATED

AN ACT Relating to state government; creating a state land planning commission; limiting the length of existence of such commission; and making an appropriation.

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

NEW SECTION. Section 1. The future of the state is largely dependent on the uses that are made of the lands within the state. The legislature finds and declares that the rapid growth and development of the state and the resulting demands on its land resources make new and innovative measures necessary to encourage the timely, orderly, and coordinated use of land in the state; to provide for future growth in the needs of agriculture, forestry, industry, business, residential communities, and recreation; to encourage the wise use of land and other natural resources which are in accordance with their character and adaptability; to conserve and protect soil, air, water, and forest resources; to protect the beauty of the landscape; and to promote the efficient and economical use of public resources. The legislature further finds and declares that future growth of the state should be guided by an effective planning process which should include the formulation of state-wide goals encompassing land use, population growth and distribution, urban expansion, and other relevant physical, social, and economic factors. While recognizing that land usage provides the common denominator which links human environmental systems to each other and to all other ecological relationships, it is the sense of the legislature that many present land use practices do not result from intelligent, fully informed, well-reasoned decisions; that, to the contrary, such practices too often occur on an uncoordinated, haphazard basis which fail to take into consideration either the long term consequences or the long term interests of the general public.

It is the purpose of this act to provide a means of assisting local governments, state agencies, and political subdivisions of the state to work towards the objectives set forth in this section, pending adoption of further legislation, by providing for investigation and evaluation by the state of land use changes which are expected to have a substantial impact and effect beyond the physical boundaries of the governmental jurisdiction in which the proposed land use is located and of providing such information to the local jurisdiction which has authority over the proposed use.

NEW SECTION. Sec. 2. The state land planning commission is hereby established. Such commission shall be composed of fifteen 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 RCW 43.03.

NEW SECTION. Sec. 3. The commission, by majority vote, shall select appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act. Both the commission and any subcommittee shall be authorized to conduct hearings throughout the state and shall have power to require data from all public officials and agencies concerned with land planning in the state of Washington and other data from such other public officials and agencies as may provide information helpful to the commission in carrying out its functions. In furthering the purposes of this act, the commission shall have authority to select and consult with interested citizen groups. Such groups shall not receive expenses unless otherwise provided for in this act.

NEW SECTION. Sec. 4. The commission may by majority vote, hire and provide compensation for an executive director, and may employ or contract for the services of such employees and technical assistance and may appoint such advisory groups as the commission deems necessary for the proper and efficient performance of its duties. The expenses of the commission shall be paid from such moneys as may be appropriated to carry out the purposes of this act. All expenses incurred by the commission, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the commission. Vouchers may be drawn upon funds appropriated generally by the legislature for commission expenses or upon any special appropriation which may be provided by the legislature for the expenses of the commission.

NEW SECTION. Sec. 5. The commission shall consider the development of a state-wide land use data bank or alternative system for the assembly of information that will assist in the formulation, evaluation, and updating of intermediate and long-range goals and policies for land use, population growth and distribution, urban expansion, open space, resource preservation and utilization, and other factors which shape state-wide development patterns and significantly influence the quality of the state's environment: PROVIDED, That the commission may consider specific sectors of the state and direct the development of a pilot project for the ultimate

design of a system for assembling information on a state-wide basis.

The development of a state-wide data bank or alternative system may contain any information relevant to the future growth of agriculture, forestry, industry, business, residential communities and recreation; the wise use of land and other natural resources which are in accordance with their character and adaptability; the conservation and protection of the soil, air, water, and forest resources; the protection of the beauty of the landscape; and the promotion of the efficient and economical uses of public resources.

It is intended that a state-wide information pool will be designed to be used by all governmental and private agencies including but not limited to the department of highways, department of commerce and economic development, the planning and community affairs agency, local and regional governmental bodies, public and private utilities, and private enterprise. The commission may consider the cost and feasibility of permitting public and private enterprise to insert data and use the information pool on an allocated cost basis as a tool to evaluate the ranges of alternatives in land and resource planning in the state of Washington.

The commission shall contract with an appropriate consultant to gather such data and assemble such data bank into a readily assessable system, including the computerization thereof for the purpose of developing a pilot project. Any information possessed by state agencies, public officials, and by any political subdivision may be utilized by the consultant as the commission may direct.

NEW SECTION. Sec. 6. The commission shall study: All state planning enabling laws and other state laws concerning planning and land development; laws and proposed legislation of other states in the area of land use control; federal laws and proposed legislation in the area of land use control; land use studies and proposals of other organizations, public or private, concerned with land use control, including the American law institute model land use code and any other matters deemed necessary by the commission to carry out the purposes of this act.

NEW SECTION. Sec. 7. The commission shall present to any extraordinary session of the legislature convened in 1972 its preliminary findings, conclusions and recommendations as a result of its pilot project and report the costs and feasibility of developing a state-wide land use data bank or alternative system for the assembly of information on a state-wide basis.

NEW SECTION. Sec. 8. The commission shall present to the forty-third session of the legislature its recommendations for revisions in present state laws and enabling acts concerning planning and land development; its recommendations of new laws necessary to allow state-wide interests to be considered in future land

development of the state; its recommendations as to the appropriate degree of state involvement in land and resource planning; and its recommendations as to planning criteria and guidelines to be followed by localities in the preparation of local land use plans.

The commission shall also present to the forty-third session of the legislature a model land use code for the state of Washington which is to consolidate, as nearly as may be practicable, the results and findings of the commission's studies and recommendations.

NEW SECTION. Sec. 9. The commission shall be dissolved upon the termination of the forty-third regular session of the legislature, unless said legislature determines otherwise.

NEW SECTION. Sec. 10. To carry out the provisions of this act there is appropriated to the state land planning commission from the general fund for the biennium ending June 30, 1973, the sum of ninety-one thousand dollars: PROVIDED, That federal funds are made available to the state to carry out the provisions of this act.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 19, 1971 with the exception of an item in section 2 which, is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...In its original version HB 865 provided for a fifteen member commission with four legislators and eleven persons to be appointed by the governor from the general public. Amendments to the bill increased the number of legislators to eight, while the number of persons to be appointed by the governor remained at eleven. In increasing the number of legislators, however, the legislature neglected to increase the size of the commission from fifteen to nineteen. I believe the legislature intended to have a committee of nineteen composed of eight legislators and eleven members of the general public. In order to accomplish this purpose, I am vetoing the word "fifteen" and approving the rest of the bill."

Veto
Message

CHAPTER 288

[Engrossed Substitute House Bill No. 283]

PROPERTY TAXATION

AN ACT Relating to revenue and taxation; amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1971 first ex. sess. and RCW 84.40.030; amending section 10, chapter 146, Laws of 1967 ex. sess. and RCW 84.40.045; amending section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030; amending section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040; amending section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080; amending section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052; amending section 84.56.020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84.56.020; amending section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 ex. sess., and RCW 84.69.020; amending section 1, chapter 27, Laws of 1971 first ex. sess.; adding a new section to chapter 15, Laws of 1961 and to chapter 84.04 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding new sections to chapter 15, Laws of 1961 and to chapter 84.48 RCW; creating new sections; repealing section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; repealing section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129; repealing section 1, chapter 174, Laws of 1965 ex. sess., section 1, chapter 146, Laws of 1967 ex. sess., section 6, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.010; making an appropriation; and declaring an emergency.

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

Section 1. Section 84.40.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 43, Laws of 1971 first 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. ((In determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction; or at a forced sale; or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself; and at such price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property

shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the land shall be valued at such price as such land would sell at a fair, voluntary sale for cash; any improvements thereon shall be separately valued and assessed as hereinabove provided; and any personal property connected therewith shall be listed, valued and assessed separately as other personal property is assessed under general law.)

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, made for cash or adjusted to a cash value by appropriate discounts for sale conditions other than for cash, and 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. Similar sales, for the purpose of this subsection, shall be sales of property in the same general or comparable area that are devoted to or to be devoted to the same use as the majority of the property in the area or the property being valued, whichever value is greater. The appraisal shall take into

consideration political restrictions such as zoning as well as physical and environmental influences. 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 costs 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.

V- (2) Notwithstanding the provisions of (1)(a), (b) and (c) above, whenever any person has a parcel of real property, said parcel to be determined by including all contiguous real property in the same ownership, the value of which he believes to be less than one hundred thousand dollars, he may establish the value of such property for taxation purposes by unconditionally offering such property for sale for cash through a licensed real estate broker for a period of at least ninety days at ten percent over his own stated value: PROVIDED, That this shall not be his only or sole defense against overvaluation. The ninety day period shall commence to run following publication by the broker of the first advertisement of the offer including the location of the property, which advertisement shall appear in a newspaper of general circulation in the county where the property is situated and at least once each week for four successive weeks. A person electing to proceed under provisions of this subsection shall file a notice of such intent with the assessor prior to July 15 and proof of the sale offering on or before October 15th.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW, a new section to read as follows:

(1) Upon review by any court, or appellate body, of a determination of the valuation of property for purposes of taxation,

it shall be presumed that the determination of the public official charged with the duty of establishing such value is correct but this presumption shall not be a defense against any correction indicated by clear, cogent and convincing evidence.

(2) In any administrative or judicial proceeding pending upon the effective date of this 1971 amendatory act or arising from the property revaluation under the provisions of section 4, chapter 282, Laws of 1969 ex. sess., and section 1, chapter 95, Laws of 1970 ex. sess., the provisions of this section will apply. This paragraph shall not be construed so as to limit in any way the provisions of subsection (1) of this section.

In the event any final court decision holds any action of a county in valuing real property to have been performed illegally or unconstitutionally, the county assessor shall notify all property owners within that county whose property valuation may be affected by the court's decision. The notification required by this section may be by publication in a newspaper of general circulation in the county.

Sec. 3. Section 84.56.020, chapter 15, Laws of 1961 as amended by section 3, chapter 216, Laws of 1969 ex. sess. and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of five percent per annum on not more than five hundred dollars of delinquent taxes on real property for a single year in any county shall be charged and interest at the rate of ten percent per annum shall be charged upon the balance of such unpaid taxes and upon unpaid personal property taxes from the date of delinquency until paid: PROVIDED, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of five percent per annum on not more than five hundred dollars of delinquent taxes for a single year in any county shall be charged and interest at the rate of ten percent per annum shall be charged upon the balance of said remainder from the date of delinquency until paid: PROVIDED,

FURTHER, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of ten percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section 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 section 13 of this 1971 amendatory act, 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 occupied by the person claiming the exemption during the preceding calendar year 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.

(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 the effective date of this 1971 amendatory act: 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.

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.

NEW SECTION. Sec. 5. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

For the purposes of section 4 of this 1971 amendatory act:

(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 or the county assessor or his deputy in the county where the real property is located. Any person signing a false claim shall be subject to perjury.

Claims for exemption under section 4 of this 1971 amendatory act 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.

The department is hereby directed to publicize the qualifications and manner of making claims pursuant to sections 4 and 5, through communications media, including such paid advertisements or notices as it deems appropriate.

Sec. 6. Section 84.41.030, chapter 15, Laws of 1961 and RCW 84.41.030 are each amended to read as follows:

((Each county assessor shall commence, immediately if possible, but no later than January 1, 1956, a comprehensive program of revaluation of all taxable property within his respective county. Such program shall progress at a rate which will result in the revaluation of all taxable property within the county before June 1, 1958.)) Each county assessor shall ((thereafter)) maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable real property within the county at least once each four years. ((A copy of such schedule shall be filed by each assessor with the tax commission before October 15, 1956.))

Sec. 7. Section 84.41.040, chapter 15, Laws of 1961 and RCW 84.41.040 are each amended to read as follows:

Each county assessor shall cause real property being valued to be physically inspected ((and shall require such examination as will)) at least once every four years in order to provide adequate data from which to make accurate valuations. ((Property which may have been revalued after physical examination by the assessor subsequent to May 31, 1954, shall be considered to have been revalued pursuant to the requirements of this chapter.)) During the intervals between each physical inspection of real property, the valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data:

PROVIDED, That such adjustments shall not be made with respect to property revalued in 1970 for taxes payable in 1971, when such

property was revalued in accordance with a cyclical revaluation program approved by the department of revenue except such adjustments may be made to reduce values of such revalued property to reflect decreased true and fair value or to reflect the use of the criteria for valuation provided in this 1971 amendatory act: PROVIDED FURTHER, That such adjustments may be made with respect to such revalued property in a county without restriction after all the property within the county has been revalued in accordance with such cyclical revaluation program.

The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property.

NEW SECTION. Sec. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The board of equalization shall reconvene on the first Monday of August for the purpose of equalizing valuations of real property within the county. Such equalization shall be accomplished in the following manner:

(1) The department of revenue shall certify to the board the ratio of the assessed valuation of locally assessed property in the county to the true and fair value of such property, based upon assessed values established without regard to equalization accomplished pursuant to this section (hereinafter referred to as the "tentative county indicated ratio"). The department shall also certify the ratio of the assessed valuation of locally assessed property in those geographical areas in the county which have been revalued pursuant to a cyclical revaluation program approved by the department of revenue to the true and fair value of such property (hereinafter referred to as the "revaluation ratio"). If, pursuant to the cyclical revaluation program, land alone or improvements alone have been revalued for any assessment year, the revaluation ratio shall be for land alone, or improvements alone, as appropriate, or such combination thereof as is appropriate. The board shall review the revaluation ratio so certified, and may accept, reject, or modify the ratio.

(2) If the revaluation ratio, as determined by the board, exceeds one hundred and ten percent of the tentative county indicated ratio, the board shall order the assessor, in accordance with the provisions of section 7 of this 1971 amendatory act, to reduce by a uniform percentage the true and fair values of land, improvements, or both as appropriate, within the geographical areas covered by the revaluation ratio by a uniform percentage such that the revaluation ratio shall equal the tentative county indicated ratio. The board

shall also order the assessor to make appropriate similar adjustments to properties valued in the same year. For the purpose of administrative convenience, such reductions may be accomplished, in lieu of actual changes in the assessment rolls, by the assessor certifying to the treasurer the percentage adjustment for the geographical areas involved, on the basis of which the treasurer shall adjust the amount of taxes otherwise payable.

Sec. 9. Section 84.48.080, chapter 15, Laws of 1961 and RCW 84.48.080 are each amended to read as follows:

((The members of the tax commission shall constitute the state board of equalization; the chairman of the tax commission shall be the president of the board; and the secretary of the tax commission shall be the secretary thereof. The board shall remain in session not to exceed thirty days; it may adjourn from day to day; and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first day after the first day of August, Saturdays, Sundays and holidays excepted, at the office of the tax commission; and)) Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the ((tax commission)) department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. ((They)) The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal ((and uniform)), so far as possible, to the true and fair value of such class as of January 1st of the current year ((in every part of the state)) for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The ((secretary)) department shall keep a full record of ((the)) its proceedings ((of the board;)) and the same shall be published annually by the ((state tax commission)) department.

Third. ((They)) The department shall have authority to adopt ((the)) rules and regulations ((for the government of the board; and)) to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by ((said board)) the department.

The ((state board of equalization)) department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in

any one year for general state purposes shall not exceed the lawful millage on the dollar of the assessed value of the property of the entire state, which assessed value shall be fifty percent of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the ((board)) department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the ((board)) department.

((Within three days)) After the completion of the duties hereinabove prescribed, the ((president and secretary of the board)) director of the department shall certify the record of the proceedings of the ((board)) department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.

NEW SECTION. Sec. 10. The indicated county ratios determined by the department of revenue for 1970, as adjusted for the purposes of reflecting compliance with chapter 84.41 RCW, are hereby adopted, confirmed, and approved.

NEW SECTION. Sec. 11. There is added to chapter 15, Laws of 1961 and to chapter 84.48 RCW a new section to read as follows:

The county commissioners or governing board of any county may designate one or more persons to act as a property tax advisor to any person liable for payment of property taxes in the county. A person designated as a property tax advisor shall not be an employee of the assessor's office or have been associated in any way with the determination of any valuation of property for taxation purposes that may be the subject of an appeal. A person designated as a property tax advisor may be compensated on a fee basis or as an employee by the county from any funds available to the county for use in property evaluation including funds available from the state for use in the property tax revaluation program.

The property tax advisor shall perform such duties as may be set forth by resolution of the county commissioners or other governing authority.

If any board of county commissioners elect to designate a property tax advisor, they shall publicize the services available.

NEW SECTION. Sec. 12. The amendment or repeal of any statutes by this 1971 amendatory act shall not be construed as invalidating, abating or otherwise affecting any existing right acquired or any liability or obligation incurred under the provisions of the statutes amended or repealed. Such amendment or repeals shall not affect the right of any person to make a claim for exemption during the calendar year 1971 pursuant to RCW 84.36.128.

NEW SECTION. Sec. 13. There is added to chapter 15, Laws of 1961 and to chapter 84.04 RCW a new section to read as follows:

The term "regular property taxes" and the term "regular property tax levy" shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district.

Sec. 14. Section 84.69.020, chapter 15, Laws of 1961 as amended by section 1, chapter 224, Laws of 1969 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 (~~PROVIDED~~, That a claim for such refund is made on or before October 30 of the year for which the taxes have been paid); or
- (8) (~~Overpaid~~) 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 (~~PROVIDED~~, That a claim for such refund is made on or before October 30 of the year for which the taxes have been overpaid) 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).

NEW SECTION. Sec. 15. Each county treasurer shall report

annually on January 15, to the department of revenue, the legislative budget committee and to the press the amount of the property tax revenue for the previous year, the current year and the proposed budget for the ensuing years for each unit of local government within their county. Said report shall indicate the number of dollars available to the unit of local government, the source of such funds, and the percentage of increase or decrease over previous year. School districts reports shall indicate the total dollars received from both state support and local property tax revenues.

Sec. 16. Section 10, chapter 146, Laws of 1967 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.

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, 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 ((and a copy thereof shall be sent by the assessor to the legal owner of the property, if such is different from the taxpayer and the name and address are known to the assessor.

A legal owner may submit his or its name and address to the assessor, indicating therewith the property owned by the legal owner and requesting that a copy of the notice be mailed to the legal owner)).

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. 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.

Sec. 17. Section 1, chapter 27, Laws of 1971 first ex. sess. is amended to read as follows:

Any person (~~assessing~~) having the responsibility of valuing real property for purposes of taxation (~~and~~) including persons acting as assistants or deputies to a county assessor under RCW 36.21.011 as now or hereafter amended, shall have first:

(1) Graduated from an accredited high school or passed a high school equivalency examination;

(2) Had at least one year of experience in transactions involving real property, in appraisal of real property, or in assessment of real property, or at least one year of experience in a combination of the three;

(3) Become knowledgeable in repair and remodeling of buildings and improvement of land, and in the significance of locality and area to the value of real property; and

(4) Become knowledgeable in the standards for appraising property set forth by the department of revenue.

The department of personnel shall prepare with the advice of the department of revenue and administer an examination on the subjects of subsections (3) and (4), and no person shall assess real property for purposes of taxation without having passed said examination. A person passing said examination shall be certified accordingly by the director of the department of personnel: PROVIDED, HOWEVER, That this section shall not apply to any person who prior to the effective date of this act shall have either:

(1) Been certified as a real property appraiser by the department of personnel.

(2) Attended and satisfactorily completed the assessor's school operated jointly by the department of revenue and the Washington state assessors association: PROVIDED FURTHER, That the department of revenue shall be required to report to the 1973 legislature as to the extent of compliance to the provision of this section by each county within this state.

NEW SECTION. Sec. 18. There is hereby created a permanent property tax committee for the purpose of making a thorough examination of the property tax and its administration.

This committee shall consist of eight members: Four senators, two from each political party, to be appointed by the president of the senate and four representatives, two from each political party, to be appointed by the speaker of the house of representatives.

Members shall be appointed on or before June 30, 1971, in the odd-numbered years to serve two year terms. Membership shall not be dependent upon continuation in office.

The initial meeting of the committee shall be held within

sixty days of appointment, and shall be called by the chairman of the senate revenue and taxation committee, 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 members of the committee deem necessary.

Members of the committee shall receive allowance 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 on voucher forms signed by the chairman of the committee. Vouchers should be drawn on funds appropriated generally by the legislature or on any special appropriation which may be provided by the legislature for the expenses of the committee.

The committee is authorized to appoint such citizen subcommittees as it deems appropriate. The members of the subcommittees shall receive no compensation but shall receive per diem in an amount not to exceed twenty-five dollars per day while attending to the business of the commission and their necessary travel expenses. Payment of per diem and expenses shall be made upon vouchers approved by the chairman of the committee.

The committee may select and retain such consultants and research organizations as necessary to assist the committee in any of its functions.

Duties and responsibilities of the committee shall include, without limitation, the following:

(1) A continuing study and analysis of the present and alternative systems of taxation of property within the state of Washington.

(2) An investigation of the impact of property taxation on individuals, business and types of property.

(3) A continuing review of the provisions of this 1971 amendatory act and the implementation thereof to determine the need for any revision.

(4) An evaluation of the present administrative-judicial appeal procedure in order to determine whether taxpayers have ready and inexpensive access to effective legal remedies.

(5) A continuation of studies regarding property tax exemptions and the tax loss sustained by local communities by reason of such exemptions.

(6) An examination of the organization and operation of all taxing districts, and the administration of the property tax.

(7) An analysis of the methods of determining county ratios.

(8) An exploration of the feasibility of deferral of property taxes for senior citizens, comparing methods and effects of such program as used in other states.

(9) A review of the effect of the present property tax system of taxation of farms and farm lands, including the study of an alternative tax based upon the income derived from the use of farm lands.

(10) Any other matters referred to the committee by the legislature.

The committee shall report its findings and recommendations to the 1973 session of the legislature by the second Monday of January, 1973, and to each session of the legislature thereafter at the same time.

NEW SECTION. Sec. 19. There is hereby appropriated the sum of \$50,000 or so much thereof as may be necessary to accomplish the duties and function imposed upon the permanent property tax committee by section 18 of this act.

NEW SECTION. Sec. 20. Except as provided in sections 21 through 24 of this 1971 amendatory act, the levy in 1973 and years subsequent thereto for a taxing district other than the state or a school district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction and improvements to property by the regular property tax levy rate of that district for the preceding year.

NEW SECTION. Sec. 21. Notwithstanding the limitation set forth in section 20 of this act, the first levy for a taxing district created from consolidation of similar taxing districts shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the increase in assessed value in each component district resulting from new construction and improvements to property by the regular property tax rate of each component district for the preceding year.

NEW SECTION. Sec. 22. For the first levy for a taxing district following annexation of additional property, the limitation set forth in section 20 of this 1971 amendatory act shall be increased by an amount equal to (1) the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by (2) the millage rate that would have

been used by the annexing unit in the absence of such annexation, plus (3) the additional dollar amount calculated by multiplying the increase in assessed value in the annexing district resulting from new constructions and improvements to property by the regular property tax levy rate of that annexing taxing district for the preceding year.

NEW SECTION. Sec. 23. If by reason of the operation of RCW 84.52.050, as now or hereafter amended the statutory millage limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar amount of a levy provided for in this 1971 amendatory act shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased millage limitation and the denominator of which is the millage limitation for the prior year.

NEW SECTION. Sec. 24. Subject to any otherwise applicable statutory millage limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in sections 20 through 23 of this 1971 amendatory act if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the millage rate proposed. After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this 1971 amendatory act.

NEW SECTION. Sec. 25. Sections 20 through 24 are added to chapter 15, Laws of 1961 and to Title 84 RCW, and shall constitute a new chapter therein.

Sec. 26. Section 84.52.052, chapter 15, Laws of 1961 as amended by section 1, chapter 113, Laws of 1963 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or the levy of additional

taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, or sections 20 through 24 of this 1971 amendatory act, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": PROVIDED, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: PROVIDED FURTHER, That the total number of persons voting on an excess levy for school district purposes or for fire protection purposes or for cities and towns at any such special election of such districts or of any city or town must constitute not less than forty percent of the voters in such taxing district or in any city or town, as the case may be who voted at the last preceding general election

in such district.

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 174, Laws of 1965 ex. sess., section 1, chapter 146, laws of 1967 ex. sess., section 6, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.010;

(2) Section 1, chapter 132, Laws of 1967 ex. sess., section 62, chapter 262, Laws of 1969 ex. sess. and RCW 84.36.128; and

(3) Section 3, chapter 8, Laws of 1970 ex. sess. and RCW 84.36.129.

NEW SECTION. Sec. 28. If any provision of this 1971 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. 29. This 1971 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 May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill deals with a number of aspects of the property tax, and stems from various problems which, although existing prior to the present state-wide revaluation program, have been highlighted by reason of that program. It is, in general, a comprehensive and well thought-out bill, and will substantially aid in solving these problems, while allowing the revaluation program to continue. However, there are certain provisions of the bill which will create more problems than they solve, for taxpayers and tax administrators alike.

Veto
Message

Section 1 purports to establish a new statutory standard to be used in the determination of true and fair value for property tax purposes. It strikes the old statutory criteria for determining true and fair value. Since, in my opinion, the stricken language does no more than spell out those criteria in determining true and fair value which would be used in accordance with normal appraisal practices, and since the standard of "true and fair value in

money" is still retained, I believe that the elimination of the old statutory language, by itself, makes no substantive change and can therefore stand.

However, in the new statutory language there are both legal and administrative problems. The language in subsection (1) (a) relating to adjustments by appropriate discounts for sale conditions other than for cash is being vetoed because of its legal uncertainty. It is standard appraisal practice, in the use of comparable sales, either to adjust contract sales where the contract price is inflated by a low down payment or an unreasonably low interest rate, or to reject such comparables entirely. It is not clear whether the new language is simply an expression of an intent to continue this practice, or whether it requires in addition a discount based upon discounts taken in selling, for example, a vendor's interest in a real estate contract. If the latter be the intent, this is not in conformity with standard appraisal practices, will cause serious administrative problems, and will result in substantial lack of uniformity in results.

The second item vetoed is the language in the same subsection relating to standards for determining "similar sales". Again, it is not clear whether the intent here is simply to continue present appraisal practices with respect to the use of comparable sales, or is to use some other standard. If the intent is the latter, the effect of this would be to discriminate against that vast majority of property which is appraised on the basis of its actual use, in favor of those properties in which highest and best use is not actual use, i.e., in favor of properties being held primarily for speculative investment, and against the typical residential property. Accordingly, this language is being stricken because it is either useless or it is discriminatory in effect.

With these vetoes the sole change from standard appraisal practices is the requirement of adjustments for direct selling costs. It is clear that the percentage discount or adjustment to be made in accordance with this subsection for direct costs of sale is to be established by the Department of Revenue after appropriate studies, and that the amount of brokerage fees are to be included in this percentage. Since uniform administrative practice in

determining that discount is assured, I have allowed this provision to stand.

Veto
Message

The successful continuation of the present state-wide revaluation program necessitates, I believe, as much clarity as possible and the least amount of administrative and legal confusion in the standards to be applied in the appraisal of real property for tax purposes. The item vetoes discussed above have been made with full cognizance of these requirements, and after consultation with the Department of Revenue and representatives of the county assessors. With these item vetoes, I believe that subsection (1) is workable.

I have also vetoed the provisions of subsection (2) of section 1. This new section is a radical departure in the United States from standard appraisal practices, in that it allows self-assessment by the taxpayer for property tax purposes. While the proposal may have substantial merit, its risks are such that I do not believe it should be put into effect without further careful consideration. See, for example, the discussion of such a system in "An Evaluation of Self-assessment under a Property Tax" in The Property Tax and Its Administration, Lynn, Editor, University of Wisconsin Press, Madison (1969), pages 79-118. I trust that this method of self-assessment is one which will be intensively studied by the committee established under section 18 of the bill.

The last two sentences of section 2 (2) substantially parallel a provision which has already been enacted into law as section 3, chapter 42, Laws of 1971, Extraordinary Session. These last sentences of subsection (2) are apparently intended to have exactly the same effect as the provision already enacted into law; but the different language may well cause legal confusion, and for this reason, is vetoed.

I have also vetoed the provisos contained in section 7 of the bill. The reason for this veto is that they appear to be in conflict with the provisions of section 8, the intracounty equalization provisions. The conflict arises on two points. The first proviso states that properties revalued in 1970 pursuant to a cyclical revaluation program approved by the Department of Revenue may be adjusted downward only in order to reflect actual decreases in true

and fair values or to reflect new valuation criteria. However, section 8 contemplates that there will be an adjustment downward for such properties simply by reason of the fact that the true and fair values determined for other properties in the county are lower than actual market values.

Veto
Message

A second source of conflict would arise even if the first source of conflict were eliminated. Section 8 contemplates that there will be a percentage reduction for such properties for purposes of 1971 assessments, and that there will also be a reduction for purposes of 1972 assessments, both reductions to be made from the 1970 valuations. However, in all probability the reductions to be made in 1972 will be less than those made in 1971. The provisos in section 7 would appear to prevent what, in effect, would be a raise in 1972 true and fair values from the 1971 true and fair values.

I have been assured by the Department of Revenue that it will not permit assessors, using the multiple regression techniques contemplated by section 7 of this bill, to raise true and fair values, in order to reflect actual increases in market price of properties already revalued under the revaluation program until the whole program is completed.

With the exception of the items discussed above, I have approved Engrossed Substitute House Bill No. 283."

CHAPTER 289

[Engrossed House Bill No. 735]

INDUSTRIAL INSURANCE

AN ACT Relating to industrial insurance; amending section 13, chapter 223, Laws of 1953 and RCW 38.52.290; amending section 17, chapter 223, Laws of 1953 and RCW 38.52.330; amending section 51.04.030, chapter 23, Laws of 1961 and RCW 51.04.030; amending section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070; amending section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010; amending section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020; amending section 51.12.070, chapter 23, Laws of 1961 as amended by section 1, chapter 20, Laws of 1965 ex. sess. and RCW 51.12.070; amending section 51.12.110, chapter 23, Laws of 1961 and RCW 51.12.110; amending section 51.16.040, chapter 23, Laws of 1961 and RCW 51.16.040; amending section 2, chapter 151, Laws of 1963 and RCW 51.16.042; amending section 51.16.060, chapter 23, Laws of 1961 as amended by section 1, chapter 80, Laws of 1965 ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 and RCW 51.16.105; amending section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110; amending section 51.16.140, chapter 23, Laws of 1961 as amended by section 2, chapter 20, Laws of 1971 and RCW 51.16.140; amending section 51.16.160, chapter 23, Laws of 1961 and RCW 51.16.160; amending section 51.16.180, chapter 23, Laws of 1961 and RCW 51.16.180; amending section 51.24.010, chapter 23, Laws of 1961 as amended by section 7, chapter 274, Laws of 1961 and RCW 51.24.010; amending section 51.28.010, chapter 23, Laws of 1961 and RCW 51.28.010; amending section 51.28.020, chapter 23, Laws of 1961 and RCW 51.28.020; amending section 51.28.030, chapter 23, Laws of 1961 and RCW 51.28.030; amending section 51.32.010, chapter 23, Laws of 1961 and RCW 51.32.010; amending section 1, chapter 107, Laws of 1961 and RCW 51.32.015; amending section 51.32.020, chapter 23, Laws of 1961 and RCW 51.32.020; amending section 51.32.040, chapter 23, Laws of 1961 as amended by section 2, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.040; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.060; amending section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex. sess. and RCW

51.32.070; amending section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 ex.sess. and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 ex. sess. and RCW 51.32.090; amending section 51.32.100, chapter 23, Laws of 1961 and RCW 51.32.100; amending section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110; amending section 51.32.140, chapter 23, Laws of 1961 and RCW 51.32.140; amending section 51.32.180, chapter 23, Laws of 1961 and RCW 51.32.180; amending section 51.36.010, chapter 23, Laws of 1961 as amended by section 2, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.010; amending section 51.36.020, chapter 23, Laws of 1961 as amended by section 3, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.020; amending section 51.44.070, chapter 23, Laws of 1961 as amended by section 5, chapter 274, Laws of 1961 and RCW 51.44.070; amending section 51.44.080, chapter 23, Laws of 1961 and RCW 51.44.080; amending section 51.48.010, chapter 23, Laws of 1961 and RCW 51.48.010; amending section 51.48.020, chapter 23, Laws of 1961 and RCW 51.48.020; amending section 51.48.030, chapter 23, Laws of 1961 and RCW 51.48.030; amending section 51.48.060, chapter 23, Laws of 1961 and RCW 51.48.060; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 3, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.010; amending section 51.52.080, chapter 23, Laws of 1961 as amended by section 2, chapter 148, Laws of 1963 and RCW 51.52.080; amending section 51.52.090, chapter 23, Laws of 1961 and 51.52.090; amending section 6, chapter 148, Laws of 1963 and RCW 51.52.104; amending section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.106; amending section 51.52.110, chapter 23, Laws of 1961 as amended by section 122, chapter 81, Laws of 1971 and RCW 51.52.110; amending section 14, chapter 207, Laws of 1953 and RCW 75.08.206; adding new sections to chapter 51.04 RCW; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.12 RCW; adding new sections to chapter 51.16 RCW; adding a new section to chapter 51.28 RCW; adding new sections to chapter 51.32 RCW; adding new sections to chapter 51.36 RCW; adding new sections to chapter 51.44 RCW; adding new sections to chapter 51.48 RCW; adding a new section to chapter 51.98 RCW; adding a new chapter to Title 51 RCW; repealing section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010; repealing section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020;

repealing section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030; repealing section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; repealing section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080; prescribing penalties; providing an effective date; and declaring an emergency.

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

Section 1. Section 51.08.070, chapter 23, Laws of 1961 and RCW 51.08.070 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any ((extrahazardous)) work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen((in extrahazardous work)).

Sec. 2. Section 51.12.010, chapter 23, Laws of 1961 and RCW 51.12.010 are each amended to read as follows:

There is a hazard in all employment((but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations,)) and it is the purpose of this title to embrace all ((of them)) employments which are within the legislative jurisdiction of the state((in the following enumeration, and they are intended to be embraced)) within the term "extrahazardous" wherever used in this title((to wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries; blast furnaces; mines; wells; gas works; waterworks; reduction works; breweries; elevators; wharves; docks; dredges; smelters; powder works; laundries operated by power; quarries; engineering works; logging; lumbering and shipbuilding operations; logging; street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph; telephone; electric light or power plants or lines; steam heating or power plants; steamboats; tugs; ferries; and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming; truck driving; and motor delivery, including drivers and helpers; in connection with any occupation except agriculture; stage; taxicab and for hire driving; restaurants; taverns; clubs; and establishments; employees supplying service to the public in hotels; clubs furnishing sleeping accommodations; apartment hotels; janitors; chambermaids; porters; bellmen; pinsetters; elevator operators and maintenance men employed in apartment houses; office buildings; stores; mercantile establishments; theaters and bowling alleys employing one or more

employees; bunkhouses; kitchens; and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer; drayage; and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations;).

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. 3. Section 51.12.020, chapter 23, Laws of 1961 and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be deemed extrahazardous ((within the meaning, or be) and thus not included ((in the enumeration of RCW 51.12.010; to wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses; serving food or drink to the public or to members for consumption on the premises)) 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 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 whose cash remuneration paid or payable by the employer in any calendar year for agricultural labor is less than one hundred fifty dollars: PROVIDED, That the exemption contained in this subsection shall expire and have no force or effect on December 31, 1972.

Sec. 4. Section 51.16.110, chapter 23, Laws of 1961 and RCW 51.16.110 are each amended to read as follows:

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of

his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with a cash deposit in a sum equal to the estimated premiums ((~~on the estimate of his payroll and workmen hours~~)) for the first three calendar months of his proposed operations which shall remain on deposit subject to the other provisions of this section.

The director may, in his discretion and in lieu of such deposit, accept a bond, in an amount which he deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums ((~~to the accident fund and medical aid fund based on his actual workmen hours as provided by RCW 51.46.040 and 51.46.060~~)) subsequently due.

Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the director may, in his discretion, refund the deposit or cancel the bond.

If the employer ceases to be an employer under RCW 51.08.070, the director shall, upon receipt of all payments due the accident fund and medical aid fund ((~~based on the actual workmen hours~~)), refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.

((Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year period may be computed as of a first succeeding July 1st date, which said cost experience shall be computed in accordance with the provisions of RCW 51.46.020, and shall be liable for a premium of at least two dollars per month irrespective of the amount of his workmen hours reported during said month to the department: PROVIDED, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of such employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, the director may continue, increase, or decrease such experience rating which existed prior to such change in the employer's legal structure.))

Sec. 5. Section 51.28.010, chapter 23, Laws of 1961 and RCW 51.28.010 are each amended to read as follows:

Whenever any accident occurs to any workman it shall be the duty of such workman or someone in his behalf to forthwith report such accident to his employer, superintendent or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department and also to any local

representative of the department.

Upon receipt of such notice of accident, the director shall immediately forward to the workman and/or his dependents notification, in nontechnical language, of his rights under this title.

Sec. 6. Section 51.28.030, chapter 23, Laws of 1961 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, 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. 7. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 122, Laws of 1965 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 ((six hundred)) eight hundred dollars shall be paid to the undertaker conducting the funeral.

(2) ((If the workman leaves a widow or invalid widower, a monthly payment of one hundred forty dollars, shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars, but the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries.)) 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 the state as computed under section 14 of this 1971 amendatory act.

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 ((six hundred) eight hundred dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of ((two thousand) 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 the workman leaves no wife or husband, but an orphan child or children a monthly payment of seventy dollars shall be paid to each such child; but the total monthly payments shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries:))

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 the state as defined in section 14 of this 1971 amendatory act, 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 ((sum of seventy dollars per month, but the total monthly payment shall not exceed three hundred fifty dollars and any deficit shall be deducted proportionately among the beneficiaries)) 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 ((one hundred twenty-five dollars per month)) 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 the state as defined in section 14 of this 1971 amendatory act, 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 ((one hundred forty dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty-seven dollars, for the next or second youngest child, thirty-one dollars, and for each additional child, twenty-three dollars: PROVIDED, That the total monthly payments shall not exceed two hundred seventy-seven dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive seventy dollars per month, but the total monthly payment to such children shall not exceed three hundred fifty dollars, and any deficit shall be deducted proportionately among the children)) 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. 8. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1965 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 unmarried at the time of the injury, the sum of one hundred eighty-five dollars;~~

~~{2} If the workman has a wife or invalid husband, but no child, the sum of two hundred fifteen dollars;~~

~~{3} If the workman has an able-bodied husband, but no child, the sum of one hundred seventy-five dollars;~~

~~{4} If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions {2} and {3} shall be increased by thirty-seven dollars for the youngest or only child, thirty-one dollars for the next or second youngest child, and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twenty-two dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries;)) 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.

~~((15))~~ (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 ((one hundred fifteen dollars)) by an amount equal to forty percent of the average monthly wage of the state as computed in section 14 of this 1971 amendatory act 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.

~~((16))~~ (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 the state as computed under the provisions of section 14 of this 1971 amendatory act.

Sec. 9. Section 51.32.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 166, Laws of 1965 ex sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after July 1, ~~((1965))~~ 1971, be paid one hundred ~~((twenty-five))~~ eighty-five dollars per month, and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title shall, after such date, be paid one hundred ~~((sixty-five))~~ eighty-five dollars per month, and one hundred fifteen dollars per

month additional in cases requiring the services of an attendant, if unmarried at the time his injury occurred; (~~one hundred ninety~~) two hundred fifteen dollars per month, and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if he or she has a wife or invalid husband; and one hundred (~~fifty-five~~) seventy-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such widow, invalid widower, and totally disabled workman from the (~~funds appropriated by the legislature~~) supplemental pension fund such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

(~~The legislature shall make biennial appropriations to carry out the purposes of this section.~~)

Sec. 10. Section 51.32.080, chapter 23, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1965 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).....	(\$15,000.00)	<u>\$18,000.00</u>
Of leg at or above knee joint with functional stump.....	(43,500.00)	<u>16,200.00</u>
Of leg below knee joint.....	(42,000.00)	<u>14,400.00</u>
Of leg at ankle (Syme).....	(40,500.00)	<u>12,600.00</u>
Of foot at mid-metatarsals.....	(57,250.00)	<u>6,300.00</u>
Of great toe with resection of metatarsal bone.....	(37,450.00)	<u>3,780.00</u>
Of great toe at metatarsophalangeal joint.....	(4,000.00)	<u>2,268.00</u>
Of great toe at interphalangeal		

joint.....	((4,900+00))	<u>1,200.00</u>
Of lesser toe (2nd to 5th) with resection of metatarsal bone.....	((4,450+00))	<u>1,380.00</u>
Of lesser toe at metatarsophalangeal joint.....	((560+00))	<u>672.00</u>
Of lesser toe at proximal interphalangeal joint.....	((445+00))	<u>498.00</u>
Of lesser toe at distal interphalangeal joint.....	((405+00))	<u>126.00</u>
Of arm at or above the deltoid insertion or by disarticulation at the shoulder.....	((45,000+00))	<u>18,000.00</u>
Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon.....	((44,250+00))	<u>17,100.00</u>
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.....	((43,500+00))	<u>16,200.00</u>
Of all fingers except the thumb at metacarpophalangeal joints.....	((8,700+00))	<u>9,720.00</u>
Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone.....	((5,400+00))	<u>6,480.00</u>
Of thumb at interphalangeal joint....	((3,700+00))	<u>3,240.00</u>
Of index finger at metacarpophalangeal joint or with resection of metacarpal bone.....	((3,375+00))	<u>4,050.00</u>
Of index finger at proximal interphalangeal joint.....	((2,700+00))	<u>3,240.00</u>
Of index finger at distal interphalangeal joint.....	((4,405+00))	<u>1,782.00</u>
Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone.....	((2,700+00))	<u>3,240.00</u>
Of middle finger at proximal interphalangeal joint.....	((2,760+00))	<u>2,592.00</u>
Of middle finger at distal interphalangeal joint.....	((4,245+00))	<u>1,458.00</u>
Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone.....	((4,350+00))	<u>1,620.00</u>
Of ring finger at proximal		

interphalangeal joint.....	((4,680.00))	<u>1,296.00</u>
Of ring finger at distal interphalangeal joint.....	((675.00))	<u>810.00</u>
Of little finger at metacarpophalangeal joint or with resection of metacarpal bone.....	((675.00))	<u>810.00</u>
Of little finger at proximal interphalangeal joint.....	((540.00))	<u>648.00</u>
Of little finger at distal interphalangeal joint.....	((270.00))	<u>324.00</u>

MISCELLANEOUS

Loss of one eye by enucleation.....	((6,200.00))	<u>7,200.00</u>
Loss of central visual acuity in one eye.....	((5,000.00))	<u>6,000.00</u>
Complete loss of hearing in both ears.....	((12,000.00))	<u>14,400.00</u>
Complete loss of hearing in one ear.....	((2,400.00))	<u>2,400.00</u>

(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 ((an amount equal to eighty-five percent of)) 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, ((but not in any case to exceed the sum of twelve thousand seven hundred and fifty dollars)) 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 ((twelve thousand seven

hundred and fifty)) 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 (one thousand dollars) three times the average monthly wage for all workmen entitled to compensation under this title, 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 (the amount of one thousand dollars) an amount equal to three times the average monthly wage for all workmen entitled to compensation under this title and interest shall be paid at the rate of (~~five~~) six percent on the unpaid balance of such compensation commencing with the second monthly payment: PROVIDED, That (~~interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account: PROVIDED FURTHER; 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. 11. Section 51.32.090, chapter 23, Laws of 1961 as last amended by section 3, chapter 122, Laws of 1965 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) (~~(2)~~, ~~(3)~~ and ~~(4)~~) through (13) of RCW 51.32.060 as amended shall apply, so long as the total disability continues.

(2) ((But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or invalid husband and no child, two hundred fifteen dollars; injured workman with able-bodied husband, but no child, one hundred seventy-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred fifty-two dollars; (b) injured workman with able-bodied husband and one child, two hundred twelve dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred eighty-three dollars; (d) injured workman with able-bodied husband and two children, two hundred forty-three dollars; and twenty-three dollars for each additional child, but the total monthly payments shall not exceed three hundred fifty-two dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and having children, and shall not exceed three hundred twelve dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.))

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 (~~(thirty)~~) 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 the state as computed under the provisions of section 14 of this 1971 amendatory act.

NEW SECTION. Sec. 12. There is added to chapter 51.32 RCW a new section 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. 13. Section 51.32.110, chapter 23, Laws of 1961 and RCW 51.32.110 are each amended to read as follows:

Any workman entitled to receive compensation or claiming compensation under this title shall, if requested by the department or self-insurer, submit himself for medical examination, at a time

and from time to time, at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to ((any such)) medical examination, or obstructs the same, ((his rights to monthly payments shall be suspended until such examination has taken place and no compensation shall be payable during or for such period)) or, if any injured workman shall persist in unsanitary or injurious practices which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the department or the self-insurer upon approval by the department, with notice to the workman may reduce or suspend the compensation of such workman so long as such refusal or practice continues. If the workman necessarily incurs traveling expenses in attending for examination pursuant to the request of the department or self-insurer, such traveling expenses shall be repaid to him out of the accident fund upon proper voucher and audit. V

If the medical examination required by this section causes the workman to be absent from his work without pay he shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended notwithstanding the provisions of subdivision (3) of such section as amended. V

NEW SECTION. Sec. 14. There is added to chapter 51.08 RCW a new section to read as follows:

(1) For the purposes of this title, the monthly wages the workman was receiving from all employment at the time of injury shall be the basis upon which compensation is computed unless otherwise provided specifically in the statute concerned. In cases where the workman's wages are not fixed by the month, they shall be determined by multiplying the daily wage the workman was receiving at the time of injury:

- (a) By five, if the workman was normally employed one day a week;
- (b) By nine, if the workman was normally employed two days a week;
- (c) By thirteen, if the workman was normally employed three days a week;
- (d) By eighteen, if the workman was normally employed four days a week;
- (e) By twenty-two, if the workman was normally employed five days a week;
- (f) By thirty, if the workman was normally employed seven days a week.

The term "wages" shall include the reasonable value of board, housing, fuel, or other consideration of like nature received from the employer, but shall not include overtime pay, tips, or

gratuities. The daily wage shall be eight times the hourly wage unless the workman is normally employed for less than eight hours.

(2) In cases where a wage has not been fixed or cannot be reasonable and fairly be determined, the monthly wage shall be computed on the basis of the usual wage paid other employees engaged in like or similar occupations where the wages are fixed.

NEW SECTION. Sec. 15. There is added to chapter 51.08 RCW a new section to read as follows:

V. For the purposes of this 1971 amendatory act, the average monthly wage in the state shall be determined by the department as follows: On or before the first day of December of each year, the total wages reported on contribution reports to the department of labor and industries for the four calendar quarters ending on the thirtieth of June of such year shall be divided by the average monthly number of insured workmen (determined by dividing the total insured workmen reported for the same period by twelve). The average annual wage thus obtained shall be divided by twelve and the average monthly wage thus determined rounded to next higher multiple of one dollar. The average monthly wage as so determined shall be applicable for the full period during which compensation is payable, when the date of occurrence of injury or of disability in the case of disease falls within the calendar year commencing the first day of January following the determination made on the first day of December: PROVIDED, That from July 1, 1971 until and including December 31, 1972, the average monthly wage in the state shall be the average annual wage as determined under RCW 50.04.355 divided by twelve.

NEW SECTION. Sec. 16. There is added to chapter 51.16 RCW a new section to read as follows:

The department shall classify all occupations or industries in accordance with their degree of hazard and fix therefor basic rates of premium which shall be the lowest necessary to maintain actuarial solvency of the accident and medical aid funds in accordance with recognized insurance principles. The department shall formulate and adopt rules and regulations governing the method of premium calculation and collection and providing for a rating system consistent with recognized principles of workmen's compensation insurance which shall be designed to stimulate and encourage accident prevention and to facilitate collection. The department may annually, or at such other times as it deems necessary to maintain solvency of the funds, readjust rates in accordance with the rating system to become effective on such dates as the department may designate.

NEW SECTION. Sec. 17. There is added to chapter 51.32 RCW a new section to read as follows:

Each employer shall retain from the earnings of each workman that number of cents as shall be fixed from time to time by the director for each day or part thereof the workman is employed. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department 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.

NEW SECTION. Sec. 18. There is added to chapter 51.44 RCW a new section to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. Said fund shall be used for the sole purpose of making the additional payments prescribed in RCW 51.32.070.

NEW SECTION. Sec. 19. There is added to chapter 51.44 RCW a new section to read as follows:

Any moneys remaining from funds appropriated by the legislature for the purposes of making additional payments to prior pensioners under prior provisions of RCW 51.32.070, and any liabilities in connection therewith, are transferred to the supplemental pension fund on the effective date of this new 1971 section.

Sec. 20. Section 51.48.060, chapter 23, Laws of 1961 and RCW 51.48.060 are each amended to read as follows:

Any physician who fails, neglects or refuses to file a report with the director, as required by this title, within ~~((ten))~~ five days of the date of treatment, showing the condition of the injured workman at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman, as required by this title, shall be ~~((guilty of a misdemeanor))~~ subject to a civil penalty of one hundred dollars.

NEW SECTION. Sec. 21. There is added to chapter 51.48 RCW a new section to read as follows:

Any employee who fails to report an accident and resulting injury to the department as required by RCW 51.28.010 within five days of such accident shall be subject to a civil penalty of one hundred dollars.

Sec. 22. Section 6, chapter 148, Laws of 1963 and RCW 51.52.104 are each amended to read as follows:

After all evidence has been presented at hearings conducted by a hearing examiner, who shall be an active member of the Washington

state bar association, the hearing examiner shall (~~prepare~~) enter a proposed or recommended decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original of the proposed decision and order, signed by him, with the board, and copies thereof shall be mailed by the board to each party to the appeal and to his attorney of record. Within twenty days, or such further period as the board may allow on written application of a party, filed within said twenty days from the date of communication of the proposed decision and order to the parties or their attorneys of record, any party may file with the board a written (~~statement of exceptions~~) petition for review of the same. Such (~~statement of exceptions~~) petition for review shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein.

In the event no (~~statement of exceptions~~) petition for review is filed as provided herein by any party, the proposed decision and order of the hearing examiner shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

Sec. 23. Section 51.52.106, chapter 23, Laws of 1961 as last amended by section 4, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.106 are each amended to read as follows:

After the filing of a (~~statement or statements of exceptions~~) petition or petitions for review as provided for in RCW 51.52.104 (~~the record before the board~~) the proposed decision and order of the hearing examiner, petition or petitions for review and, in its discretion, the record or any part thereof, may be considered by the board and on agreement of at least two of the regular members thereof, the board may, within twenty days after the receipt of such petition or petitions, decline to review the proposed decision and order and thereupon deny the petition or petitions. In such event all parties shall forthwith be notified in writing of said denial. If the petition for review is granted, the proposed decision and order, the petition or petitions for review and the record or any part thereof deemed necessary shall be considered by a panel of at least two of the members of the board, on which not more than one industry and one labor member serve. The chairman may be a member of any panel. The decision and order of any such panel shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. A copy of the decision and order, including the findings and conclusions, shall be mailed to

each party to the appeal and to his attorney of record.

Sec. 24. Section 51.52.110, chapter 23, Laws of 1961 as amended by section 122, chapter 81, Laws of 1971 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. 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 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.

NEW SECTION. Sec. 25. There is added to Title 51 RCW a new chapter as set forth in sections 26 through 36 of this 1971 amendatory act.

NEW SECTION. Sec. 26. Every employer under this title shall

secure the payment of compensation under this title by:

(1) Insuring and keeping insured the payment of such benefits with the state fund; or

(2) Qualifying as a self-insurer under this title.

NEW SECTION. Sec. 27. (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 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.

NEW SECTION. Sec. 28. The director may issue a certification that an employer is qualified as a self-insurer when such employer

meets the following requirements:

(1) He has fulfilled the requirements of section 27 of this 1971 amendatory act.

(2) He has submitted to the department a payroll report for the preceding consecutive twelve month period.

(3) He has submitted to the department a sworn itemized statement indicating that the employer has sufficient liquid assets to meet his estimated liabilities as a self-insurer.

(4) He has submitted to the department a description of the safety organization maintained by him within his establishment that indicates a record of accident prevention.

(5) He has submitted to the department a description of the administrative organization to be maintained by him to manage industrial insurance matters including:

(a) The reporting of injuries;

(b) The authorization of medical care;

(c) The payment of compensation;

(d) The handling of claims for compensation;

(e) The name and location of each business location of the employer; and

(f) The qualifications of the personnel of the employer to perform this service.

Such certification shall remain in effect until withdrawn by the director or surrendered by the employer with the approval of the director. An employer's qualification as a self-insurer shall become effective on the date of certification or any date specified in the certificate after the date of certification.

NEW SECTION. Sec. 29. (1) The surety on a bond filed by a self-insurer pursuant to this title may terminate its liability thereon by giving the director written notice stating when, not less than thirty days thereafter, such termination shall be effective.

(2) In case of such termination, the surety shall remain liable, in accordance with the terms of the bond, with respect to future compensation for injuries to employees of the self-insurer occurring prior to the termination of the surety's liability.

(3) If the bond is terminated for any reason other than the employer's terminating his status as a self-insurer, the employer shall, prior to the date of termination of the surety's liability, otherwise comply with the requirements of this title.

(4) The liability of a surety on any bond filed pursuant to this section shall be released and extinguished and the bond returned to the employer or surety provided either such liability is secured by another bond filed, or money or securities deposited as required by this title.

NEW SECTION. Sec. 30. (1) Any employer may at any time

terminate his status as a self-insurer by giving the director written notice stating when, not less than thirty days thereafter, such termination shall be effective, provided such termination shall not be effective until the employer either shall have ceased to be an employer or shall have filed with the director for state industrial insurance coverage under this title.

(2) An employer who ceases to be a self-insurer, and who so files with the director, must maintain money, securities or surety bonds deemed sufficient in the director's discretion to cover the entire liability of such employer for injuries or occupational diseases to his employees which occurred during the period of self-insurance: PROVIDED, That the director may agree for the medical aid and accident funds to assume the obligation of such claims, in whole or in part, and shall adjust the employer's premium rate to provide for the payment of such obligations on behalf of the employer.

NEW SECTION. Sec. 31. (1) The director may, in cases of default upon any obligation under this title by the self-insurer, after ten days notice by certified mail to the defaulting self-insurer of his intention to do so, bring suit upon such bond or collect the interest and principal of any of the securities as they may become due or sell the securities or any of them as may be required or apply the money deposited, all in order to pay compensation, discharge the obligations of the self-insurer under this title, and pay premiums for future insurance of the employer's obligations.

(2) The director shall be authorized to fulfill the defaulting self-insured employer's obligations under this title, paying the necessary premium from the defaulting employer's deposit or from other funds provided under this title for the satisfaction of claims against the defaulting employer, and having subrogation rights against the defaulting employer to the extent of any funds, other than the employer's deposit, expended for the payment of premiums or compensation in performance of the defaulting employer's obligations.

NEW SECTION. Sec. 32. Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

(1) The employer no longer meets the requirements of a self-insurer; or

(2) The self-insurer's deposit is insufficient; or

(3) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to

proceedings against the employer to obtain compensation; or

(4) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

(5) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions.

NEW SECTION. Sec. 33. (1) Upon the petition of any employee, union or association having a substantial number of employees in the employ of said self-insurer the director shall hold a hearing to determine whether or not there are grounds for the withdrawal of certification of a self-insurer. He shall serve upon the self-insurer and upon any employee union or association having a substantial number of employees in the employ of said self-insurer, personally or by certified mail, a notice of intention to withdraw, or not to withdraw, certification of the self-insurer, which notice shall describe the nature and location or locations of the plants or operations involved; and the specific nature of the reasons for his decision. If the decision is to withdraw certification, it shall include the period of time within which the ground or grounds therefor existed or arose; a directive to the self-insurer specifying the manner in which the grounds may be eliminated; and the date, not less than thirty days after the self-insurer's receipt of the notice, when the certification will be withdrawn in the absence of a satisfactory elimination of the grounds for withdrawal of the certificate.

(2) An appeal of such notice of intention to withdraw, or not to withdraw, certification of a self-insurer may be taken by the self-insurer, or by any employee, or union, or association having a substantial number of employees in the employ of said self-insurer. Proceedings on such appeal shall be as prescribed in this title. Appeal by a self-insurer of notice of intention to withdraw certification shall not act as a stay of the withdrawal, unless the board, or court, for good cause shown, orders otherwise.

NEW SECTION. Sec. 34. (1) Every employer subject to the provisions of this title shall post and keep posted in a conspicuous place or places in and about his place or places of business a reasonable number of typewritten or printed notices of compliance substantially identical to a form prescribed by the director, stating that such employer is subject to the provisions of this title. Such notice shall advise whether the employer is self-insured or has insured with the department, and shall designate a person or persons on the premises to whom report of injury shall be made.

(2) Any employer who has failed to open an account with the

department or qualify as a self-insurer shall not post or permit to be posted on or about his place of business or premises any notice of compliance with this title and any wilful violation of this subsection by any officer or supervisory employee of an employer shall be a misdemeanor.

NEW SECTION. Sec. 35. Every self-insurer shall maintain a record of all payments of compensation made under this title. The self-insurer shall furnish to the director all information he has in his possession as to any disputed claim, upon forms approved by the director.

NEW SECTION. Sec. 36. (1) Whenever compensation due under this title is not paid because of an uncorrected default of a self-insurer, such compensation shall be paid from the medical aid and accidents funds only after the moneys available from the bonds or other security provided under section 27 of this 1971 amendatory act have been exhausted.

(2) Such defaulting self-insurer or surety, if any, shall be liable for payment into the appropriate fund of the amounts paid therefrom by the director, and for the purpose of enforcing this liability the director, for the benefit of the appropriate fund, shall be subrogated to all of the rights of the person receiving such compensation.

Sec. 37. Section 51.24.010, chapter 23, Laws of 1961 as amended by section 7, chapter 274, Laws of 1961 and RCW 51.24.010 are each amended to read as follows:

If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the ((state for the benefit of the accident fund and the medical aid fund)) department or self-insurer; if the other choice is made, the ((accident fund and the medical aid fund)) department or self-insurer shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: PROVIDED, That the injured workman or if death results from his injury, his widow, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the ((department for the benefit of the accident fund and the medical aid fund)) department or self-insurer to the extent of such payments having been made by the department or self-insurer to the injured workman or if death results

from his injury, his widow, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the ((state)) department or self-insurer may be prosecuted or compromised by the department or self-insurer in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good ((out of the accident fund or the medical aid fund)) by the department or self-insurer may be made only with the written approval of the department or self-insurer. If such approval is not obtained, claim for the deficiency will be deemed to have been waived.

Any third party action brought under this title by such workman or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the department or self-insurer if after thirty days notice the action is neither filed nor settled. If a cause of action which has been filed is not diligently prosecuted, the department or self-insurer shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the ((amount to be repaid to the state of Washington as a result of said action)) department or self-insurer, to the extent of the benefits paid or payable under this title, shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or his widow, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.

Sec. 38. Section 51.28.020, chapter 23, Laws of 1961 and RCW 51.28.020 are each amended to read as follows:

Where a workman is entitled to compensation under this title he shall file with the department or his self-insuring employer, as the case may be, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman. If application for compensation is made to a self-insuring employer, he shall forthwith send a copy thereof to the department.

NEW SECTION. Sec. 39. There is added to chapter 51.28 RCW a new section to read as follows:

(1) Whenever a self-insuring employer has notice or knowledge of an injury or occupational disease, he shall immediately report the same to the department on forms prescribed by the director. The report shall include:

- (a) The name, address, and business of the employer;
- (b) The name, address, and occupation of the employee;
- (c) The date, time, cause, and nature of the injury or occupational disease;
- (d) Whether the injury or occupational disease arose in the course of the injured employee's occupation; and
- (e) Such other pertinent information as the director may prescribe by regulation.

(2) Failure or refusal to file the report required by subsection (1) shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected in a civil action in the name of the director and paid into the medical aid fund.

Sec. 40. Section 51.32.010, chapter 23, Laws of 1961 and RCW 51.32.010 are each amended to read as follows:

Each workman injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive (~~out of the accident fund~~) compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever: PROVIDED, That if an injured workman, or the surviving spouse of an injured workman shall not have the custody of a child for, or on account of whom payments are required to be made under this chapter, such payment or payments shall be made to the person having the lawful custody of such child.

Sec. 41. Section 1, chapter 107, Laws of 1961 and RCW 51.32.015 are each amended to read as follows:

The benefits of Title 51 shall be provided to each workman receiving an injury, as defined therein, during the course of his employment and also during his lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as are occupied, used or contracted for by the employer for the business or work process in which the employer is then engaged: PROVIDED, That if a workman by reason of his employment leaves such jobsite under the direction, control or request of the employer and if such workman is injured during his lunch period while so away from the jobsite, the workman shall receive the benefits as provided herein: AND PROVIDED FURTHER, That the employer need not consider the lunch period in (~~workman hours~~) his payroll for the purpose of reporting to the department unless the workman is actually paid for such period of time.

Sec. 42. Section 51.32.020, chapter 23, Laws of 1961 and RCW 51.32.020 are each amended to read as follows:

If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is engaged in the attempt to commit, or the commission of, a ~~((crime))~~ felony, neither the workman nor the widow, widower, child, or dependent of the workman shall receive any payment ~~((whatsoever out of the accident fund))~~ under this title.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased workman and, at the same time, as the stepchild of a deceased workman.

Sec. 43. Section 51.32.040, chapter 23, Laws of 1961 as amended by section 2, chapter 165, Laws of 1965 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title ~~((out of the accident fund or out of the medical aid fund))~~ shall, 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 ((by the department)) 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. 44. Section 51.32.100, chapter 23, Laws of 1961 and RCW 51.32.100 are each amended to read as follows:

If it is determined ((by the department)) that an injured workman had, at the time of his injury, a preexisting disease and that such disease delays or prevents complete recovery from such injury, ((the said department)) it shall be ascertained, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and the extent of permanent partial disability which the injury would have caused were it not for the disease, and ((award)) compensation shall be awarded only therefor.

Sec. 45. Section 51.32.140, chapter 23, Laws of 1961 and RCW 51.32.140 are each amended to read as follows:

Except as otherwise provided by treaty, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, ((the department)) there shall ((pay)) be paid fifty percent of the compensation herein otherwise provided to such beneficiary. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due.

NEW SECTION. Sec. 46. There is added to chapter 51.32 RCW a new section to read as follows:

(1) One purpose of this title is to restore the injured workman as near as possible to the condition of self-support as an able-bodied workman. Benefits for permanent disability shall be

determined under the director's supervision only after the injured workman's condition becomes fixed.

(2) All determinations of permanent disabilities shall be made by the department. Either the workman, employer, or self-insurer may make a request or such inquiry may be initiated by the director on his own motion. Such determinations shall be required in every instance where permanent disability is likely to be present. All medical reports and other pertinent information in the possession of or under the control of the employer or self-insurer shall be forwarded to the director with such requests.

(3) A request for determination of permanent disability shall be examined by the department and an order shall issue in accordance with RCW 51.52.050.

(4) The department may require that the workman present himself for a special medical examination by a physician, or physicians, selected by the department, and the department may require that the workman present himself for a personal interview. In such event the costs of such examination or interview, including payment of any reasonable travel expenses, shall be paid by the department or self-insurer as the case may be.

(5) The director may establish a medical bureau within the department to perform medical examinations under this section. Physicians hired or retained for this purpose shall be grounded in industrial medicine and in the assessment of industrial physical impairment. Self-insurers shall bear a proportionate share of the cost of such medical bureau in a manner to be determined by the department.

(6) Where dispute arises from the handling of any claims prior to the condition of the injured workman becoming fixed, the workman, employer, or self-insurer may request the department to resolve the dispute or the director may initiate an inquiry on his own motion. In such cases the department shall proceed as provided in this section and an order shall issue in accordance with RCW 51.52.050.

NEW SECTION. Sec. 47. There is added to chapter 51.32 RCW a new section 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 shall be mailed or given to the claimant and the director within seven days after the self-insurer has notice of the claim.

(3) 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) 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.

(5) 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) 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, 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.

(7) 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. 48. There is added to chapter 51.32 RCW a new section to read as follows:

(1) If a self-insurer fails, refuses, or neglects to comply with a compensation order which has become final and is not subject to review or appeal, the director or any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for the county in which the self-insurer may be served with process.

(2) The court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

Sec. 49. Section 51.32.180, chapter 23, Laws of 1961 and RCW 51.32.180 are each amended to read as follows:

Every workman who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his family and dependents in case of death of the workman from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a workman injured or killed in employment under ~~((the industrial insurance and medical aid acts of the state))~~ this title: PROVIDED, HOWEVER, That this section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937.

Sec. 50. Section 51.36.010, chapter 23, Laws of 1961 as amended by section 2, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.010 are each amended to read as follows:

Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive ~~((7 in addition to such compensation and out of the medical aid fund;))~~ proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him ~~((out of the accident fund))~~ shall cease: in case of temporary disability not to extend beyond the time when monthly allowances to him ~~((out of the accident fund))~~ shall cease: PROVIDED, That after any injured workman has returned to his work his medical and surgical treatment may be continued if, and so long as, such continuation is deemed necessary by the supervisor of industrial insurance to be necessary to his more complete recovery; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll: PROVIDED, HOWEVER, That the supervisor of industrial insurance, solely in his discretion, may authorize

continued medical and surgical treatment for conditions previously accepted by the department when such medical and surgical treatment is deemed necessary by the supervisor of industrial insurance to protect such workman's life. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

Sec. 51. Section 51.36.020, chapter 23, Laws of 1961 as amended by section 3, chapter 166, Laws of 1965 ex. sess. and RCW 51.36.020 are each amended to read as follows:

When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes ((to be purchased by the department at the expense of the accident fund;)) and every workman, who suffers an injury to an eye producing an error of refraction, shall be once provided ((at the expense of the accident fund;)) proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced ((at the expense of the accident fund)). Every workman whose eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced ((at the expense of the accident fund)). The ((accident fund)) department or self-insurer shall be liable only for the cost of restoring damaged eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, ((may)) shall be provided ((at the expense of the medical aid fund)) and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law ((at the expense of the accident fund)). A workman, whose injury is of such short duration as to bring him within the provisions of subsection (4) of RCW 51.32.090 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

NEW SECTION. Sec. 52. There is added to chapter 51.36 RCW a new section to read as follows:

The department may operate and control a rehabilitation center

and may contract with self-insurers for use of any such center on such terms as the director deems reasonable.

NEW SECTION. Sec. 53. There is added to chapter 51.36 RCW a new section to read as follows:

Physicians attending injured employees shall comply with rules and regulations adopted by the director, and shall make such reports as may be requested by the department or self-insurer upon the condition or treatment of any injured employee, or upon any other matters concerning injured employees in their care. All medical information in the possession or control of any person and relevant to the particular injury shall be available to the employer and the department, and no person shall incur any legal liability by reason of releasing such information.

NEW SECTION. Sec. 54. There is added to chapter 51.36 RCW a new section to read as follows:

Whenever the director or the self-insurer deems it necessary in order to resolve any medical issue, a workman shall submit to examination by a physician or physicians selected by the director, with the rendition of a report to the person ordering the examination. The director, in his discretion, may charge the cost of such examination or examinations to the self-insurer or to the medical aid fund as the case may be. The cost of said examination shall include payment to the workman of reasonable expenses connected therewith.

NEW SECTION. Sec. 55. There is added to chapter 51.36 RCW a new section to read as follows:

All fees and medical charges under this title shall conform to regulations promulgated by the director.

Sec. 56. Section 51.44.070, chapter 23, Laws of 1961 as amended by section 5, chapter 274, Laws of 1961 and RCW 51.44.070 are each amended to read as follows:

For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. ((Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of three percent per annum)) Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the state insurance commissioner, taking into account the experience of the reserve fund in such respects.

Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.

Sec. 57. Section 51.44.080, chapter 23, Laws of 1961 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 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 ~~((October 1st))~~ 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 ~~((October 1st))~~ June 30th of each year the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of ~~((October 1st))~~ 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 fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than ~~((December 31st))~~ September 30th following. If the report shows that there was on said ~~((October 1st))~~ 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 fund of that class but, if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class.

NEW SECTION. Sec. 58. 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.

NEW SECTION. Sec. 59. There is added to chapter 51.44 RCW a new section to read as follows:

The director shall impose and collect assessments each fiscal year upon all self-insurers in the amount of the estimated costs of administering their portion of this title during such fiscal year.

Such assessments shall be based on a pro rata percentage of Washington payroll of each self-insurer subject to this title. The time and manner of imposing and collecting assessments due the department shall be set forth in regulations promulgated by the director in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 60. There is added to chapter 51.44 RCW a new section to read as follows:

The director is authorized to make periodic temporary interfund transfers between the reserve and supplemental pension funds as may be necessary to provide for payments as prescribed in RCW 51.32.070. At least once annually, the director shall cause an audit to be made of all pension funds administered by the department to insure that proper crediting of funds has been made, and further to direct transfers between the funds for any interfund loans which may have been made in the preceding year and not fully reimbursed.

Sec. 61. Section 51.48.010, chapter 23, Laws of 1961 and RCW 51.48.010 are each amended to read as follows:

Every employer ((who fails to furnish an estimate of payroll and workmen hours and make payments as provided in REW 51-46-140)) shall be liable ((to a penalty of not to exceed five hundred dollars)) for the penalties described in this title and shall also be liable if an ((accident)) injury or occupational disease has been sustained by ((an employee)) a workman prior to the time ((such estimate is received by the department;)) he has secured the payment of such compensation to a penalty in a sum equal to fifty percent of the cost ((to the accident fund and medical aid fund)) for such ((accident)) injury or occupational disease, for the benefit of the ((accident fund and)) medical aid fund.

NEW SECTION. Sec. 62. There is added to chapter 51.48 RCW a new section to read as follows:

Any employer who engages in work who has wilfully failed to secure the payment of compensation under this title shall be guilty of a misdemeanor. Violation of this section is punishable, upon conviction, by a fine of not less than twenty-five dollars nor more than one hundred dollars. Each day such person engages as a subject employer in violation of this section constitutes a separate offense. Any fines paid pursuant to this section shall be paid directly by the court to the director for deposit in the medical aid fund.

Sec. 63. Section 51.48.020, chapter 23, Laws of 1961 and RCW 51.48.020 are each amended to read as follows:

Any employer, who misrepresents to the department the amount of his payroll ((or the number of workman hours)) upon which the premium under this title is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid ((?)) and for the reasonable

expenses of auditing his books and collecting such sums. Such liability may be enforced in the name of the department. Such an employer shall also be guilty of a misdemeanor if such misrepresentations are made knowingly.

Sec. 64. Section 51.48.030, chapter 23, Laws of 1961 and RCW 51.48.030 are each amended to read as follows:

Every ((person, firm, or corporation)) employer who fails to keep the records required by this title or fails to make the reports ((in the manner and at the time)) provided in ((chapter 51.46)) this title shall be subject to a penalty of not to exceed one hundred dollars for each such offense.

NEW SECTION. Sec. 65. There is added to chapter 51.48 RCW a new section to read as follows:

Where death results from the injury and the deceased leaves no beneficiaries, a self-insurer shall pay into the supplemental pension fund the sum of ten thousand dollars.

NEW SECTION. Sec. 66. There is added to chapter 51.48 RCW a new section to read as follows:

If a self-insurer unreasonably delays or refuses to pay benefits as they become due there shall be paid by the self-insurer upon order of the director an additional amount equal to twenty-five percent of the amount then due which shall accrue for the benefit of the claimant and shall be paid to him with the benefits which may be assessed under this title. Such an order shall conform to the requirements of RCW 51.52.050.

NEW SECTION. Sec. 67. There is added to chapter 51.04 RCW a new section to read as follows:

The director shall appoint a workmen's compensation advisory committee composed of eight members: Three representing subject workmen, three representing subject employers, and two ex officio members, without a vote, one of whom represents the department, who shall be chairman, and one of whom represents 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 the effective date of this 1971 amendatory act 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 session of the legislature.

Sec. 68. Section 51.52.010, chapter 23, Laws of 1961 as last amended by section 3, chapter 165, Laws of 1965 ex. sess. and RCW 51.52.010 are each amended to read as follows:

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in ((~~extrahazardous~~) employment under this title and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers ((~~engaged in extrahazardous industry~~)) under this title, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers ((~~who are substantial contributors to the industrial insurance and accident fund~~)). The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Whenever the workload of the board and its orderly and expeditious disposition shall necessitate, the governor may appoint two additional pro-tem members in addition to the regular members. Such appointments shall be for a definite period of time, and shall be made from lists submitted respectively

by labor and industry as in the case of regular members. One pro-tem member shall be a representative of labor and one shall be a representative of industry. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to reasonable travel allowance. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Sec. 69. Section 51.52.080, chapter 23, Laws of 1961 as amended by section 2, chapter 148, Laws of 1963 and RCW 51.52.080 are each amended to read as follows:

If the notice of appeal raises no issue or issues of fact and the board finds that the department properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the department's decision or award, or if the department's record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal ~~((and order a hearing to decide the issues raised))~~.

Sec. 70. Section 51.52.090, chapter 23, Laws of 1961 and RCW 51.52.090 are each amended to read as follows:

If the appeal is not ~~((granted))~~ denied within thirty days after the notice is filed with the board, the appeal shall be deemed to have been ~~((denied))~~ granted: PROVIDED, That the board may extend the time within which it may act upon such appeal, not exceeding thirty days.

Sec. 71. Section 13, chapter 223, Laws of 1953 and RCW 38.52.290 are each amended to read as follows:

Insofar as not inconsistent with the provisions of this chapter, the maximum amount payable to a claimant shall be not greater than the amount allowable for similar disability under the workmen's compensation act, ~~((RCW 54.32.605 through 54.32.470))~~ chapter 51.32 RCW as amended by this 1971 amendatory act and any amendments thereto. "Employee" as used in said title shall include a civil defense worker when liability for the furnishing of compensation and benefits exists pursuant to the provisions of this chapter and as limited by the provisions of this chapter. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of said sections of chapter 51.32 and at the maximum rate provided therein, subject, however, to the limitations set forth in this chapter.

Sec. 72. Section 17, chapter 223, Laws of 1953 and RCW 38.52.330 are each amended to read as follows:

The department of civil defense is authorized to make all

expenditures necessary and proper to carry out the provisions of this chapter including payments to claimants for compensation as civil defense workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board: PROVIDED, That nothing herein shall be construed to mean that the department of civil defense or the state civil defense council or its officers or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any civil defense worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in ((REW 54-52-050 to 54-52-440)) chapter 51.32 RCW as amended by this 1971 amendatory act.

Sec. 73. Section 14, chapter 207, Laws of 1953 and RCW 75.08.206 are each amended to read as follows:

The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in ((REW 54-32-005 to 54-32-470)) chapter 51.32 RCW as amended by this 1971 amendatory act, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020 as now or hereafter amended.

Sec. 74. Section 51.04.030, chapter 23, Laws of 1961 and RCW 51.04.030 are each amended to read as follows:

The director shall, through the division of industrial insurance, ((provide)) supervise the providing of prompt and efficient care and treatment to workmen injured in ((extrahazardous work)) during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, or other agency or person rendering services to injured workmen. No service covered ((by such fee bill)) under this title shall be charged or paid ((for out of the medical aid fund)) at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be

valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workmen, ~~((he))~~ shall approve and ~~((certify))~~ pay those which conform to the promulgated rules, regulations, and practices of the director and ~~((the director))~~ may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

NEW SECTION. Sec. 75. There is added to chapter 51.08 RCW a new section to read as follows:

"Agriculture" means the business of growing or producing any agricultural or horticultural produce or crop, including the raising of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substances obtained therefrom.

Sec. 76. Section 51.16.060, chapter 23, Laws of 1961 as amended by section 1, chapter 80, Laws of 1965 ex. sess. and RCW 51.16.060 are each amended to read as follows:

Every employer not qualifying as a self-insurer shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll ~~((and the aggregate number of workmen hours, during))~~ for the period in which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes ~~((provided in))~~ established pursuant to this title, and shall pay his premium thereon to the ~~((accident fund and medical aid))~~ appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed: PROVIDED, FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account.

Sec. 77. Section 51.16.140, chapter 23, Laws of 1961 as amended by section 2, chapter 20, Laws of 1971 and RCW 51.16.140 are each amended to read as follows:

~~((The))~~ Every employer who is not a self-insurer shall deduct from the pay of each of his workmen ~~((engaged in extrahazardous work))~~ one-half of the amount ~~((the employer))~~ he is required to pay ~~((into the medical aid fund for or on account of the employment of~~

such workman), for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him to all employers under this title: PROVIDED, That the ((employer or)) state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in section 1 of ((this 1971 amendatory act)) chapter 20, Laws of 1971. It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him paid ((into the accident fund)) from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 78. Section 51.16.160, chapter 23, Laws of 1961 and RCW 51.16.160 are each amended to read as follows:

All actions for the recovery of delinquent premiums, assessments, contributions, and penalties therefor due any of the funds under this title shall be brought in the superior court and in all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for the payments due shall be a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and all administrators, receivers, or assignees for the benefit of creditors shall notify the department of such administration, receivership, or assignment within thirty days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the department that an audit has been made of the payroll of such employer pursuant to the direction of the department and the amount of such payroll for the period stated in the certificate shall be prima facie evidence of such fact.

Sec. 79. Section 51.16.180, chapter 23, Laws of 1961 and RCW 51.16.180 are each amended to read as follows:

The director shall have the custody of all property acquired by the state at execution sale upon judgments obtained for delinquent ((industrial insurance premiums or medical aid contributions,)) payments and penalties therefor and costs, and may sell and dispose of the same at private sales for the sale purchase price, and shall pay the proceeds into the state treasury to the credit of the ((accident fund, or medical aid fund, as the case may be)) appropriate fund. In case of the sale of real estate the director shall execute the deed in the name of the state.

NEW SECTION. Sec. 80. There is added to chapter 51.08 RCW a new section to read as follows:

"Self-insurer" means an employer who has been authorized under

this title to carry its own liability to its employees covered by this title.

Sec. 81. Section 51.12.070, chapter 23, Laws of 1961 as amended by section 1, chapter 20, Laws of 1965 ex. sess. and RCW 51.12.070 are each amended to read as follows:

The provisions of this title shall apply to all ((~~extrahazardous~~)) work done by contract; the person, firm, or corporation who lets a contract for such ((~~extrahazardous~~)) work shall be responsible primarily and directly for all ((~~payments due to the accident fund and medical aid fund~~)) premiums upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable ((~~to the accident fund and medical aid fund~~)) in premiums and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

It shall be unlawful for any county, city or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title or proof that such person has qualified as a self-insurer.

NEW SECTION. Sec. 82. There is added to chapter 51.12 RCW a new section 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 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 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. 83. Section 51.16.040, chapter 23, Laws of 1961 and RCW 51.16.040 are each amended to read as follows:

The compensation and benefits provided for occupational diseases shall be paid (~~from the same funds~~) and in the same manner as compensation and benefits for injuries under (~~the industrial insurance and medical aid acts and the contributions of employers to pay for occupational diseases shall be determined, assessed, and collected in the same manner and as a part of the premiums for employment under the mandatory or elective adoption provisions of this title~~) this title.

Sec. 84. Section 2, chapter 151, Laws of 1963 and RCW 51.16.042 are each amended to read as follows:

Inasmuch as business, industry and labor desire to provide for testing, research, training and teaching facilities and consulting services at the University of Washington for industrial and occupational health for workmen in the environmental research facility thereat, (~~each class of industry~~) all employers shall bear (~~its~~) their proportionate share of the cost therefor (~~accrued during any fiscal year based on average workman hours of exposure over the preceding two year calendar period~~). The director may require payments to the department from all employers under this title and may make rules and regulations in connection therewith, which costs shall be paid from the department, in lieu of the previous provisions of RCW 28B.20.458.

Sec. 85. Section 51.12.110, chapter 23, Laws of 1961 and RCW 51.12.110 are each amended to read as follows:

Any employer (~~engaged in any occupation other than those enumerated or declared to be under this title, may make written application to the director to fix rates of contribution for such occupation for industrial insurance and for medical aid, and thereupon the director, through the division of industrial insurance, shall fix such rates, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. When such rate is fixed the applicant~~) who has in his employment any exempt person may file notice in writing with the (~~supervisor of industrial insurance~~) director of his (~~or its~~) election to (~~contribute under~~) be subject to this title, and shall forthwith display in a conspicuous manner about his (~~or its~~) works and in a sufficient number of places to reasonably inform his (~~or its~~) workmen of the fact, printed notices furnished by the department stating that he (~~or it~~) has so elected (~~to contribute to the accident fund and the medical aid fund~~) and stating when said election will become effective. Any workman in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his employer, or within five days after he has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his election not to become subject to this title. At the expiration of the time fixed by the notice of the employer, the employer and such of his (~~or its~~) workmen as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of

this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his acceptance of liability under this title by filing written notice with the director of the withdrawal of his acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected workman or workmen work and shall otherwise notify personally the affected workmen. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

Sec. 86. Section 51.16.105, chapter 23, Laws of 1961 and RCW 51.16.105 are each amended to read as follows:

All ((administrative)) expenses of the safety division of the department ((except those incurred by the administration of chapter 49-287)) pertaining to workmen's compensation shall be ((financed from)) paid by the ((combined receipts of the accident and medical aid funds)) department and financed by premiums and by assessments collected from a self-insurer as provided in this title. ((The administrative expense paid from the accident fund shall not exceed four percent, and from the medical aid fund it shall not exceed one and one-half percent. But in no case shall the total expense paid from the combined receipts of both funds exceed five percent. The percentage shall be computed on the combined average annual receipts for the five previous fiscal years.))

NEW SECTION. Sec. 87. There is added to chapter 51.16 RCW a new section to read as follows:

In every case where an employer insured with the state fails or refuses to file any report of payroll required by the department and fails or refuses to pay the premiums due on such unreported payroll, the department shall have authority to estimate such payroll and collect premiums on the basis of such estimate.

If the report required and the premiums due thereon are not made within ten days from the mailing of such demand, the employer shall be in default as provided by this title and the department may have and recover judgment or file liens for such estimated premium or the actual premium, whichever is greater.

NEW SECTION. Sec. 88. 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.

NEW SECTION. Sec. 89. The following acts or parts of acts are each hereby repealed:

(1) Section 51.16.010, chapter 23, Laws of 1961 and RCW 51.16.010;

(2) Section 51.16.020, chapter 23, Laws of 1961, section 6, chapter 274, Laws of 1961 and RCW 51.16.020;

(3) Section 51.16.030, chapter 23, Laws of 1961 and RCW 51.16.030;

(4) Section 51.16.050, chapter 23, Laws of 1961 and RCW 51.16.050; and

(5) Section 51.16.080, chapter 23, Laws of 1961 and RCW 51.16.080.

NEW SECTION. Sec. 90. The provisions of this 1971 amendatory act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1971: PROVIDED, That RCW 51.08.070 as amended by section 1 of this 1971 amendatory act, RCW 51.12.010 as amended in section 2 of this 1971 amendatory act, RCW 51.12.020 as amended in section 3 of this 1971 amendatory act and RCW 51.16.110 as amended in section 4 of this 1971 amendatory act shall take effect and become operative without any further action of the legislature on January 1, 1972.

NEW SECTION. Sec. 91. There is added to chapter 51.98 RCW a new section to read as follows:

If any provision of this 1971 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: PROVIDED, That nothing in this section shall affect or invalidate any of the provisions of RCW 51.04.090.

Passed the House May 10, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items and an item in section 89 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill makes major and far-reaching revisions in the industrial insurance program administered by the Department of Labor and Industries. Upon my review of this complex bill, I have found it advisable to veto a number of items.

Veto
Message

Section 3 requires that the \$150 earnings requirement to qualify an agricultural laborer for mandatory coverage would expire at the end of 1972. Elimination of this earnings requirement would thus result in no difference between workers who are only temporarily and casually attached to an agricultural employer's work force and those workmen who are regularly a part of such work force. It is important that this minimum qualifying requirement remain in existence because of the uniquely transitory nature of much agricultural labor. Without continuation of this earnings requirement past 1972, an unduly harsh financial burden may be placed on the agricultural industry. Accordingly, I have vetoed the expiration of this qualification.

Section 13 requires, in part, the Department of Labor and Industries to pay, out of the fund contributed to by employers other than self-insurers, for traveling expenses of a workman to a medical examination requested by his employer as a self-insurer. Since this would be unjust to non-self-insuring employers, I have vetoed this item in Section 13.

In the new second paragraph of Section 13, the reference to Subsection (3) of RCW 51.32.090 was clearly erroneous and should have referred to Subsection (4). I have accordingly vetoed a portion of this new paragraph, and the remaining language does not appear to create any conflict with the provisions of any subsections of RCW 51.32.090.

Section 15 appears to require a rather complicated formula which would create administrative difficulties for the Department of Labor and Industries in determining the statewide average wage for purposes of the workmen's compensation laws. There presently exists a requirement that the Employment Security Department determine the statewide average wage under the Unemployment Compensation Law, and in view of the virtual universal workmen's compensation coverage provided by this bill, the statewide average wage of employees under workmen's compensation will be quite similar to the statewide average wage under the Unemployment Compensation Law. I see no substantial reason for two departments of state government to be independently calculating this figure, and have accordingly vetoed a large portion of Section 15 so that the Department of Labor and Industries may utilize the calculations made by the

Employment Security Department.

Veto
Message

In Section 21 the imposition of a penalty on an "employee" was not the legislative intent, because it was meant to impose a penalty on the "employer." Therefore, the entire section has been vetoed.

Section 59 requires the Department to assess self-insurers for their proportionate shares of the Department's administrative costs on the basis of the size of each self-insurer's payroll. This does not appear to be equitable. The director should, pursuant to rule-making authority, develop a formula for fairly apportioning the costs of the Department's administration among self-insurers, instead of simply using a system by which the self-insurer with the largest payroll automatically pays the largest assessment. Accordingly, I have vetoed a portion of Section 59 to enable the director to do this.

Section 89, Subsection (4) would repeal RCW 51.16.050. Said statute was the subject of a bill, Senate Bill No. 472, which amended RCW 51.16.050 to provide for an industrial insurance dividend and premium program specifically applicable to the building industry. Senate Bill No. 472 passed the House on May 3, 1971, and passed the Senate on May 4, 1971. Presumably it was the legislative intent to establish by that bill a statutory system of premiums and dividends for the building industry, and there does not appear to be any valid reason why Engrossed House Bill No. 735 should contradict that previously expressed legislative intent. Failure to veto this repealer of RCW 51.16.050 would result in confusion as to the status of that particular statute. I have accordingly vetoed Subsection (4) of Section 89.

With the exception of the items set forth above, Engrossed House Bill No. 735 is approved."

CHAPTER 290

[Engrossed Substitute House Bill No. 510]

STATE HIGHWAYS BUDGET

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, the Washington toll bridge authority, the county road administration board; making appropriations to the utilities and transportation commission for administration of the highway grade crossing protective program; and declaring an emergency.

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

NEW SECTION. Section 1. The budget of the Washington state highway commission is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as shall be necessary to accomplish the purposes designated, are hereby appropriated from the motor vehicle fund to the state highway commission and are authorized to be disbursed for salaries, wages, and other state highway commission expenses for obligations incurred and not paid as of July 1, 1971, for capital projects and for other specified purposes for the biennium ending June 30, 1973:

PROGRAM C, CONSTRUCTION

For reimbursable expenditures for the location, design, right of way, and construction on city streets, county roads, and other nonstate highways, including the unexpended balances of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and in chapter 121, Laws of 1965; for reimbursable expenditures on cooperative projects authorized by law; for expenditures to be reimbursed through federal emergency relief acts, reimbursement for all of the above expenditures to be substantially contemporaneous with the expenditures. Also, for program C supervision and direct support, for the improvement and construction of buildings, other highway plant structures and ferry and toll facilities, for location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with RCW 47.26.040 through 47.26.070\$538,232,899: PROVIDED, That not to exceed \$14,337,511 will be expended for Program C-1, "Construction Supervision and Direct Support": PROVIDED FURTHER, That any funds authorized within these appropriations which cannot be expended for budgeted purposes may be transferred to and expended for Program M, "Physical Maintenance and Operations": PROVIDED FURTHER, That corridor public hearings shall be held and a corridor adopted in accordance with applicable federal law, regulations, and memoranda

for state route number 522 from the interchange with state route number 405 to a connection with FAI 5 in the vicinity of East 75th Street in Seattle before any construction of this segment of state route number 522 on new alignment shall commence: PROVIDED FURTHER, That not to exceed \$18,000 will be expended for the demolition and removal of the abandoned railway overpass between Bremerton and Chico on a section of former state route 3: PROVIDED FURTHER, That if the highway commission encounters unavoidable delays in designing and constructing the Bay Freeway Interchange with SR 99 in Seattle and/or in designing and constructing the Duwamish River Bridge and approaches on SR 509 in Seattle, as provided in the budget of the highway commission adopted by this act, then the highway commission is hereby authorized and directed to expend so much of the \$4,909,749 provided for the Bay Freeway Interchange and so much of the \$5,201,892 provided for the Duwamish River Bridge and approaches, as unavoidable delays may render unexpendable, for expediting the design, acquisition of right of way, and construction of the four lane, limited access highway project on SR 195, from Spokane to Pullman: PROVIDED FURTHER, That all funds programmed for expenditure on state route 2 in Spokane between milepost 286.93 and 292.86 that are not obligated by April 1, 1973, shall be used at the discretion of the state highway commission for construction improvements on state route 195 between milepost 21.00 near the city of Pullman and 80.82 near the city of Spangle: PROVIDED FURTHER, That within constitutional limitations the state highway commission is authorized to use highway construction funds to provide highway facilities for public bus transportation facilities for which the state may receive partial reimbursement of federal aid funds pursuant to section 142 of Title 23, United States Code as amended by section 111 of Public Law 91-605.

PROGRAM M, PHYSICAL MAINTENANCE AND OPERATIONS

For Program M supervision and direct support, maintenance and operation of state highways, reimbursable maintenance of the state highway system and plant operation and maintenance.....\$61,978,070: PROVIDED, That not to exceed \$5,260,573 will be expended for Program M-1, "Maintenance Supervision and Direct Support": PROVIDED FURTHER, That any funds authorized within these appropriations which cannot be expended for budgeted purposes may be transferred to and expended for Program C, "Construction": PROVIDED FURTHER, That any funds authorized for Program M may be expended for removal of snow from areas designated by the state highway commission on state highway right of way or other land adjacent to a state highway owned by or under lease or permit to the state where public highways join state highways and which are utilized by the public for access to public areas used for

noncommercial winter sports activities: PROVIDED, That prior to removing snow outside of the state highway right of way the commission is authorized and directed to enter into an agreement for reimbursement by other public agencies.

PROGRAM P, GENERAL SUPERVISION AND PLANNING

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, highway planning surveys and research by the Washington state highway commission and for research and studies approved by the Washington state highway commission and the joint committee on highways. Also, for the supervision and operation of the toll facilities section, including the guarantee for the Vernita toll bridge bonds, which, if required, will be considered a loan repayable from extended bridge toll revenue; the increase in stores; for added pit and stockpile sites and write-off of obsolete pits and stockpiles and miscellaneous sales and services to others.....\$28,490,551; PROVIDED, That not to exceed \$13,241,666 will be expended for Program P-1, "Executive Management and General Support": PROVIDED FURTHER, That any funds authorized within these appropriations which cannot be expended for budgeted purposes may be transferred to and expended for Program C, "Construction", and Program M, "Physical Maintenance and operations".

It is the intent of the legislature that the highway commission devote special attention to limiting salaries and wages expenditures for executive management, supervision and support activities to \$21,500,000 to accomplish such budgeted activities within combined Programs C-1, M-1 and P-1.

NEW SECTION. Sec. 2. The budget for the urban arterial board is hereby adopted and there is hereby appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1973, the sum of ninety-seven million two hundred seventeen thousand dollars or so much thereof as shall be necessary for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads and streets: PROVIDED, That not to exceed \$871,588 will be expended for administrative expenses: PROVIDED FURTHER, That during the 1971-73 biennium the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within fifteen months from the date of authorization.

NEW SECTION. Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1973, from the motor vehicle fund the sum of three hundred fifty-two thousand dollars or so much thereof as shall be necessary due to insufficient other revenues, to pay principal and interest on the

Spokane river toll bridge revenue bonds, and from the Puget Sound reserve account in the motor vehicle fund the sum of four million thirty-five thousand two hundred eight dollars or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420.

NEW SECTION. Sec. 4. 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 nineteen million eight hundred thirty-seven thousand seven hundred fourteen dollars, or so much thereof as may be necessary to design and construct new ferry vessels, effluent holding tanks in existing vessels and necessary shore facilities. Any expenditures made pursuant to this appropriation shall be considered a loan to be repaid from the Puget Sound capital construction account to the motor vehicle fund to be used for state highway purposes. Any moneys expended under this appropriation which are not repaid pursuant to the appropriation contained in section 5 of this act shall be repaid in the biennium ending June 30, 1975 from the Puget Sound capital construction account to the motor vehicle fund to be used for state highway purposes.

NEW SECTION. Sec. 5. There is hereby appropriated from the Puget Sound capital construction account in the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1973, the sum of twelve million nine hundred sixty-nine thousand dollars or so much thereof as shall be necessary to repay the motor vehicle fund, as revenue becomes available, for expenditures made in accordance with the provisions of section 4 of this act.

NEW SECTION. Sec. 6. There is hereby appropriated from the motor vehicle fund to the county road administration board for the biennium ending June 30, 1973, the sum of \$120,554.

NEW SECTION. Sec. 7. 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 five hundred fifty thousand dollars or so much thereof as may be necessary for the design, location and construction of the first stage of an ultimate one-way couplet to provide access to the east capitol campus in the City of Olympia, as provided in section 11, chapter 281, Laws of 1969 extraordinary session.

NEW SECTION. Sec. 8. (1) There is hereby appropriated from the motor vehicle fund to the utilities and transportation commission for the biennium ending June 30, 1973, the sum of five hundred thousand dollars to be deposited in the grade crossing protective fund for the purpose of carrying out the provisions of subsection (3) of this section.

(2) There is hereby reappropriated from the motor vehicle fund to the utilities and transportation commission for the biennium

ending June 30, 1973, the sum of eighty thousand dollars to be deposited in the grade crossing protective fund for the purpose of carrying out the provisions of subsection (3) of this section: PROVIDED, That no expenditure authorized by the reappropriation contained in this section shall exceed the unexpended balance of the appropriation contained in section 6, chapter 134, Laws of 1969, as shown on the records of the office of program planning and fiscal management as of June 30, 1971.

(3) There is hereby appropriated from grade crossing protective fund to the utilities and transportation commission for the biennium ending June 30, 1973, the sum of five hundred eighty thousand dollars for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281 and 81.53.291.

NEW SECTION. Sec. 9. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the period from the effective date of this section through December 31, 1971, the sum of twenty thousand dollars or so much thereof as may be necessary, to be advanced to Pacific county for emergency work necessary to control shore erosion in the vicinity of North Cove for the protection of county roads. The amount of this appropriation actually advanced to Pacific county shall be repaid with interest at the rate of six percent per annum in the following manner: Commencing January 1, 1972, the state treasurer shall each month in distributing to counties their share of excise taxes on motor vehicle fuels, retain one-twelfth of the amount of the advance from the sum to be credited to Pacific county until the total advance is repaid. The sums retained in the motor vehicle fund shall be available for state highway purposes. This section 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. 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 million seven hundred fifty thousand dollars or so much thereof as may be necessary for the completion of location, acquisition of all right of way, and construction of two lanes plus necessary interchange structures for an ultimate 4-lane parkway connection to the Evergreen State College Campus as provided in section 10, chapter 281, Laws of 1969 extraordinary session: PROVIDED, That no moneys may be expended from this appropriation for construction until Thurston county agrees to accept the completed parkway connection as a county road and to preserve the access control established by the Washington state highway commission: PROVIDED FURTHER, That no more than two million dollars shall be expended in the biennium ending June 30, 1973.

NEW SECTION. Sec. 11. 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 an access road from SR 155 in the vicinity of milepost 12.93 to the safety rest area and 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. This section 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. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1971, the sum of two hundred twenty-five thousand dollars or so much thereof as may be necessary to reimburse the attorney general for the legal defense of claims and lawsuits arising out of the construction, maintenance, and operation of state highways. This section is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 13. 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 one million dollars, or so much thereof as may be necessary, for the completion of location and design, acquisition of the right of way and construction of bridge piers necessary in the construction of a bridge across the Snake River to serve SR 193 at a site northwest of Clarkston.

NEW SECTION. Sec. 14. There is appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending June 30, 1973 the sum of three thousand dollars for research in the field of motor vehicle law to be performed by the national committee on uniform traffic laws and ordinances. Disbursement of this appropriation shall be pursuant to resolution of the joint committee on highways.

NEW SECTION. Sec. 15. It is the intent of the legislature that no salary increase be granted in the same job classification, except for increments resulting from longevity, to any individual in the employ of the state whose salary is funded by the provisions of this act.

NEW SECTION. Sec. 16. It is the intent of the legislature

V that no funds from any appropriation contained in this act shall be used to pay yearly merit increments resulting from employee longevity during the 1971-73 biennium for those employees whose salary computed on an annual basis as of July 1, 1971 exceeds \$15,000 per annum.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved May 21, 1971 with the exception of section 15, and 16 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...I have vetoed section 15 and section 16 of the bill for the same reasons that similar sections were vetoed in the general budget bill, Substitute House Bill No. 151. In addition to the reasons set forth in my veto message on Substitute House Bill No. 151, employees of agencies included in this bill would not be treated equally with other state employees if these sections were allowed to remain in the bill.

Veto
Message

The remainder of Substitute House Bill No. 510 is approved."

CHAPTER 291

[House Bill No. 759]

URBAN ARTERIAL BOARD--

URBAN ARTERIAL TRUST ACCOUNT

AN ACT Relating to the urban arterial board and the urban arterial trust account; amending section 22, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.160; amending section 23, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.170; and amending section 25, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.190; adding a new section to chapter 47.26 RCW.

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

Section 1. Section 22, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.160 are each amended to read as follows:

The urban arterial board shall:

(1) Adopt rules and regulations necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties

and cities.

(2) Adopt reasonably uniform design standards for city and county arterials which meet the requirements for urban development.

(3) Report (~~annually on the first day of July~~) biennially on the first day of November of the even-numbered years to the state highway commission and the joint committee on highways regarding progress of cities and counties in developing long range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties.

Sec. 2. Section 23, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.170 are each amended to read as follows:

~~((Prior to January 17, 1969))~~ The legislative authority of each county or city lying within or having within its boundaries an urban area shall prepare, adopt and submit to the urban arterial board a long range plan for arterial construction, taking into account the comprehensive land use plan of each such jurisdiction and setting forth arterial construction needs through ~~((the year 1985))~~ a fourteen year advance planning period. The long range arterial construction plans shall be revised by the counties and cities every two years to show the current arterial construction needs through ~~((1985))~~ a fourteen year advanced planning period and as revised shall be submitted to the urban arterial board during the first week of ~~((July))~~ January of every even-numbered year. The long range plans shall be prepared pursuant to guidelines established by the urban arterial board and with the assistance of such board and the state highway commission. Upon receipt of the long range arterial construction plans of the several counties and cities the urban arterial board shall revise the construction needs for urban arterials set forth in such plans as necessary to conform with its uniform standards for establishing construction needs of the counties and cities.

Sec. 3. Section 25, chapter 83, Laws of 1967 ex. sess. as amended by section 4, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.190 are each amended to read as follows:

Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 relating to the apportionment of state urban funds except calculation of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission.

NEW SECTION. Sec. 4. There is added to chapter 47.26 RCW a^v

V. new section to read as follows:

The proceeds of not to exceed one-eighth of one cent tax from the seven cents excise tax specified by RCW 82.36.020 to be distributed to the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100 shall be available to be credited to the urban arterial trust account created by RCW 47.26.090 if the five-eighths of one cent tax provided by RCW 82.36.020 for the urban arterial trust account is insufficient to meet bond retirement requirements for limited obligation bonds authorized by RCW 47.26.420: PROVIDED, That any such revenues that are required for city and county bond retirement requirements shall be repaid to the motor vehicle fund for distribution pursuant to RCW 46.68.100 in the event additional revenues are made available for the city and county urban arterial program.

Passed the House May 10, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of section 4 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Section 4 of this bill was added as a floor amendment. This section authorizes the use of 1/8 of 1 cent of motor vehicle fuel taxes to pay debt service on county-city urban arterial bonds. Presently 5/8 of 1 cent of motor vehicle fuel taxes are available for debt service on up to \$200,000,000 of urban arterial bonds.

Veto
Message

As worded, the section authorizes "not to exceed one-eighth of one cent tax from the seven cents excise tax specified by RCW 82.36.020 to be distributed to the state, cities and counties . . ." for bond retirement purposes. This language could be construed as limiting the amount of motor vehicle fuel taxes available for debt service of urban arterial bonds to the original 5/8 of 1 cent plus the additional 1/8 of 1 cent or a total of 3/4 of 1 cent of taxes. As in the case of all motor vehicle fund bonds, the entire motor vehicle fuel taxes are pledged to pay these bonds by existing statute. Conservative bond counsel would be concerned that the section would reduce the tax revenues pledged to pay debt service from that produced by the 9 cents of motor vehicle fuel taxes to a mere 3/4 of 1 cent. Accordingly, I have vetoed Section 4.

With the exception of Section 4, House Bill 759 is ^{Veto} approved." _{Message}

CHAPTER 292

[Engrossed Substitute House Bill No. 309]

AGE QUALIFICATIONS

AN ACT Relating to age qualifications for certain purposes; amending section 1, page 407, Laws of 1854 as last amended by section 1, chapter 17, Laws of 1970 ex. sess. and RCW 26.28.010; amending section 1, chapter 57, Laws of 1911 and RCW 2.36.070; amending section 6, chapter 127, Laws of 1893 and RCW 4.28.070; amending section 25, chapter 64, Laws of 1895 as amended by section 1, chapter 36, Laws of 1933 and RCW 6.12.290; amending section 2, chapter 57, Laws of 1897 and RCW 6.16.010; amending section 5, chapter 11, Laws of 1893 and RCW 7.28.090; amending section 13, chapter 264, Laws of 1969 ex. sess. as amended by section 11, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.130; amending section 2, chapter 74, Laws of 1891 and RCW 8.04.020; amending section 2, page 295, Laws of 1890 and RCW 8.20.020; amending section 23, page 337, Laws of 1873 as last amended by section 1, chapter 19, Laws of 1903 and RCW 12.04.050; amending section 25, page 337, Laws of 1873 as last amended by section 3, chapter 19, Laws of 1903 and RCW 12.04.080; amending section 15.68.140, chapter 11, Laws of 1961 and RCW 15.68.140; amending section 17, chapter 100, Laws of 1969 ex. sess. and RCW 15.80.460; amending section 4, chapter 125, Laws of 1929 as amended by section 2, chapter 250, Laws of 1961 and RCW 17.04.070; amending section 4, chapter 205, Laws of 1959 and RCW 17.06.050; amending section 11, chapter 226, Laws of 1949 as amended by section 1, chapter 114, Laws of 1969 and RCW 18.04.120; amending section 5, chapter 323, Laws of 1959 and RCW 18.08.140; amending section 6, chapter 38, Laws of 1917 as last amended by section 2, chapter 149, Laws of 1955 and RCW 18.22.040; amending section 6, chapter 201, Laws of 1967 as amended by section 1, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.060; amending section 28, chapter 16, Laws of 1923 as amended by section 1, chapter 47, Laws of 1969 and RCW 18.29.020; amending section 7, chapter 43, Laws of 1957 and RCW 18.34.070; amending section 2, chapter 52, Laws of 1955 as amended by section 2, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.030; amending section 4, chapter 108, Laws of 1937

as last amended by section 3, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.040; amending section 3, chapter 180, Laws of 1923 as last amended by section 7, chapter 38, Laws of 1963 and RCW 18.64.080; amending section 6, chapter 222, Laws of 1949 as amended by section 2, chapter 15, Laws of 1963 and RCW 18.78.060; amending section 3, chapter 305, Laws of 1955 as amended by section 3, chapter 70, Laws of 1965 and RCW 18.83.030; amending section 6, chapter 71, Laws of 1941 and RCW 18.92.070; amending section 233, chapter 249, Laws of 1909 and RCW 19.60.063; amending section 1, chapter 202, Laws of 1959 as amended by section 1, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.010; amending section 4, chapter 202, Laws of 1959 as amended by section 4, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.040; amending section 7, chapter 202, Laws of 1959 as amended by section 6, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.070; amending section 8, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.010; amending section 11, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.040; amending section 14, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.070; amending section 54, chapter 53, Laws of 1965 and RCW 23A.12.010; amending sections 1, 3 and 4, chapter 126, Laws of 1895 as last amended by section 1, chapter 17, Laws of 1919 and RCW 26.28.080; amending section 11, chapter 291, Laws of 1955 and RCW 26.32.110; amending section 36.59.310, chapter 4, Laws of 1963 and RCW 36.59.310; amending section 11, chapter 4, Laws of 1917 and RCW 37.16.080; amending section 19, chapter 130, Laws of 1943 and RCW 38.12.060; amending section 8, chapter 167, Laws of 1967 and RCW 46.20.011; amending section 6, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.045; amending section 46.20.104, chapter 12, Laws of 1961 as last amended by section 3, chapter 167, Laws of 1967 and RCW 46.20.104; amending section 10, chapter 167, Laws of 1967 as amended by section 14, chapter 170, Laws of 1969 ex. sess. and RCW 46.20.293; amending section 47.32.020, chapter 13, Laws of 1961 and RCW 47.32.020; amending section .17.15, chapter 79, Laws of 1947 as last amended by section 19, chapter 150, Laws of 1967 and RCW 48.17.150; amending section .17.38, chapter 79, Laws of 1947 and RCW 48.17.380; amending section 87, chapter 250, Laws of 1907 and RCW 65.12.710; amending sections 72.23.070, 72.23.090, 72.23.200 and 72.23.210, chapter 28, Laws of 1959 and RCW 72.23.070, 72.23.090, 72.23.200 and 72.23.210; amending section 186, chapter 255, Laws of 1927 as amended by section 39, chapter 257, Laws of 1959 and RCW 79.01.704; amending section 12, chapter 152, Laws of 1903 and RCW 79.48.130; amending section

11, chapter 117, Laws of 1895 and RCW 85.05.110; amending section 11, chapter 115, Laws of 1895 and RCW 85.06.110; amending section 1, chapter 18, Laws of 1935 and RCW 88.16.010; amending sections 13 and 14, chapter 8, Laws of 1909 ex. sess. as amended by section 13, chapter 11, Laws of 1911 and RCW 91.04.250; amending section 497, page 220, Laws of 1854 as last amended by section 11, Code of 1881 and RCW 4.24.030; amending section 35.24.370, chapter 7, Laws of 1965 and RCW 35.24.370; amending section 35.27.500, chapter 7, Laws of 1965 and RCW 35.27.500; amending section 71.02.230, chapter 25, Laws of 1959 as amended by section 3, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.230; amending section 4, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.411; amending section 71.06.010, chapter 25, Laws of 1959 as amended by section 1, chapter 65, Laws of 1961 and RCW 71.06.010; amending section 3, chapter 30, Laws of 1965 and RCW 74.13.020; amending section 74.16.030, chapter 26, Laws of 1959 as last amended by section 1, chapter 78, Laws of 1967 and RCW 74.16.030; amending section 69, chapter 36, Laws of 1917 as amended by section 1, chapter 51, Laws of 1939 and RCW 78.40.293; amending section 83.56.050, chapter 15, Laws of 1961 as amended in section 1, chapter 67, Laws of 1965 ex. sess. and RCW 83.56.050; amending section 84.36.030, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1969 and RCW 84.36.030; amending section 122, chapter 72, Laws of 1937 as amended by section 9, chapter 26, Laws of 1965 and RCW 86.09.364; amending section 4, chapter 57, Laws of 1955 as amended by section 12, chapter 192, Laws of 1961 and RCW 87.03.045; amending section 15, chapter 106, Laws of 1921 and RCW 87.60.150; amending section 11, page 364, Laws of 1854 as last amended by section 39, page 9, Laws of 1877 and RCW 4.16.190; amending section 40, page 230, Laws of 1854 as last amended by section 1753, Code of 1881 and RCW 12.04.140; amending section 41, page 230, Laws of 1854 as last amended by section 1754, Code of 1881, and RCW 12.04.150; and providing penalties.

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

Section 1. Section 1, page 407, Laws of 1854 as last amended by section 1, chapter 17, Laws of 1970 ex. sess. and RCW 26.28.010 are each amended to read as follows:

Except as otherwise specifically provided by law, all persons shall be deemed and taken to be of full age for all purposes at the age of ((twenty-one)) eighteen years ((and upwards except as hereafter provided. All persons shall be deemed and taken to be of full age and majority for the specific purposes hereafter enumerated

at the age of eighteen years and upward:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem).

NEW SECTION. Sec. 2. Notwithstanding any other provision of law, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

Sec. 3. Section 1, chapter 57, Laws of 1911 and RCW 2.36.070 are each amended to read as follows:

No person shall be competent to serve as a juror in the superior courts of the state of Washington unless he be

(1) an elector and taxpayer of the state,

(2) a resident of the county in which he is called for service for more than one year preceding such time,

(3) ((over twenty-one years of age

(4))) in full possession of his faculties and of sound mind,

and

((4)) (4) able to read and write the English language.

Sec. 4. Section 6, chapter 127, Laws of 1893 and RCW 4.28.070 are each amended to read as follows:

In all cases, except when service is made by publication, as hereinafter provided, the summons shall be served by the sheriff of the county wherein the service is made or by his deputy, or by any person (~~over twenty-one~~) eighteen years of age or over, who is competent to be a witness in the action, other than the plaintiff.

Sec. 5. Section 25, chapter 64, Laws of 1895 as amended by section 1, chapter 36, Laws of 1933 and RCW 6.12.290 are each amended to read as follows:

The phrase "head of the family," as used in this chapter, includes within its meaning--

(1) The husband or wife, when the claimant is a married person; or a widow or widower still residing upon the premises occupied by her or him as a home while married.

(2) Every person who has residing on the premises with him or her, and under his or her care and maintenance, either--

(a) When such child or grandchild be under eighteen years of age, his or her (~~minor~~) child or grandchild or the (~~minor~~) child or grandchild of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a (~~minor~~) brother or sister, or the (~~minor~~) child of a deceased brother or sister.

(c) A father, mother, grandmother or grandfather.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) An unmarried sister, or any other of the relatives mentioned in this section who has attained the age of (~~majority~~) eighteen years, and are unable to take care of or support themselves.

Sec. 6. Section 2, chapter 57, Laws of 1897 and RCW 6.16.010 are each amended to read as follows:

A householder, as designated in all statutes relating to exemptions, is defined to be:

(1) The husband and wife, or either.

(2) Every person who has residing with him or her, and under his or her care and maintenance, either:

(a) When such child be under eighteen years of age, his or her (~~minor~~) child, or the (~~minor~~) child of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a (~~minor~~) brother or sister, or the (~~minor~~) child of a deceased brother or sister.

(c) A father, mother, grandfather or grandmother.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) An unmarried sister, or any other of the relatives mentioned in this section who has attained the age of ~~((majority))~~ eighteen years, and are unable to take care of or support themselves.

Sec. 7. Section 5, chapter 11, Laws of 1893 and RCW 7.28.090 are each amended to read as follows:

RCW 7.28.070 and 7.28.080 shall not extend to lands or tenements owned by the United States or this state, nor to school lands, nor to lands held for any public purpose. Nor shall they extend to lands or tenements when there shall be an adverse title to such lands or tenements, and the holder of such adverse title is ~~((an infant or))~~ a person under ~~((legal))~~ eighteen years of age, or insane: PROVIDED, Such persons as aforesaid shall commence an action to recover such lands or tenements so possessed as aforesaid, within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or in case of vacant and unoccupied land shall, within the time last aforesaid, pay to the person or persons who have paid the same for his or her betterments, and the taxes, with interest on said taxes at the legal rate per annum that have been paid on said vacant and unimproved land.

Sec. 8. Section 13, chapter 264, Laws of 1969 ex. sess. as amended by section 11, chapter 61, Laws of 1970 ex. sess. and RCW 7.33.130 are each amended to read as follows:

Service of the writ of garnishment is invalid unless there is served therewith (1) Four answer forms as provided in RCW 7.33.150 together with stamped envelopes addressed respectively to the clerk of the court issuing the writ, the attorney for the plaintiff (or to the plaintiff if he has no attorney), and the defendant; and (2) Cash, or a check made payable to the garnishee in the amount of ten dollars. The writ of garnishment may be served by the sheriff of the county in which the garnishee lives or it may be served by any citizen of the state of Washington ~~((over the age of twenty-one))~~ eighteen years of age or over and not a party to the action in which it is issued in the same manner as a summons in an action is served: PROVIDED, HOWEVER, That where the writ is directed to a bank, banking association, mutual savings bank or savings and loan association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer or cashier or assistant cashier of such bank or association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. In every case where a writ of garnishment is served by an officer, such officer shall make his return thereon showing the time,

place and manner of service and that the writ was accompanied by answer forms and addressed envelopes and cash or a check as required by this section, and noting thereon his fees for making such service and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service, and that the writ was accompanied by answer forms and addressed envelopes and cash deposit or a check as required by this section, and the time, place and manner of making service, and shall endorse thereon the legal fees therefor.

Sec. 9. Section 2, page 295, Laws of 1890 and RCW 8.20.020 are each amended to read as follows:

A notice, stating briefly the objects of the petition, and containing a description of the land, real estate, premises or property sought to be appropriated, and stating the time and place, when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, encumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or, in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode; or, in case of a foreign corporation, at its principal place of business in this state, with some person of more than sixteen years of age. In case of domestic corporations, such service shall be made upon the president, secretary or other director or trustee of such corporation. In case of ~~((minors))~~ persons under the age of eighteen years, on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such ~~((minor))~~ person; in case of idiots, lunatics or distracted persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated is state, school or county land, the notice shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated is situated. In all cases where the owner or person claiming an interest in such real or other property, is a nonresident of this state, or where the residence of such owner or person is unknown, and an affidavit of the agent or attorney of the corporation shall be filed that such owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown, or cannot be ascertained by such deponent, service may be made by publication thereof in any newspaper

published in the county where such lands are situated once a week for two successive weeks; and in case no newspaper is published in said county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated. And such publication shall be deemed service upon each of such nonresident person or persons whose residence is unknown. Such notice shall be signed by the president, manager, secretary or attorney of the corporation; and in case the proceedings provided for in RCW 8.20.010 through 8.20.140 are instituted by the owner or any other person or party interested in the land, real estate, or other property sought to be appropriated, then such notice shall be signed by such owner, person or party interested, or his, her or its attorney. Such notice may be served by any competent person (~~over twenty-one~~) eighteen years of age or over. Due proof of the service of such notice by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. Want of service of such notice shall render the subsequent proceedings void as to the person not served, but all persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all other cases not otherwise provided for, service of notices, orders and other papers in the proceedings authorized by RCW 8.20.010 through 8.20.140 may be made as the superior court or the judge thereof may direct.

Sec. 10. Section 2, chapter 74, Laws of 1891 and RCW 8.04.020 are each amended to read as follows:

A notice stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be acquired and appropriated, and stating the time and place when and where the same will be presented to the court or the judge thereof, shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or, in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode; or, in case of a foreign corporation, at its principal place of business in this state, with some person of more than sixteen years of age. In case of domestic corporations, such service shall be made upon the president, secretary or other director or trustee of such corporation. In case of (~~minors~~) persons under the age of eighteen years, on their guardians, or in case no guardian shall have

been appointed, then on the person who has the care and custody of such (~~minor~~) person; in case of idiots, lunatics or distracted persons, on their guardians, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated is school or county land, the notice shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be acquired and appropriated is situated. In all cases where the owner or person claiming an interest in such real estate or other property is a nonresident of this state, or where the residence of such owner or person is unknown, and an affidavit of the attorney general shall be filed that such owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained, service may be made by publication thereof in any newspaper published in the county where such lands are situated once a week for two successive weeks; and in case no newspaper is published in said county, then such publication may be had in a newspaper published in the county nearest the county in which lies the land sought to be acquired and appropriated. And such publication shall be deemed service upon each of such nonresident person or persons whose residence is unknown. Such notice shall be signed by the attorney general of the state of Washington. Such notice may be served by any competent person (~~over twenty-one~~) eighteen years of age or over. Due proof of the service of such notice by affidavit of the person serving the same, or by the printer's affidavit of publication shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. Want of service of such notice shall render the subsequent proceedings void as to the person not served, but all persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all other cases not otherwise provided for, service of notices, order and other papers in the proceedings, authorized by RCW 8.04.010 through 8.04.160, may be made as the superior court or judge thereof may direct.

Sec. 11. Section 23, page 337, Laws of 1873 as last amended by section 1, chapter 19, Laws of 1903 and RCW 12.04.050 are each amended to read as follows:

All process issued by justices of the peace shall run in the name of the state of Washington, be dated the day issued and signed by the justice granting the same, and all executions and writs of attachment or of replevin shall be served by the sheriff or some constable of the county in which the justice resides, but a summons or notice and complaint may be served by any citizen of the state of Washington over the age of (~~twenty-one~~) eighteen years and not a

party to the action.

Sec. 12. Section 25, page 337, Laws of 1873 as last amended by section 3, chapter 19, Laws of 1903, and RCW 12.04.080 are each amended to read as follows:

Any justice may, by appointment in writing, authorize any person other than the parties to the proceeding, or action, to serve any subpoena, summons, or notice and complaint issued by such justice; and any such person making such service shall return on such process or paper, in writing, the time and manner of service, and shall sign his name to such return, and be entitled to like fees for making such service as a sheriff or constable, and shall indorse his fees for service thereon: PROVIDED, It shall not be lawful for any justice to issue process or papers to any person but a regularly qualified sheriff or constable, in any precinct where such officers reside, unless from sickness or some other cause said sheriff or constable is not able to serve the same: PROVIDED FURTHER, That it shall be lawful for notice and complaint or summons in a civil action in the justice court to be served by any person (~~over the age of twenty-one~~) eighteen years of age or over and not a party to the action in which the summons or notice and complaint shall be issued without previous appointment by the justice.

Sec. 13. Section 15.68.140, chapter 11, Laws of 1961 and RCW 15.68.140 are each amended to read as follows:

The university shall, by regulation, provide for the selection of not to exceed five persons (~~of legal age~~), resident in the state, selected for their qualifications by actual farming experience and comprehensive understanding of the agricultural problems of the state, to act as farmer members of the state advisory board. No two residents of the same agricultural district shall be members of the advisory board at the same time.

The board, upon the request of the university shall advise the university with regard to all matters of major importance in carrying out the provisions of this chapter, and may in the absence of such request, submit advice and information to the university.

Sec. 14. Section 17, chapter 100, Laws of 1969 ex. sess. and RCW 15.80.460 are each amended to read as follows:

The director shall issue a license to an applicant upon his satisfaction that the applicant has satisfied the requirements of this chapter and the rules adopted hereunder and that such applicant is of good moral character, not less than (~~twenty-one~~) eighteen years of age, and has the ability to weigh accurately and make correct certified weight tickets. Any license issued under this chapter shall expire on June 30th following the date of issuance.

Sec. 15. Section 4, chapter 125, Laws of 1929 as amended by section 2, chapter 250, Laws of 1961 and RCW 17.04.070 are each

amended to read as follows:

If the board of county commissioners establish such district it shall call a special meeting to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established by such board.

Notice of such meeting shall be given by the county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the county commissioner in whose commissioner district such district is located shall act as chairman and call the meeting to order. The chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such county commissioner be not present the electors of such district then present shall elect a chairman of the meeting.

Every person ((over twenty-one years of age)) who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. ofcounty (giving number of district and name of county)." If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a

ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first Monday of March following his election.

Annually thereafter, there shall be held a meeting of the electors of such district on the last Monday in February, except that the directors may, by giving the same notice as is required for the initial meeting, fix an earlier time for the annual meeting on any nonholiday during the months of December, January or February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting. In conducting directors' elections, the chairman may accept nominations from the floor but voting shall not be limited to those nominated.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the county commissioners of the county in which such district is located shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the board of county commissioners, which bond shall be filed with the county commissioners and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district. At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be

changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting. The qualified electors of any weed district, at any annual meeting, may make other weeds that are not on the petition subject to control by the weed district by a two-thirds vote of the electors present: PROVIDED, That said weeds have been classified by the agricultural experiment station of Washington State University as noxious and: PROVIDED FURTHER, That the directors of the weed district give public notice in the manner required for initial meetings of the proposed new control of said weeds by the weed district.

Sec. 16. Section 4, chapter 205, Laws of 1959 and RCW 17.06.050 are each amended to read as follows:

If the respective boards of county commissioners establish such district the chairman of the principal board shall call a special meeting of landowners to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established.

Notice of such meeting shall be given by the principal county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such chairman be not present the electors of such district then present shall elect a chairman of the meeting.

Every person ((over twenty-one years of age)) who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States

and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. (giving number of district)." If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first day of March following his election.

Annually thereafter, there shall be held a meeting of the electors of such district on the first Monday in February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time when and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the remaining members of the board of directors shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director

shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the principal board of county commissioners, which bond shall be filed with the same board and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district.

At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting.

Sec. 17. Section 11, chapter 226, Laws of 1949 as amended by section 1, chapter 114, Laws of 1969 and RCW 18.04.120 are each amended to read as follows:

The certificate of "certified public accountant" shall be issued by the director of motor vehicles upon the authority of the board, to any person (1) who is a resident of this state or who has a place of business or is employed in this state, and (2) who has attained the age of ~~((twenty-one))~~ eighteen years, and (3) who is of good moral character, and (4) who shall have successfully passed a written examination the contents of which shall be determined by the board, said examination, however, to contain at least the following subjects, theory of accounts, accounting practice, auditing, commercial law as affecting public accounting and insofar as practical, the examination and grading service of the American Institute of Certified Public Accountants shall be used, but the board shall have the authority to examine beyond that which is contained in the examination of the American Institute of Certified Public Accountants, and (5) who meets such requirements of education as determined by the board, within the intent of subsection (4).

(6) The board may require in addition to education and successful examination that an applicant to be certified shall submit an affidavit of a licensed public accountant or certified public accountant that such applicant has been employed in the position of public accountant for a period of not more than two years in the office of such licensed public accountant or certified public accountant.

Any person holding a registration as a licensed public accountant on June 12, 1969 shall have the right to take succeeding examinations for certified public accountant when he has met the

requirements which were in effect immediately prior to the passage of ((this 1969 amendatory act)) chapter 114, Laws of 1969.

The board shall have the authority to accept experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subsection (6) of this section: PROVIDED, That the length of time which may be established by the board shall not exceed four years.

Sec. 18. Section 5, chapter 323, Laws of 1959 and RCW 18.08.140 are each amended to read as follows:

An applicant for registration as an architect shall have the following minimum qualifications:

He shall be a citizen of the United States or a person who has declared his intention of becoming a citizen of the United States and shall be of good moral character and at least ((~~twenty-one~~)) eighteen years of age.

He must present a specific record of at least eight years of practical experience in the offices of licensed or registered architects or registered professional engineers satisfactory to the board. Graduation from an architectural college approved by the board shall be considered as equivalent to five years of such required experience. Each full year of attendance at an architectural college approved by the board is equivalent to one year of required experience. One year's full time teaching in a school of architecture or architectural engineering may be considered equivalent to one year of practical experience. Graduation from a five year course in architecture or architectural engineering from a university or college in the state of Washington shall be deemed graduation from an approved architectural college. The board shall approve other architectural colleges which it finds to present a quality and scope of instruction at least equal to the quality and scope of instruction of the aforementioned institutions of the state of Washington. This section except for the requirements of age, good moral character and citizenship or intended citizenship, is not applicable to any person who, at ((the effective date of this chapter)) midnight, June 10, 1959, has graduated from or is enrolled as a fourth or fifth year student in an architectural college approved by the board.

Sec. 19. Section 6, chapter 38, Laws of 1917 as last amended by section 2, chapter 149, Laws of 1955, and RCW 18.22.040 are each amended to read as follows:

Before any person shall be permitted to take an examination for the issuance of a chiropody license, he shall furnish the director of ((licenses)) motor vehicles with satisfactory proof that:

- (1) He is ((~~twenty-one~~)) eighteen years of age or over;

(2) He is of good moral character; and

(3) He has received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized school of chiropody having as a minimum requirement not less than four thousand one hundred sixty scholastic hours given over a period of four years with personal attendance.

"Recognized" means official recognition by the Council of Education of the National Association of Chiropodists: PROVIDED, That each applicant, prior to the beginning of his course in chiropody or registration or matriculation in a recognized school of chiropody, must have as a minimum requirement, a four years' course in a high school or its equivalent and the successful completion of a two years' residence course of work of college grade leading toward the degree of bachelor of science.

Sec. 20. Section 6, chapter 201, Laws of 1967 as amended by section 1, chapter 141, Laws of 1967 ex. sess. and RCW 18.28.060 are each amended to read as follows:

The director shall issue a license to an applicant if the following requirements are met:

(1) The application is complete and the applicant has complied with RCW 18.28.030.

(2) Neither an individual applicant, nor any of the applicant's members if the applicant is a partnership or association, nor any of the applicant's officers or directors if the applicant is a corporation: (a) Has ever been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other like offense, or has been disbarred from the practice of law; (b) has participated in a violation of this chapter or of any valid rules, orders or decisions of the director promulgated under this chapter; (c) has had a license to engage in the business of debt adjusting revoked or removed for any reason other than for failure to pay licensing fees in this or any other state; or (d) is an employee or owner of a collection agency, or process serving business.

(3) An individual applicant is at least ~~((twenty-one))~~ eighteen years of age, a citizen of the United States, and a resident of this state for at least one year.

(4) An applicant which is a partnership, corporation, or association is authorized to do business in this state.

(5) An individual applicant for an original license as a debt adjuster has passed an examination administered by the director, which examination may be oral or written, or partly oral and partly written, and shall be practical in nature and sufficiently thorough to ascertain the applicant's fitness. Questions on bookkeeping, credit adjusting, business ethics, agency, contracts, debtor and

creditor relationships, trust funds and the provisions of this chapter may be included in the examination.

Sec. 21. Section 28, chapter 16, Laws of 1923 as amended by section 1, chapter 47, Laws of 1969, and RCW 18.29.020 are each amended to read as follows:

Any citizen of this state of good moral character who shall have attained the age of ~~((nineteen))~~ eighteen years may file his application for license as a dental hygienist in the manner provided by law on forms furnished by the director of motor vehicles and shall submit with said application proof of said applicant's graduation from a training school for dental hygienists. Said application shall be signed and sworn to by said applicant. Each applicant shall pay a fee of twenty-five dollars which shall accompany his application.

Sec. 22. Section 7, chapter 43, Laws of 1957 and RCW 18.34.070 are each amended to read as follows:

Any applicant for a license shall be examined if he pays an examination fee of fifty dollars and certifies under oath that:

- (1) He is ~~((twenty-one))~~ eighteen years or more of age; and
- (2) He has graduated from an accredited high school; and
- (3) He is a citizen of the United States or has declared his intention of becoming such citizen in accordance with law; and
- (4) He is of good moral character; and
- (5) He has either:
 - (a) Had at least three years of apprenticeship training; or
 - (b) Successfully completed a prescribed course in opticianry in a college or university approved by the director; or
 - (c) Been principally engaged in practicing as a dispensing optician not in the state of Washington for five years.

Sec. 23. Section 2, chapter 52, Laws of 1955 as amended by section 2, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.030 are each amended to read as follows:

An applicant for a license as a funeral director must be at least ~~((twenty-one))~~ eighteen years of age, and of good moral character and must have completed a course of not less than two years in an accredited college, and have completed a one-year course of training under a licensed funeral director in this state: PROVIDED, That the requirement that an applicant must have completed a course of not less than two years in an accredited college and have completed a one-year course of training under a licensed funeral director in this state shall not apply to anyone who was a licensed embalmer, or who was registered as an apprentice embalmer or as an apprentice director, or who was attending an embalming college prior to June 11, 1965.

Sec. 24. Section 4, chapter 108, Laws of 1937 as last amended by section 3, chapter 107, Laws of 1965 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 (~~twenty-one~~) 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 (~~licenses~~) 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 (~~licenses~~) 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 (~~the effective date of this act~~) midnight, June 11, 1947.

Sec. 25. Section 3, chapter 180, Laws of 1923 as last amended by section 7, chapter 38, Laws of 1963, and RCW 18.64.080 are each amended 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 (~~twenty-one~~) 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 ((this amendatory act)) 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 fifty dollars.

(8) Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of ten 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 biennially, and shall prescribe the form of such registration and information required to be submitted by all applicants.

Sec. 26. Section 6, chapter 222, Laws of 1949 as amended by section 2, chapter 15, Laws of 1963 and RCW 18.78.060 are each amended to read as follows:

An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence, on a form provided by the board, verified under oath, that the applicant:

- (1) Is at least ((~~nineteen~~) eighteen) years of age;
- (2) Is of good moral character;
- (3) Is of good physical and mental health;
- (4) Has completed at least a tenth grade course or its equivalent, as determined by the board;
- (5) Has completed an approved course of not less than nine months for the training of practical nurses, or its equivalent, as determined by the board.

To be licensed as a licensed practical nurse, each applicant shall be required to pass a written examination in such subjects as the board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse. Each written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such an examination may apply for reexamination. Upon passing such examination as determined by the board, the director shall issue to the applicant a license to

practice as a licensed practical nurse, providing the license fee is paid by the applicant and the applicant meets all other requirements of the board.

Sec. 27. Section 3, chapter 305, Laws of 1955 as amended by section 3, chapter 70, Laws of 1965, and RCW 18.83.030 are each amended to read as follows:

There is hereby created an examining board of psychology, hereinafter referred to as the board, which shall be charged with the duty of examining the qualifications of applicants for licensing. The board shall consist of five persons appointed by the director. Each member of the board shall be a citizen of the United States, over ~~((twenty-one))~~ eighteen years of age, who shall have actively practiced or taught psychology in the state of Washington ~~((7))~~ for at least three years immediately preceding his appointment, and who is, in the case of the first members of the board, entitled to licensing under this chapter. The director shall appoint the board within thirty days after the effective date of this chapter. At the first meeting of the board the members shall determine by lot one member to serve for three years, two members to serve for two years and two members to serve one year. Upon the expiration of each member's term, the governor shall appoint a licensed psychologist as successor who shall serve for a term of three years. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairman.

Sec. 28. Section 6, chapter 71, Laws of 1941 and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery and dentistry in the state of Washington, the applicant for such license shall file his application at least fifteen days prior to date of examination upon a form furnished by the director of ~~((licenses))~~ motor vehicles, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he is at least ~~((twenty-one))~~ eighteen years of age and of good moral character, and by a diploma from some legally chartered veterinary college or veterinary department of any university or agricultural college, recognized by the American Veterinary Medical Association, evidencing the fact that the applicant has been in actual attendance at the lectures, instruction and examinations for a period of at least four academic years of thirty-two to thirty-six weeks each.

Said application shall be signed by the applicant and sworn to by him before some person authorized to administer oaths. When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the board for the next examination: PROVIDED, HOWEVER, That the director of ((licenses)) motor vehicles must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license.

Sec. 29. Section 233, chapter 249, Laws of 1909 and RCW 19.60.063 are each amended to read as follows:

Every pawn broker or second-hand dealer, and every clerk, agent or employee of such pawn broker or second-hand dealer, who shall--

(1) Fail to make an entry of any material matter in his book or record kept as provided in RCW 19.60.040; or,

(2) Make any false entry therein; or,

(3) Falsify, obliterate, destroy or remove from his place of business such book or record; or,

(4) Refuse to allow the prosecuting attorney or any peace officer to inspect the same, or any goods in his possession, during the ordinary hours of business; or,

(5) Report any material matter falsely to the chief of police; or,

(6) Having forms provided therefor, shall fail before noon of each day to furnish the chief of police with a full, true and correct transcript of the record of all transactions had on the previous day, it being the intent of this section that Saturday's business may be reported on Monday; or,

(7) Fail to report forthwith to the chief of police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him; or,

(8) Remove, or allow to be removed from his place of business, except upon redemption by the owner thereof, any property received, within four days after the receipt thereof shall have been reported to the chief of police; or,

(9) Receive any property from any person under the age of ((twenty-one)) eighteen years, any common drunkard, any habitual user of narcotic drugs, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person be acting in his own behalf or as the agent of another;

Shall be guilty of a misdemeanor.

Sec. 30. Section 1, chapter 202, Laws of 1959 as amended by section 1, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires: (1) An "adult" is a person who has attained the age of ((twenty-one)) eighteen years.

(2) A "bank" is a bank, trust company, national banking association, or mutual savings bank.

(3) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(4) "Court" means the superior court of the state of Washington.

(5) The "custodial property" includes: (a) All securities, life insurance policies, annuity contracts and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter.

(b) the income from the custodial property; and

(c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender or other disposition of such securities, money, life insurance policies, annuity contracts and income.

(6) A "custodian" is a person so designated in a manner prescribed in this chapter; the term includes a successor custodian.

(7) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state or a federal credit union or credit union chartered and supervised under the laws of a state; an "insured financial institution" is one, deposits (including a savings, share, certificate or deposit account) in which are, in whole or in part, insured by the federal deposit insurance corporation, or by the federal savings and loan insurance corporation, or by a deposit insurance fund approved by this state.

(8) A "guardian" of a minor means the general guardian, guardian, tutor or curator of his property, or estate appointed or qualified by a court of this state or another state.

(9) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or

undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(10) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(11) A "life insurance policy or annuity contract" means a life insurance policy or annuity contract issued by an insurance company authorized to do business in this state on the life of a minor to whom a gift of the policy or contract is made in the manner prescribed in this chapter or on the life of a member of the minor's family.

(12) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(13) A "minor" is a person who has not attained the age of ~~((twenty-one))~~ eighteen years.

(14) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(15) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(16) A "trust company" is a bank authorized to exercise trust powers.

Sec. 31. Section 4, chapter 202, Laws of 1959 as amended by section 4, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.040 are each amended to read as follows:

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support,

maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of (~~twenty-one~~) eighteen years, or, if the minor dies before attaining the age of (~~twenty-one~~) eighteen years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this chapter or hold money so given in an account in a financial institution to which it was paid or delivered by the donor.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for {name of minor} under the Washington uniform gifts to minors act". The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for {name of minor} under the Washington uniform gifts to

minors act". The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) in his capacity as custodian, has all the incidents of ownership in the policy or contract to the same extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and

(b) may pay premiums on the policy or contract out of the custodial property.

Sec. 32. Section 7, chapter 202, Laws of 1959 as amended by section 6, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.070 are each amended to read as follows:

(1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate his successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate his successor before he dies or becomes legally incapacitated, and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this chapter.

(2) The designation of a successor custodian as provided in subsection (1) takes effect as to each item of the custodial property when the custodian resigns, dies or becomes legally incapacitated and the custodian or his legal representative:

(a) causes the item if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with

the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act"; and

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of his successor containing the custodian's resignation as provided in subsection (1) shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) by the custodian or, if none, by the minor if he has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if he has a guardian. If the custodian has executed as provided in subsection (1) more than one instrument of designation, his legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian by the custodian as provided in subsection (1) is not eligible, dies or becomes legally incapacitated before the minor attains the age of (~~twenty-one~~) eighteen years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1), a donor, his legal representative, the legal representative of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section,

the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 33. Section 8, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) An "adult" is a person who has attained the age of ~~((twenty-one))~~ eighteen years.

(2) A "bank" is a bank, trust company, savings and loan association, national banking association, or mutual savings bank.

(3) A "broker" is a person lawfully engaged in the business of effecting transactions in real property for the account of others who is licensed to do business under the laws of this state. The term includes a bank which effects or participates in effecting such transactions.

(4) "Court" means the superior courts of the state of Washington.

(5) "The custodial property" includes:

(a) All real property interests and all rents, royalties and income therefrom under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter.

(b) The income from the custodial property; and

(c) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such money and income.

(6) A "custodian" is a person so designated in a manner prescribed in this chapter.

(7) A "guardian" of a minor includes the general guardian, guardian or curator of his property, estate or person.

(8) An "issuer" is a person who places or authorizes the placing of his name on real property interests other than as a transfer agent, to evidence that it represents an interest in his property or to evidence his duty or undertaking to perform an obligation evidenced by the real property interest, or who becomes responsible for or in place of any such person.

(9) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, conservator or curator of his property or estate.

(10) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(11) A "minor" is a person who has not attained the age of ~~((twenty-one))~~ eighteen years.

(12) A "real property interest" includes any note, mortgage, contract to purchase or to sell real property, option to purchase or to sell real property, deed evidencing any title to or interest in real property, or, in general, any interest or instrument commonly recognized as evidencing or purporting to evidence an interest in real property, however minimal. The term does not include a "security" within the definition of RCW 21.24.010(14) as now or hereafter amended.

(13) A "transfer agent" is a person who acts as authenticating trustee, transfer agent or real estate broker or salesman as defined in RCW 18.85.010 as now or hereafter amended.

(14) A "trust company" is a bank authorized to exercise trust powers.

Sec. 34. Section 11, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.040 are each amended to read as follows:

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property and all rents, royalties and income received therefrom for the best interest of the minor and according to the provisions of this chapter.

(2) The custodian may expend for the benefit of a minor (~~(7 or pay over to the minor if he is eighteen years old or more for expenditure by him;))~~ such monthly amounts as may be reasonably necessary for the minor's actual living expenses including maintenance, schooling and medical or dental expense, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of ~~((twenty-one))~~ eighteen years, or, if the minor dies before attaining the age of ~~((twenty-one))~~ eighteen years, he shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the

minor or his estate, purchase or retain a real property interest given to the minor in a manner prescribed in this chapter.

(6) The custodian may grant, sell, convey, lease, demise, exchange, convert or otherwise dispose of custodial property as would a prudent man of discretion and intelligence. He may consent, directly or through a committee or other agent, to the sale, lease, pledge or mortgage of any property by or to any broker, agent, or trust company, and to any other action by any broker, agent, or trust company. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(7) The custodian shall record each real property interest which is custodial property in the name of the custodian, followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act". The custodian shall hold all money received in rents, royalties and other income from the custodial property in an account with a bank in the name of the custodian, followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act". The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property; and shall further, except as provided in RCW 21.25.020, maintain all property and funds held pursuant to this chapter segregated from securities and money held under chapter 21.24 RCW.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property.

Sec. 35. Section 14, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.070 are each amended to read as follows:

(1) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become a successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this chapter.

(2) A custodian, other than the donor, may resign and designate his successor by:

(a) Executing an instrument of resignation designating the successor custodian; and

(b) Causing each real property interest which is custodial property to be registered and recorded in the name of the successor custodian followed, in substance, by the words: "As custodian for (name of minor) under the 1967 Washington gifts of realty to minors act"; and

(c) Delivering to the successor custodian a duly acknowledged instrument of resignation, each real property interest recorded in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(3) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(4) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of (~~twenty-one~~) eighteen years, the guardian of the estate of the minor shall be successor custodian. If the minor has no guardian of his estate, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 36. Section 54, chapter 53, Laws of 1965 and RCW 23A.12.010 are each amended to read as follows:

One or more persons of the age of (~~twenty-one~~) eighteen years, or more, or a domestic or foreign corporation, may act as incorporator or incorporators of a corporation by signing and delivering in triplicate to the secretary of state articles of incorporation for such corporation.

Sec. 37. Sections 1, 3 and 4, chapter 126, Laws of 1895 as last amended by section 1, chapter 17, Laws of 1919 and RCW 26.28.080 are each amended to read as follows:

Every person who:

(1) Shall admit to or allow to remain in any concert saloon,

or in any place owned, kept, or managed by him where intoxicating liquors are sold, given away or disposed of--except a restaurant or dining room, any person under the age of (~~twenty-one~~) eighteen years; or,

(2) Shall admit to, or allow to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of (~~twenty-one~~) eighteen years; or,

(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any person under the age of (~~twenty-one~~) eighteen years; or,

(4) Shall sell or give, or permit to be sold or given to any person under the age of twenty-one years any intoxicating liquor, or to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver(~~7~~) or pistol(~~7 or toy pistol~~);

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(Any person between the ages of eighteen and twenty-one years who shall by affirmative misrepresentation of age, purchase, or shall have in his or her possession, any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form, shall be guilty of a misdemeanor.)

Sec. 38. Section 11, chapter 291, Laws of 1955 and RCW 26.32.110 are each amended to read as follows:

If the petition is for the adoption of a person over the age of (~~twenty-one~~) eighteen years and of legal competency, and is accompanied by the written consent of such person, neither notice to any person nor investigation shall be required.

Sec. 39. Section 36.59.310, chapter 4, Laws of 1963 and RCW 36.59.310 are each amended to read as follows:

Every person who is the head of a family as defined by the laws of this state or who has arrived at the age of (~~twenty-one~~) eighteen years, is a citizen of the United States or who has filed his declaration of intention to become such as required by the naturalization laws of the United States, shall be entitled to enter upon eighty acres or a less quantity of land selected and designated

by the county commissioners of any county in this state as county' homesite lands.

v- Sec. 40. Section 11, chapter 4, Laws of 1917 and RCW 37.16.080 are each amended to read as follows:

A notice, stating briefly the objects of the petition, and containing a description of the land, real estate, premises, or property sought to be appropriated, and stating the time and place when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, encumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode with some person of suitable age and discretion then resident therein; or in case of a foreign corporation or nonresident joint stock company or association doing business within the state, to any agent, cashier, secretary or employee thereof. In case of domestic corporations, such service may be made upon the president, secretary, managing agent, director or trustee of such corporation, and in the event the name and residence of any such officer cannot be ascertained, which fact may be shown by the affidavit of the attorney for the county, such service may be made upon the secretary of state and such service shall be deemed a good and sufficient service upon such corporation. In case of ((minors)) persons under eighteen years of age on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such ((minor)) person. In case of idiots, lunatics or persons laboring under legal disability, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. The court shall appoint a guardian ad litem for such infant, insane person, or person under disability, to appear and defend for him, her or them, and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane person or person under disability, in the particular property that is to be taken or damaged, or the compensation which shall be awarded therefor. In case the land, real estate, premises or other property sought to be appropriated is property of a city, town, school district or other municipal or public corporation, the said notice shall be served on the clerk of said city, town, school district, municipal or public corporation, and if there is no such clerk then upon the officer performing the duties pertaining to such clerk. In all cases when the owner or

party claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or party is unknown, and an affidavit of the attorney for the county shall be filed stating that he believes such owner or party is a nonresident of this state, or that, after diligent inquiry the residence of such owner or party is unknown, or cannot be ascertained by such affiant, service may be made by publication thereof in the official newspaper of the county, once a week for two successive weeks; in case the owners or claimants to any property described in the petition are unknown, it shall be sufficient to designate them as "all other persons unknown claiming any right, title, lien or interest in or to the property described herein," and service may be made on such owners or claimants as upon nonresidents; such publication shall be deemed service upon each of such owners or claimants unknown or whose residence is unknown. Such notice shall be signed by the attorney for the county. Such notice may be served by any competent person (~~over twenty-one~~) eighteen years of age or over. Due proof of service of such notice, by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. All persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not herein provided for, service of notices, orders and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct, or as may be provided by law for service of summons and process in civil actions.

Sec. 41. Section 19, chapter 130, Laws of 1943 and RCW 38.12.060 are each amended to read as follows:

All commissioned and warrant officers of the organized militia of Washington shall be appointed and commissioned or warranted by the governor only as hereinafter provided. No person shall be so appointed and commissioned or warranted unless he shall be a citizen of the United States and of this state and more than (~~twenty-one~~) eighteen years of age. Every commissioned and warranted officer shall hold office under his commission or warrant until he shall have been regularly appointed and commissioned or warranted to another rank or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

Sec. 42. Section 8, chapter 167, Laws of 1967 and RCW 46.20.011 are each amended to read as follows:

For the purpose of chapter 46.20 RCW the term "adult driver's license" shall mean the driver's license which shall be issued only to persons (~~twenty-one~~) eighteen years of age or older; (~~"minor~~

driver's license" shall mean the driver's license which shall be issued only to persons eighteen years of age or older and under twenty-one years of age; and "juvenile") and "minor driver's license" shall mean the driver's license which shall be issued only to persons sixteen years of age or older and under eighteen years of age but shall not mean a juvenile agricultural driving permit as provided for in RCW 46.20.070. "Driver's license" shall include an "adult driver's license" ((7)) and a "minor driver's license" ((and a "juvenile driver's license")).

Sec. 43. Section 6, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.045 are each amended to read as follows:

No person who is under the age of eighteen years shall drive any school bus transporting school children ((- No person who is under the age of twenty-one years)) or shall drive any motor vehicle when in use for the transportation of persons for compensation.

Sec. 44. Section 46.20.104, chapter 12, Laws of 1961 as last amended by section 3, chapter 167, Laws of 1967 and RCW 46.20.104 are each amended to read as follows:

A minor attaining the age of ((twenty-one)) eighteen years prior to the expiration date of his driver's license ((or a juvenile attaining the age of eighteen prior to the expiration date of his driver's license)) may upon proper application to the licensing agent have issued to him without fee ((a substitute license of the type issued to persons who are the licensee's age)) an "adult driver's license".

Sec. 45. Section 10, chapter 167, Laws of 1967 as amended by section 14, chapter 170, Laws of 1969 ex. sess., and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and 13.04.120, against any juvenile upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any ((minor)) person under twenty-one years of age who is not emancipated from such parent, parents or guardian, the department records of traffic charges compiled against said ((minor)) person and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund.

Sec. 46. Section 47.32.020, chapter 13, Laws of 1961 and RCW 47.32.020 are each amended to read as follows:

Whenever the highway commission shall determine that the right of way of any state highway or any portion of the right of way of any state highway be made free from any and all obstructions, encroachments and occupancy it shall forthwith cause to be posted, by a competent person (~~over twenty-one~~) eighteen years of age or over upon any and all structures, buildings, improvements and other means of occupancy of such state highway or portion thereof, other than property of public or quasi public utilities, by virtue of a valid franchise, a notice bearing a copy of such order and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting of the same, and shall require the filing with it of duplicate affidavits in proof of such postings, showing upon what structures, buildings, improvements or other means of occupancy of such state highway or portions thereof, respectively, copies of such notice were posted and the date of each such posting, sworn to by the person making such posting.

Sec. 47. Section .17.15, chapter 79, Laws of 1947 as last amended by section 19, chapter 150, Laws of 1967, and RCW 48.17.150 are each amended to read as follows:

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must

(a) be (~~twenty-one~~) eighteen years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) successfully pass any examination as required under RCW 48.17.110;

(e) be a trustworthy person;

(f) not intend to use or use the license for the purpose principally of writing controlled business, as defined in RCW 48.17.080;

(g) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license;

(h) if for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the

competence necessary to fulfill the responsibilities of broker.

(2) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, he shall issue the license. Otherwise, the commissioner shall refuse to issue the license.

Sec. 48. Section .17.38, chapter 79, Laws of 1947 and RCW 48.17.380 are each amended to read as follows:

The commissioner shall license as an adjuster only an individual who has otherwise complied with this code therefor and who has furnished evidence satisfactory to the commissioner that he is qualified as follows:

(1) (~~Is twenty-one~~) eighteen or more years of age.

(2) Is a bona fide resident of this state, or is a resident of a state which will permit residents of this state to act as adjusters in such other state.

(3) Is a trustworthy person.

(4) Has had experience or special education or training with reference to the handling of loss claims under insurance contracts, of sufficient duration and extent reasonably to make him competent to fulfill the responsibilities of an adjuster.

(5) Has successfully passed any examination as required under this chapter.

(6) If for a public adjuster's license, has filed the bond required by RCW 48.17.430.

Sec. 49. Section 87, chapter 250, Laws of 1907 and RCW 65.12.710 are each amended to read as follows:

No action or proceeding for compensation for or by reason of any deprivation, loss or damage occasioned or sustained as provided in this chapter, shall be made, brought or taken, except within the period of six years from the time when right to bring or take such action or proceeding first accrued; except that if, at any time, when such right of action first accrues, the person entitled to bring such action, or take such proceeding, is under the age of (~~twenty-one~~) eighteen years, or insane, imprisoned, or absent from the United States in the service of the United States, or of this state, then such person, or anyone claiming from, by, or under him, may bring the action, or take the proceeding, at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired.

Sec. 50. Section 72.23.070, chapter 28, Laws of 1959 and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, the superintendent of a state hospital may receive and detain any person who is, in his opinion, a suitable person for care and treatment as mentally ill, or for observation as to the existence

of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of ~~((an adult))~~ a person eighteen years of age or over, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

(2) In the case of a ~~((minor))~~ person under eighteen years of age, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody;

(3) In the case of ~~((an adult))~~ a person eighteen years of age or over for whom a guardian of the person has been appointed, such application shall be made by said guardian, when so authorized by proper court order in the guardianship proceedings.

Sec. 51. Section 72.23.090, chapter 28, Laws of 1959 and RCW 72.23.090 are each amended to read as follows:

No ~~((adult))~~ person eighteen years of age or over received into a state hospital under such voluntary application shall be detained therein for more than twelve days after his having given notice in writing to the superintendent of his desire to leave such hospital. No ~~((minor))~~ person under eighteen years of age or ~~((adult))~~ person eighteen years of age or over for whom a guardian of the person has been appointed received into a state hospital as a voluntary patient, shall be detained therein for more than twelve days after notice is given in writing to the superintendent by the parents, or the parent or guardian or other person entitled to custody of ~~((the minor or adult))~~ such person under guardianship, of their desire to remove him from the hospital. If the superintendent believes that further care, treatment or restraint is required, he shall, within the twelve day period, start proceedings for the involuntary hospitalization of such patient. A ~~((minor))~~ person under eighteen years of age received into a state hospital as a voluntary patient shall not be detained after he reaches the age of ~~((majority))~~ eighteen years, but such ~~((minor))~~ person upon reaching ~~((majority))~~ the age of eighteen years may apply for admission into a state hospital as a voluntary patient: PROVIDED, HOWEVER, if said notice is given within less than eighteen days from date of admission the superintendent shall have the right to detain such voluntary patient for a period not to exceed thirty days from time of admission.

Sec. 52. Section 72.23.200, chapter 28, Laws of 1959 and RCW 72.23.200 are each amended to read as follows:

No mentally ill person under the age of sixteen years shall be regularly confined in any ward in any state hospital which ward is designed and operated for the care of the ~~((adult))~~ mentally ill

eighteen years of age or over. No person (~~(between)~~) of the ages of sixteen (~~(and eighteen)~~) and seventeen shall be placed in any such ward, when in the opinion of the superintendent such placement would be detrimental to the mental condition of such a (~~(minor)~~) person or would impede his recovery or treatment.

Sec. 53. Section 72.23.210, chapter 28, Laws of 1959 and RCW 72.23.210 are each amended to read as follows:

The department may designate one or more wards at one or more state hospitals as may be deemed necessary for the sole care and treatment of (~~(minors)~~) persons under eighteen years of age admitted thereto. Nurses and attendants for such ward or wards shall be selected for their special aptitude and sympathy with such young people, and occupational therapy and recreation shall be provided as may be deemed necessary for their particular age requirements and mental improvement.

Sec. 54. Section 186, chapter 255, Laws of 1927 as amended by section 39, chapter 257, Laws of 1959, and RCW 79.01.704 are each amended to read as follows:

In all hearings pertaining to public lands of the state, as provided by this chapter, the board of natural resources, or the commissioner of public lands, as the case may be, shall, in its or his discretion have power to issue subpoenas and compel thereby the attendance of witnesses and the production of books and papers, at such time and place as may be fixed by the board, or the commissioner, to be stated in the subpoena and to conduct the examination thereof.

Said subpoena may be served by the sheriff of any county, or by any officer authorized by law to serve process, or by any person (~~(over the age of twenty-one years)~~) eighteen years of age or over, competent to be a witness, but who is not a party to the matter in which the subpoena is issued.

Each witness subpoenaed by the board, or commissioner, as a witness on behalf of the state, shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid by warrants on the general fund from the appropriation for the office of the commissioner of public lands.

Any person duly served with a subpoena, as herein provided, and who shall fail to obey the same, without legal excuse, shall be considered in contempt, and the board, or commissioner, shall certify the facts thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof, such witness shall suffer the same penalties as are now provided in like cases for contempt of court and the certificate of the board, or commissioner, shall be considered by the court as prima facie evidence of the guilt

of the party charged with contempt.

Sec. 55. Section 12, chapter 152, Laws of 1903 and RCW 79.48.130 are each amended to read as follows:

Any citizen of the United States, or any person having declared his intention to become a citizen of the United States (excepting married women not the heads of families) (~~over the age of twenty-one~~) eighteen years of age or over, may make application under oath, to the commissioner of public lands, to enter any of said lands in any amount not to exceed one hundred and sixty acres for any one person; such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and the applicant has never received the benefit of the provisions of this chapter, to an amount greater than one hundred and sixty acres, including the number of acres specified in the application under consideration. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association of persons, or incorporated company who have been authorized by the commissioner of public lands to furnish water for the reclamation of said land; and if said applicant has at any previous time entered land under the provisions of this chapter, he shall so state in his application, together with the description, date of entry and location of said lands. The commissioner of public lands shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by a payment of one dollar per acre, which shall be paid as a partial payment on the land if the application is allowed, and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed, or the contractor fails to complete the work according to contract the one dollar per acre accompanying the application shall be returned to the applicant. The commissioner of public lands shall dispose of all lands accepted by the state under the provisions of this chapter at a uniform price of not less than ten dollars per acre, one-tenth to be paid at the time of entry and the remainder in nine equal annual installments, with interest at six percent per annum payable annually, provided a settler may make payment in full at any time upon or after making final proof.

Sec. 56. Section 11, chapter 117, Laws of 1895 and RCW 95.05.110 are each amended to read as follows:

A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed

will be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the state of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode; or in case of a foreign corporation, at its principal place of business in this state with some person of more than sixteen years of age; in case of domestic corporations said service shall be made upon the president, secretary or other director or trustee of such corporation; in case of ~~((minors))~~ persons under eighteen years of age, on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such ~~((minor))~~ person; in case of idiots, lunatics or insane persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or person is unknown, and an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each nonresident person or persons whose residence is unknown. Such

summons may be served by any competent person (~~over twenty-one~~) eighteen years of age or over. Due proof of service of such summons by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for, service of notice, order and other papers in the proceeding authorized by this chapter may be made as the superior court, or the judge thereof, may direct: PROVIDED, That personal service upon any party outside of this state shall be of like effect as service by publication.

Sec. 57. Section 11, chapter 115, Laws of 1895 and RCW 85.06.110 are each amended to read as follows:

A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropiated, and those which it is claimed to be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the state of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode, or in case of a foreign corporation, at its principal place of business in this state with some person of more than sixteen years of age; in case of domestic corporations, said service shall be made upon the president, secretary or other director or trustee of such corporation; in case of (~~minors~~) persons under eighteen years of age, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such (~~minor~~) person; in case of idiots, lunatics or insane persons, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be

appropriated, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or person is unknown, and an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated, once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each nonresident person or persons whose residence is unknown. Such summons may be served by any competent person (~~over twenty-one~~) eighteen years of age or over. Due proof of service of such summons by affidavit of publication shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct: PROVIDED, That personal service upon any party outside of the state shall be of like effect as service by publication.

Sec. 58. Section 1, chapter 18, Laws of 1935 and RCW 88.16.010 are each amended to read as follows:

The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the director of labor and industries of the state of Washington, ex officio, who shall be chairman of the board, and of four members appointed by the governor. Each of said appointed members shall be appointed for a term of four years from the date of his commission. No person shall be eligible for appointment to said board unless he be at the time of his appointment (~~over twenty-one~~) eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by

this chapter for at least three years immediately preceding the time of their appointment. Two of said appointive commissioners shall be actively engaged in the ownership, operation or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of their appointment. One of said shipping men shall be a representative of American and one of them for foreign shipping. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, and any vacancy in an appointive position on the board shall be filled by the governor for a term of four years.

Sec. 59. Sections 13 and 14, chapter 8, Laws of 1909 ex. V sess. as amended by section 13, chapter 11, Laws of 1911 and RCW 91.04.250 are each amended to read as follows:

A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated or damaged, and those which it is claimed to be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the state of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode, or in case of a foreign corporation, at its principal place of business in this state, with some person more than sixteen years of age; in case of domestic corporations, said service shall be made upon the president, secretary or other director or trustee for such corporation; in case of ~~((minors))~~ persons under eighteen years of age, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such ~~((minor))~~ person; in case of idiots, lunatics or insane persons, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated or damaged, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons

V- shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated or damaged, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or person is unknown, an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a nonresident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated, once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated or damaged, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each nonresident person or person whose residence is unknown. Such summons may be served by any competent person (~~over twenty-one~~) eighteen years of age or over. Due proof of service of such summons by affidavit of publication shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct: PROVIDED, That personal service upon any party outside of the state shall be of like effect as service by publication.

Sec. 60. Section 497, page 220, Laws of 1854 as last amended by section 11, Code of 1881 and RCW 4.24.030 are each amended to read as follows:

An unmarried female over (~~twenty-one~~) eighteen years of age may maintain an action as plaintiff for her own seduction, and recover therein such damages as may be assessed in her favor: but the prosecution of an action to judgment by the father, mother, or guardian, as prescribed in RCW 4.24.020 shall be a bar to an action by such unmarried female.

Sec. 61. Section 35.24.370, chapter 7, Laws of 1965 and RCW 35.24.370 are each amended to read as follows:

A third class city may impose upon and collect from every male inhabitant of the city over the age of (~~twenty-one~~) eighteen years an annual street poll tax not exceeding two dollars and no other road

poll tax shall be collected within the limits of the city.

Sec. 62. Section 35.27.500, chapter 7, Laws of 1965 and RCW 35.27.500 are each amended to read as follows:

A town may impose upon and collect from every male inhabitant of the town over ~~((twenty-one))~~ eighteen years of age an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the town.

Sec. 63. Section 71.02.230, chapter 25, Laws of 1959 as amended by section 3, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.230 are each amended to read as follows:

After a person has been found mentally ill under RCW 71.02.200, the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into the ability of the person's estate, or his spouse, parents of a minor person until the person attains the age of ~~((twenty-one))~~ eighteen years, or any combination thereof, to pay the charges for detention pending proceedings, and court costs. If the court finds that the patient's estate or above named relatives, or combination thereof, are able to pay such charges or any part thereof, an order to such effect shall be entered. If the court finds that neither the patient's estate nor above relatives can pay charges for detention pending proceedings or court costs, such costs shall be borne by the county. When a patient is a resident of another county, the committing county shall recover from the county of the patient's residence all costs and expenses of the patient's detention and commitment.

Sec. 64. Section 4, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.411 are each amended to read as follows:

Any person admitted or committed to a state hospital for the mentally ill under the provisions of Title 71 RCW or RCW 72.23.070, or chapter 10.76 RCW, and their estates and responsible relatives are liable for reimbursement to the state of the costs of hospitalization and/or outpatient services, as computed by the ~~((director of institutions))~~ secretary of the department of social and health services, or his designee, in accordance with RCW 71.02.410: PROVIDED, That such mentally ill person, and his or her estate, and the husband or wife of such mentally ill person and their estate shall be primarily responsible for reimbursement to the state for the costs of hospitalization and/or outpatient services; and, the parents of such mentally ill person and their estates, until such person has attained the age of ~~((twenty-one))~~ eighteen years, shall be secondarily liable.

Sec. 65. Section 71.06.010, chapter 25, Laws of 1959 as amended by section 1, chapter 65, Laws of 1961 and RCW 71.06.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Psychopathic personality" means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

"Sexual psychopath" means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

"Sex offense" means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing or otherwise communicating with a child for immoral purposes, vagrancy involving immoral or sexual misconduct, or an attempt to commit any of the said offenses.

"Psychopathic delinquent" means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the mentally deficient as a mentally deficient person, or to a state hospital as a mentally ill person.

"Minor" means any person under (~~twenty-one~~) eighteen years of age.

"Department" means department (~~of institutions~~) of social and health services.

"Court" means the superior court of the state of Washington.

"Superintendent" means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

Sec. 66. Section 3, chapter 30, Laws of 1965 and RCW 74.13.020 are each amended to read as follows:

As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;

(2) Protecting and caring for homeless, dependent, or neglected children;

(3) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(4) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

As used in this chapter, child means a person less than ~~((twenty-one))~~ eighteen years of age.

Sec. 67. Section 74.16.030, chapter 26, Laws of 1959 as last amended by section 1, chapter 78, Laws of 1967 and RCW 74.16.030 are each amended to read as follows:

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for aid to the blind assistance must be an applicant:

(1) Who is ~~((twenty-one))~~ eighteen years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the state school for the blind;

(2) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

(3) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" means the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging: PROVIDED, That no person otherwise eligible shall be deemed ineligible who has been a patient in a public hospital for a period of less than thirty days; or is employed in a shop maintained for the blind which does not furnish board or room; or attends a college or university in the state; or who pays the assistance money received to a private institution or home for his care.

(4) Who is a resident of the state of Washington.

Sec. 68. Section 69, chapter 36, Laws of 1917 as amended by section 1, chapter 51, Laws of 1939 and RCW 78.40.293 are each amended to read as follows:

An engineer placed in charge of the hoisting engine, where men are being hoisted or lowered, must be a sober, competent person not less than ~~((twenty-one))~~ eighteen years of age, and in good physical and mental condition for such work; and no person shall be permitted to handle or operate any such hoist until his health has been certified by a reputable physician and his competency determined and certified by the state mining board upon such examination as it may prescribe.

Sec. 69. Section 83.56.050, chapter 15, Laws of 1961 as amended by section 1, chapter 67, Laws of 1965 ex. sess. and RCW

83.56.050 are each amended to read as follows:

(1) In the case of gifts, other than of future interests in property, made to any person by the donor during any calendar year, the first three thousand dollars of such gifts to such person or body politic or corporate shall not, for the purpose of this chapter, be included in the total amount of gifts made during such year.

(2) No part of a gift to an individual who has not attained the age of (~~twenty-one~~) eighteen years on the date of the transfer shall be considered a gift of a future interest in property for the purposes of subsection (1) of this section if the property and the income therefrom:

(a) May be expended by or for the benefit of, the donee before his attaining the age of (~~twenty-one~~) eighteen years: and

(b) Will to the extent not so expended:

(i) pass to the donee on his attaining the age of (~~twenty-one~~) eighteen years; and

(ii) in the event the donee dies before attaining the age of (~~twenty-one~~) eighteen years, be payable to the estate of the donee, or as he may appoint under a general power of appointment.

Sec. 70. Section 84.36.030, chapter 15, Laws of 1961 as amended by section 1, chapter 137, Laws of 1969 and RCW 84.36.030 are each amended to read as follows:

The following property shall be exempt from taxation:

Property owned by nonsectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be used, or to the extent solely used, for the religious purposes of such associations, or for the educational, benevolent, protective, or social departments growing out of, or related to, the religious work of such associations;

Property owned by nonprofit organizations or associations engaged in character building in boys and girls under (~~twenty-one~~) eighteen years of age, to the extent such property is necessarily employed and devoted solely to the said purposes, provided such purposes are for the general public good and such properties are devoted to the general public benefit;

Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

Sec. 71. Section 122, chapter 72, Laws of 1937 as amended by section 9, chapter 26, Laws of 1965 and RCW 86.09.364 are each amended to read as follows:

Any person of the age of (~~twenty-one~~) eighteen years, being a citizen of the United States who holds title to land or evidence of title to land determined to receive benefits within the boundaries of any district, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the general election laws of the state shall not apply: PROVIDED, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: PROVIDED FURTHER, That the elector qualification based on holding title or evidence of title to land determined to receive benefits shall not apply for the election to establish the district: PROVIDED FURTHER, That each elector holding title or evidence of title to more than ten acres of benefited land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof: AND PROVIDED FURTHER, That at any election held under the provisions of this chapter, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this chapter. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct which includes his land, or the greater area thereof.

Sec. 72. Section 4, chapter 57, Laws of 1955 as amended by section 12, chapter 192, Laws of 1961 and RCW 87.03.045 are each amended to read as follows:

A person (~~twenty-one~~) eighteen years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land in the district or proposed district shall be entitled to vote therein, except that any such person shall only be entitled to vote in a district comprising two hundred thousand or more acres, or in any other district to which this exception is made applicable as hereinafter provided, if he holds title or evidence of title to land other than land platted or subdivided into residence or

business lots and not being used for agricultural or horticultural purposes, in which event, in a district comprising two hundred thousand or more acres, he shall be entitled to one vote for the first ten acres of said land or fraction thereof and one additional vote for all of said land over ten acres. Lands platted or subdivided into residence or business lots shall not be considered as being used for agricultural or horticultural purposes unless (1) used exclusively for such purposes (2) by the holder of title or evidence of title who shall reside thereon and (3) cultivate said lands as a farmer, gardener, or horticulturist. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the precinct in which he resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless he holds title or evidence of title to five acres or more of land within the district: PROVIDED, That this additional qualification for the office of director shall not apply in any irrigation district where more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres.

Sec. 73. Section 15, chapter 106, Laws of 1921 and RCW 87.60.150 are each amended to read as follows:

Such election shall be conducted in the usual manner. The election officials shall have power to fill vacancies and administer oaths to each other. The ballots shall be of uniform size, shall be typewritten or printed and shall contain the following: "Improvement Yes and Improvement No"; and across the top of the ballot: "Instructions to voters--To vote for the improvement as outlined in the notice of election, place a cross (x) on the line opposite the word 'yes.' To vote against the same, place a cross (x) on the line opposite the word 'no'."

Any person of the age of (~~twenty-one~~) eighteen years, being a citizen of the United States and a resident of the state of Washington, and who holds title to land or evidence of title to land embraced within the boundaries of said distribution district, shall be entitled to vote at said election. Additional qualifications for voting required by the general election laws of the state shall not

apply: PROVIDED, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: PROVIDED, FURTHER, That at any election held under the provisions of this chapter, an officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this chapter. An elector shall vote in the precinct in which the greater portion of his land, or of the land which he represents, lies. At the close of said election, the officials shall publicly count the votes and make a return of the results forthwith to the board of trustees, which return shall include the used ballots, the original poll list, tally sheets and the appointment and oaths of elections officials.

Sec. 74. Section 11, page 364, Laws of 1854 as last amended by section 39, page 9, Laws of 1877 and RCW 4.16.190 are each amended to read as follows:

If a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of ~~((twenty-one))~~ eighteen years, or insane, or imprisoned on a criminal charge, or in execution under the sentence of a court for a term less than his natural life, the time of such disability shall not be a part of the time limited for the commencement of action.

Sec. 75. Section 40, page 230, Laws of 1854 as last amended by section 1753, Code of 1881 and RCW 12.04.140 are each amended to read as follows:

No action shall be commenced by ~~((an infant plaintiff))~~ any person under the age of eighteen years, except by his guardian, or until a next friend for such ~~((infant))~~ a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his next friend in such action, who shall be responsible for the costs therein.

Sec. 76. Section 41, page 230, Laws of 1854 as last amended by section 1754, Code of 1881 and RCW 12.04.150 are each amended to read as follows:

After service and return of process against ~~((an infant defendant))~~ a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such ~~((infant))~~ defendant shall have been appointed. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the

action; and if the defendant shall not appear on the return day of the process, or if he neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

NEW SECTION. Sec. 77. If any provision of this 1971 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 May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971 with the exception of three sections which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill adopts a comprehensive modification of provisions throughout our law which establish age requirements and qualifications for certain purposes. The effect of this bill is to lower the legal age of majority in most instances from twenty-one to eighteen years of age. In a bill of this scope it is not surprising that certain inconsistencies occur with respect to bills already passed during this session.

Veto
Message

Section 40 of this bill purports to lower the age below which service must be made upon guardians of minor owners of real property in certain condemnation actions. This section was repealed by House Bill 211 (Chapter 76, Laws of 1971). I am therefore vetoing section 40 to conform to the prior enactment.

Likewise section 59 of ESHB 309 lowers the age below which service must be made on guardians in certain instances. This section was also repealed by House Bill 211. I have vetoed section 59 of this bill.

House Bill 416 amended RCW 74.16.030 to eliminate any age requirements as a condition to eligibility for Aid to the Blind assistance. Section 67 of ESHB 309 reduces this age requirement from twenty-one to eighteen. Accordingly I have vetoed section 67 of this bill to conform to the specific legislative intent as to eligibility for Aid to the Blind.

With the exception of sections 40, 59 and 67, the remainder of the bill is approved." Veto
Message

CHAPTER 293

[Engrossed Senate Bill No. 52]

SOLID WASTE COLLECTION--
PLANS--CREATION OF--DISTRICTS AUTHORIZED--
COLLECTION OF FEES BY COUNTIES

AN ACT Relating to solid waste collection; amending section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090; adding new sections to chapter 36.32 RCW; repealing section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010; repealing sections 2 through 7, chapter 155, Laws of 1933 and RCW 55,04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020; and declaring an emergency.

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

Section 1. Section 9, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.090 are each amended to read as follows:

Each county and city solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste

collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operation;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

NEW SECTION. Sec. 2. There is added to chapter 36.32 RCW a new section to read as follows:

Any county legislative authority may establish solid waste collection districts within the county boundaries for the mandatory collection of solid waste: PROVIDED, That no such district shall include any area within the corporate limits of any city or town without the consent of the legislative authority of the city or town. Such districts may be established only after approval of a coordinated, comprehensive solid waste management plan adopted pursuant to chapter 134, Laws of 1969 ex. sess. and chapter 70.95 RCW or pursuant to another solid waste management plan adopted prior to effective date of this 1971 amendatory act or within one year thereafter. The legislative authority of the county may modify or dissolve such district after a hearing as provided for in this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 36.32 RCW a new section to read as follows:

The county legislative authority proposing to establish a solid waste collection district or to modify or dissolve an existing solid waste collection district shall conduct a hearing at the time and place specified in a notice published at least once not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing may be given by mail, posting on the property, or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public and the legislative authority shall hear objections from any person affected by the formation of the solid waste collection district and make such changes in the boundaries of the district or any other modifications of plans that the legislative authority deems necessary.

NEW SECTION. Sec. 4. There is added to chapter 36.32 RCW a

new section to read as follows:

No solid waste collection district shall be established in an area within the county boundaries unless the county legislative authority, after the hearing regarding formation of such district, determines from that hearing that mandatory solid waste collection is in the public interest and necessary for the preservation of public health. Such determination by the county legislative authority shall require the utilities and transportation commission to investigate and make a finding as to the ability and willingness of the existing garbage and refuse collection companies servicing the area to provide the required service.

If the utilities and transportation commission finds that the existing garbage and refuse collection company or companies are unable or unwilling to provide the required service it shall proceed to issue a certificate of public need and necessity to any qualified person or corporation in accordance with the provisions of RCW 81.77.040.

The utilities and transportation commission shall notify the county legislative authority within sixty days of its findings and actions and if no qualified garbage and refuse collection company or companies are available in the proposed solid waste collection district, the county legislative authority may provide county garbage and refuse collection services in the area and charge and collect reasonable fees therefor. The county shall not provide service in any portion of the area found by the utilities and transportation commission to be receiving adequate service from an existing certificated carrier unless the county shall acquire the rights of such existing certificated carrier by purchase or condemnation.

NEW SECTION. Sec. 5. In the event that any county or municipality shall extend public solid waste collection service to any area already served by a refuse collection company holding a certificate as required by RCW 81.77.040, it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

NEW SECTION. Sec. 6. There is added to chapter 36.32 RCW a new section to read as follows:

If any garbage and refuse collection company certified by the utilities and transportation commission which operates in any solid waste collection district fails to collect any fees due and payable to it for garbage and refuse collection services, such company may request the county to collect such fees. Upon the collection of such fees, the county shall pay one-half of the fees actually collected to the garbage and refuse collection company entitled to receive such

and shall deposit the remaining one-half in the county general fund.

When the county undertakes to collect such fees as requested by the garbage and refuse collection companies, the county shall be subrogated to all of the rights of such companies. Any such fees which the county fails to collect shall become liens on the real or personal property of the persons owing such fees and the county may take all appropriate legal action to enforce such liens.

NEW SECTION. Sec. 7. Nothing contained in the provisions of this 1971 amendatory act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW.

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

(1) Section 1, chapter 155, Laws of 1933 as amended by section 1, chapter 98, Laws of 1941 and RCW 55.04.010;

(2) Sections 2 through 7, chapter 155, Laws of 1933 and RCW 55.04.020, 55.04.030, 55.08.010, 55.08.020, 55.12.010 and 55.12.020.

NEW SECTION. Sec. 9. 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 May 10, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971 with the exception of section 5 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Section 5 provides that any county or municipality which extends public solid waste collection service to any area already served by a refuse collection company must acquire by purchase or condemnation the operating authority and equipment of the private operator. Veto
Message

I have determined to veto section 5. The provisions of section 5 do not answer such questions as how a total "operating authority" would be valued or condemned, or how, if at all, the operating authority and equipment can be severed, if a municipality desires to serve a portion (either geographical or by class of customer) of an area.

Further, the impact of section 5 on cities and towns on one hand and counties on the other is unclear. Cities and towns presently have full authority to collect garbage and

refuse and to contract with a company for that purpose. Outside of cities and towns certificates of public convenience and necessity are issued to operators by the state. These relationships are not made clear since there is no precise meaning to the phrase "extend public solid waste collection", as used in section 5. If section 5 is applied within a city it may well convert a standard contract for garbage service into one with a guaranteed settlement procedure requiring the city to buy equipment it may not need or use along with goodwill, etc., which may be of no value to the city. If section 5 is applied to areas outside of a city then that territory is being served by a bonafide certificate holder and his property may not now be taken from him without just compensation under law.

Veto
Message

Consequently, section 5 is unnecessary outside of cities and towns because the parties are protected under law already and there does not appear to be any clear justification for its application within cities and towns.

For these reasons, I have vetoed section 5. The remainder of Senate Bill 52 is approved."

CHAPTER 294

[Substitute Senate Bill No. 849]

TAXATION OF TIMBER AND FOREST LANDS

AN ACT Relating to revenue and taxation of timber and forest lands; amending section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 138, Laws of 1969 and RCW 28A.41.130; adding new sections to chapter 15, Laws of 1961 and to Titles 82 and 84 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; creating a new chapter in Title 84 RCW; creating new sections; repealing sections 4 and 5, chapter 249, Laws of 1963 and RCW 84.40.034 and 84.40.035; providing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

As a result of the study and analysis of systems of taxation of standing timber and forest lands by the forest tax committee pursuant to Senate Concurrent Resolution No. 30 of the 41st session

of the legislature, and the recommendations of the committee based thereon, the legislature hereby finds that:

(1) The public welfare requires that this state's system for taxation of timber and forest lands be modernized to assure the citizens of this state and its future generations the advantages to be derived from the continuous production of timber and forest products from the significant area of privately owned forests in this state. It is this state's policy to encourage forestry and restocking and reforestation of such forests so that present and future generations will enjoy the benefits which forest areas provide in enhancing water supply, in minimizing soil erosion, storm and flood damage to persons or property, in providing a habitat for wild game, in providing scenic and recreational spaces, in maintaining land areas whose forests contribute to the natural ecological equilibrium, and in providing employment and profits to its citizens and raw materials for products needed by everyone.

(2) The combination of variations in quantities, qualities and locations of timber and forest lands, the fact that market areas for timber products are nation-wide and world-wide and the unique long term nature of investment costs and risks associated with growing timber, all make exceedingly difficult the function of valuing and assessing timber and forest lands.

(3) The existing ad valorem property tax system is unsatisfactory for taxation of standing timber and forest land and will significantly frustrate, to an ever increasing degree with the passage of time, the perpetual enjoyment of the benefits enumerated above.

(4) For these reasons it is desirable, in exercise of the powers to promote the general welfare and to impose taxes; that

(a) the ad valorem system for taxing timber be modified and discontinued in stages over a three year period during which such system will be replaced by one under which timber will be taxed on the basis of stumpage value at the time of harvest, and

(b) forest land remain under the ad valorem taxation system but be taxed only as provided in this 1971 amendatory act.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

Lands not heretofore so classified, which are primarily devoted to and used for growing and harvesting timber are hereby classified as lands devoted to reforestation and such lands and timber shall be taxed in accordance with the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

For purposes of this chapter:

(1) "Timber county" means any county within which timber is located.

(2) "Timber" means forest trees, standing or down, on privately owned land, and except as provided in section 17 of this 1971 amendatory act includes Christmas trees.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

Commencing as of January 1, 1972 with respect to taxes payable in 1973, except as provided in section 5 of this act, timber shall be exempt from ad valorem taxation.

NEW SECTION. Sec. 5. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section 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 section 7 of this act.

(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 section 6 of this act 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.

<u>YEAR</u>	<u>PORTION OF TIMBER ROLL</u>
1972	75%
1973	45%
1974 and thereafter	None

NEW SECTION. Sec. 6. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

In each year commencing with 1972 and ending with 1980, solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the millage rates for all regular and excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with section 5 of this act for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

<u>YEAR</u>	<u>PORTION OF TIMBER ROLL</u>
1972 through 1977	100%
1978	75%
1979	50%
1980	25%
1981 and thereafter	None

NEW SECTION. Sec. 7. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section 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-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 section 18 of this 1971 amendatory act.

(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, whether regular or extraordinary, in accordance with the purposes and intent of section 18 of this 1971 amendatory act.

(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 section 17 of this 1971 amendatory act 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.

V- The area designations and stumpage value tables and any revisions thereof shall be subject to approval by the forest tax committee established pursuant to section 13 of this 1971 amendatory act. 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:

<u>YEAR OF COLLECTION</u>	<u>FUND A</u>	<u>FUND B</u>
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 section 8 of this act 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 the effective date of this 1971 amendatory act, even though all rates of tax are not specified. The forest tax committee established pursuant to section 18 of this 1971 amendatory act 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.

NEW SECTION. Sec. 8. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section 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 section

6 of this act 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 and the appropriate portion listed below of the timber roll for such year ((a) above):

<u>YEAR</u>	<u>PORTION OF TIMBER ROLL</u>
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 section 6 of this act and chapter 84.52 RCW 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.

NEW SECTION. Sec. 9. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

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 section 5 of this act.

NEW SECTION. Sec. 10. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

As used in sections 11 through 15 of this act:

(1) "Forest land" is synonymous with timberland and means all land in any contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber and means the land only.

(2) "Owner" means the party or parties having the fee interest in land, except where land is subject to a real estate contract

"owner" means the contract vendee.

NEW SECTION. Sec. 11. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

V- On or before September 1, 1971, subject to approval by the forest tax committee established pursuant to section 18 of this act, the department of revenue shall promulgate rules in accordance with chapter 34.04 RCW setting forth criteria and procedures for grading forest land on the basis of its quality, accessibility and topography. Three general quality classes shall be established which shall be "good", "average" and "poor". Within each of the three general quality classes, four classes of accessibility and topography shall be established which shall be "favorable", "average", "difficult" and "inoperable". On or before March 1, 1972 each assessor shall grade all forest land within his county, in accordance with such rules. Land not initially so graded but later designated as forest land pursuant to subsection (3) of section 12 of this act or section 13 of this act, or otherwise determined to be forest land, shall be graded in accordance with such rules.

NEW SECTION. Sec. 12. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

V- (1) On or before March 1, 1972 and January 1 of each year commencing with 1973, subject to approval by the forest tax committee established pursuant to section 18 of this act 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 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 section 11 of this 1971 amendatory act 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 section 13 of this 1971 amendatory act. 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 section 11 of this 1971 amendatory act 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 section 13 of this 1971 amendatory act.

NEW SECTION. Sec. 13. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to section 12 of this act as of January 1 of any year commencing with 1972 shall make application to the county assessor before such January 1.

(2) The application shall be made upon forms prepared by the department of revenue and supplied by the county assessor, and shall include the following:

(a) A legal description of or assessor's tax lot numbers for all land the applicant desires to be designated as forest land;

(b) The date or dates of acquisition of such land;

(c) A brief description of the timber on such land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for such land;

(e) If so, the nature and extent of implementation of such plan;

(f) Whether such land is used for grazing;

(g) Whether such land has been subdivided or a plat filed with respect thereto;

(h) Whether a permit for cutting on such land has been granted pursuant to RCW 76.08.030;

(i) Whether such land is subject to fire patrol assessments pursuant to RCW 76.04.360;

(j) Whether such land is subject to a lease, option or other right which permits it to be used for any purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as forest land;

(n) An affirmation that the statements contained in the application are true.

The assessor shall afford the applicant an opportunity to be heard if the application so requests.

(3) The assessor shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative. The application shall be deemed to have been approved unless, prior to May 1 of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied.

(4) An owner who receives notice pursuant to subsection (3) of this section that his application has been denied may appeal such denial to the county board of equalization.

NEW SECTION. Sec. 14. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

(1) When land has been designated as forest land pursuant to subsection (3) of section 12 of this act or section 13 of this act, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be graded and valued pursuant to sections 11 and 12 of this act 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 section 13 of this act 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.

(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, 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.

NEW SECTION. Sec. 15. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

The value of forest land entered on the assessment and tax rolls of any county shall include only the value of the land and shall not include any value attributable to any timber thereon.

NEW SECTION. Sec. 16. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

Land approved for classification pursuant to RCW 84.28.020 or RCW 84.32.030 prior to the effective date of this 1971 amendatory act

under chapter 84.28 RCW as reforestation lands or under chapter 84.32 RCW as forest lands, and the timber on such lands, shall be assessed and taxed in accordance with the applicable provision of those chapters and shall not be subject to this act. However, after the effective date of this 1971 amendatory act, no additional land shall be classified under chapter 84.28 or 84.32 RCW.

NEW SECTION. Sec. 17. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

Notwithstanding any provision of this chapter or section 7 of this 1971 amendatory act to the contrary, this chapter shall not exempt from the ad valorem tax nor subject to the excise tax imposed by section 7 of this act, Christmas trees which are grown on land which has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such Christmas trees, and such land on which such Christmas trees stand shall not be taxed as provided in sections 10 through 15 of this act.

NEW SECTION. Sec. 18. There is added to chapter 15, Laws of 1961 and to Title 84 RCW a new section to read as follows:

(1) There is hereby created a committee to be known as the forest tax committee, which shall consist of eleven members: Two senators, one from each political party, to be appointed by the president of the senate; two representatives, one from each political party, to be appointed by the speaker of the house of representatives; two county assessors to be selected by the four 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 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 1971 amendatory act, 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, 84.32, 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 1971 amendatory act 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.

Sec. 19. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 138, Laws of 1969 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:

(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 section 7 of this 1971 amendatory act 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.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 249, Laws of 1963 and RCW 84.40.034; and

(2) Section 5, chapter 249, Laws of 1963 and RCW 84.40.035.

NEW SECTION. Sec. 21. Sections 1 through 6 and 8 through 18 shall constitute a new chapter in Title 84 RCW.

NEW SECTION. Sec. 22. 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 May 7, 1971.

Passed the House May 6, 1971.

Approved by the Governor May 21, 1971 with the exception of three items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill constitutes a comprehensive new program for the taxation of timber and timber lands, by phasing out the taxation of timber under the property tax system and placing timber on an excise tax system based upon yield. The bill also provides that timber lands shall remain under the property tax system, but that the valuation of such lands shall be on the basis of their actual use, i.e., the growing and harvesting of timber.

Veto
Message

The act further provides, with respect to the valuation of such lands and the timber thereon that responsibility for making the valuations will be in the Department of Revenue. However, it is also provided that the decisions of the department in carrying out its responsibility under the bill can become effective only upon approval of the forest tax committee established pursuant to section 18 of the bill.

I believe that the full responsibility for the valuation process should be solely with a department of the executive branch of government, and that the functions of the

forest tax committee, the majority of which will consist of legislators and representatives of the timber industry, should be limited to those specified in sections 7(10) and 18. Undoubtedly the committee will be in a position to give valuable advice to the department with respect to the valuation process, and I believe that the role of the committee in the valuation process should be limited to that function.

Veto
Message

In addition it should be noted that the eligibility of members of the 42nd Legislature to serve as members of the forest tax committee is open to serious constitutional question without these vetoes; see Oceanographic Commission v. O'Brien, 74 Wn.2d 904 (1968).

For these reasons, I have vetoed those items of the bill which give the committee the approval function described above.

With the exception of these three items, Engrossed Substitute Senate Bill No. 849 is approved."

CHAPTER 295

[Engrossed Senate Bill No. 108]

CRIMES--

CONCURRENT AND CONSECUTIVE SENTENCES

AN ACT Relating to crimes and punishment; and amending section 33, chapter 249, Laws of 1909 as amended by section 2, chapter 109, Laws of 1925 ex. sess. and RCW 9.92.080; and adding a new section.

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

Section 1. Section 33, chapter 249, Laws of 1909 as amended by section 2, chapter 109, Laws of 1925 ex. sess. and RCW 9.92.080 are each amended to read as follows:

((Whenever a person shall be convicted of two or more offenses before sentence has been pronounced for either, the imprisonment to which he is sentenced upon the second or other subsequent conviction shall commence at the termination of the first or other prior term or terms of imprisonment to which he is sentenced; and)) From and after the effective date of this 1971 amendatory act:

(1) Whenever a person while under sentence of felony shall commit another felony and be sentenced to another term of

imprisonment, such latter term shall not begin until the expiration of all prior terms: PROVIDED, That any person granted probation pursuant to the provisions of RCW 9.95.210 and/or 9.92.060 shall not be considered to be under sentence of a felony for the purposes of this subsection.

(2) Whenever a person is convicted of two or more offenses ((set forth as separate counts in one indictment or information the court may, in pronouncing sentence, provide that sentences therefor shall run concurrently)) which arise from a single act or omission, the sentences imposed therefor shall run concurrently, unless the court, in pronouncing sentence, expressly orders the service of said sentences to be consecutive.

(3) In all other cases, whenever a person is convicted of two or more offenses arising from separate and distinct acts or omissions, and not otherwise governed by the provisions of subsections (1) and (2) of this section, the sentences imposed therefor shall run consecutively, unless the court, in pronouncing the second or other subsequent sentences, expressly orders concurrent service thereof.

(4) The sentencing court may require the secretary of the department of social and health services, or his designee, to provide information to the court concerning the existence of all prior judgments against the defendant, the terms of imprisonment imposed, and the status thereof.

NEW SECTION. Sec. 2. No court shall suspend or defer the sentence of any person having been convicted of selling or attempting to sell narcotic or dangerous drugs for profit.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which was vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Section one of this bill clarifies and makes more equitable the law relating to concurrent and consecutive sentencing when persons are convicted of two or more offenses.

Veto
Message

Section 2 of the bill provides that no court shall suspend or defer the sentence of any person having been convicted of selling or attempting to sell narcotic or dangerous drugs for profit. I have determined to veto section 2 however, in so doing, I wish to make very clear

that I have no sympathy for those who sell or attempt to sell narcotic or dangerous drugs, nor do I, in any way, mean to infer that the law should not deal strictly with such persons. However, I have had to veto this section for technical reasons. Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act, which I have signed into law, replaces and repeals the previous laws of this state relating to narcotic or dangerous drugs. The new law does not define narcotic or dangerous drugs but sets up five classifications of controlled substances. There is, as a consequence, no definition to which section 2 of SB 108 can refer. Furthermore, SSSB 146 does not at any point define sale or attempted sale either for profit or without profit as a crime. Delivery is defined as a criminal violation but sale is not. As a consequence, once again, there is nothing in this aspect to which section 2 of SB 108 can refer. Section 2 is thus technically deficient and would create confusion and ambiguity in the law.

Veto
Message

For these reasons, but with the hope that appropriate controls of the problems of drug trafficking and drug abuse will continue to be acted upon by the legislature, as done in SSSB 146 and SB 273, I have vetoed section 2 of SB 108 and have approved section 1."

CHAPTER 296

[Engrossed Senate Bill No. 691]

FINANCING OF PUBLIC TRANSPORTATION SERVICE

AN ACT Relating to revenue and taxation and public transportation; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040; amending section 5, chapter 111, Laws of 1965 ex. sess. as amended by section 66, chapter 145, Laws of 1967 ex. sess. and RCW 35.95.050; amending section 6, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.050; amending section 7, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.060; creating new sections.

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

NEW SECTION. Section 1. The legislature finds that adequate public transportation systems are necessary to the economic, industrial and cultural development of the urban areas of this state

and the health, welfare and prosperity of persons who reside or are employed in such areas or who engage in business therein and such systems are increasingly essential to the functioning of the urban highways of the state. The legislature further finds and declares that fares and tolls for the use of public transportation systems cannot maintain such systems in solvent financial conditions and at the same time meet the need to serve those who cannot reasonably afford or use other forms of transportation. The legislature further finds and declares that additional and alternate means of financing adequate public transportation service are necessary for the cities, metropolitan municipal corporations and counties of this state which provide such service.

NEW SECTION. Sec. 2. There is added to chapter 82.14 RCW a new section to read as follows:

The governing body upon written request by the mayor or other executive officer of any city within a class AA county, a class AA county or any metropolitan municipal corporation within a class AA county, which owns and operates a public transportation system, while not required by legislative mandate to do so, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of metropolitan public transportation pursuant to chapter 35.58 RCW and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter to be effective on or after July 1, 1972; that such proposition submitted to the voters for authorization shall include language stating that such proposition shall be partially financed by the levying of an additional three-tenths of one percent per dollar on sales transactions within King county: PROVIDED, That during the fiscal year ending June 30, 1973, no more than three million dollars of the sales and use tax levied and collected pursuant to the 1971 amendatory act may be used as qualifying matching funds to authorize a levy of motor vehicle excise taxes during such fiscal year pursuant to chapter 255, 1st ex. sess., Laws of 1969: AND PROVIDED FURTHER, That after June 30, 1973 no sales or use tax levied and collected pursuant to the 1971 amendatory act may be used as such qualifying matching funds. Such tax shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon

the occurrence of any taxable event within such city, county or metropolitan municipal corporation as the case may be. The rate of such tax imposed by such city, county or metropolitan municipal corporation shall be three-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax): PROVIDED, HOWEVER, That in the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city or county wholly or partly within such metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization: PROVIDED FURTHER, That in the event a metropolitan municipal corporation or county shall impose a sales and use tax pursuant to this 1971 amendatory act, no city within such county or wholly or partly within such metropolitan municipal corporation shall impose an excise tax pursuant to RCW 35.95.040.

Sec. 3. Section 6, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in a special fund under the custody of the state treasurer to be known as the local sales and use tax revolving fund. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

Sec. 4. Section 7, chapter 94, Laws of 1970 ex. sess. and RCW 82.14.060 are each amended to read as follows:

Bimonthly the state treasurer shall make distribution from the local sales and use tax revolving fund to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

NEW SECTION. Sec. 5. If any provision of this 1971 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 May 7, 1971.

Passed the House May 9, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill permits the voters within the boundaries of a metropolitan municipal corporation to authorize a local sales tax of three tenths of a percent in lieu of the local household tax in Class AA Counties. It provides the funding mechanism for the financing of a public transportation system to be operated by a metropolitan municipal corporation. Monies raised at the local level through the imposition of the additional sales tax are matchable, with certain limitations, with state funds.

Veto
Message

Section 2 provides that the metro council may submit an authorizing proposition to the voters with respect to the issue of the imposition of the sales tax. There is an ambiguity in the first sentence of section 2 with respect to the reference to ownership of a public transportation system. In order to avoid any uncertainty I have, for clarification purposes, item vetoed that reference.

Section 2 also contains a requirement that the proposition submitted to the voters shall include language

stating that such proposition shall be partially financed by the levying of an additional three tenths of one percent per dollar on sales transactions "within King County". The reference to "King County" creates internal inconsistencies within the bill since the bill pertains to a city within a Class AA County, a Class AA County, or any metropolitan municipal corporation within a Class AA County. Since the tax authorization will, in any event, be included in the ballot proposition the clause is functionally superfluous. Accordingly, this item has been vetoed.

Veto
Message

Section 2 contains a proviso that after June 30, 1973, no sales or use tax levied and collected pursuant to this act may be used as qualifying matching funds. The effect of this proviso will be that a Class AA County which approves a sales tax will lose state matching funds after 1973 even though cities in all other counties would continue to be eligible to receive state matching funds for public transportation systems. After careful consideration of this question, I have determined to item veto this proviso. With this matching capability restored, the needed long-term funding support for public transportation within a Class AA County will be provided.

With the exception of the items referred to above, the remainder of the bill is approved."

CHAPTER 297

[Engrossed Senate Bill No. 465]

PILOTAGE--

STUDY AUTHORIZED--

INVESTIGATIONS AND HEARINGS ON PILOTAGE SERVICES

AN ACT Relating to pilotage on Puget Sound; amending section 9, chapter 18, Laws of 1935 as amended by section 6, chapter 15, Laws of 1967 and RCW 88.16.030; amending section 3, chapter 18, Laws of 1935 as amended by section 2, chapter 15, Laws of 1967 and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 as amended by section 3, chapter 15, Laws of 1967 and RCW 88.16.070; and amending section 13, chapter 18, Laws of 1935 and RCW 88.16.100; and declaring an emergency.

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

Section 1. Section 9, chapter 18, Laws of 1935 as amended by

section 6, chapter 15, Laws of 1967 and RCW 88.16.030 are each amended to read as follows:

The board is authorized and shall have power to make rules and regulations not in conflict with this chapter covering the matters hereinafter set forth which shall have the force and effect of law until altered, repealed or set aside by action of the board:

(1) To establish the qualifications of pilots, provide for their examination and the issuance of licenses to qualified persons and to keep a register of licensed pilots and of vessels, operators and agents.

(2) To provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter.

(3) To fix the rates of pilotage for the waters covered by this chapter: PROVIDED, That no rate shall be changed by the board more than once in any twelve months' period: AND PROVIDED FURTHER, That the rates presently in effect shall remain in effect until changed by the board pursuant to this chapter: AND PROVIDED FURTHER, That no rate shall be increased, lowered or altered without a public hearing of which due notice ((by registered letter)) ,mailed at least ((fifteen)) twenty days prior to the date of hearing, shall have been ((served upon)) sent to all pilots licensed under this chapter to pilot vessels on the particular waters for which the change of rate is proposed and upon all vessel operators and agents who have registered with the board. The notice shall specify the waters for which the change of rate is sought and also the change proposed. The board may, despite anything in this chapter contained, fix extra compensation for extra services to vessels in distress and compensation for awaiting vessels or being carried to sea on vessels against the will of the pilot. In determining rates the board shall have the right to subpoena witnesses.

(4) To do such other things as are reasonable, necessary and expedient to insure proper and safe pilotage upon the waters covered by this chapter and to facilitate the efficient administration of this chapter.

All rules and regulations adopted by the board shall be printed, and a copy thereof shall be mailed to each licensed pilot and to every vessel operator or agent who has registered with the board. Such mailing shall be proved by the affidavit of the person mailing the same, filed with the records of the board, and such affidavit shall be conclusive as to such mailing. All rules and regulations shall be effective three days after the completion of such mailing.

Sec. 2. Section 3, chapter 18, Laws of 1935 as amended by section 2, chapter 15, Laws of 1967 and RCW 88.16.050 are each amended to read as follows:

This chapter applies to Puget Sound and adjacent inland waters and to Grays Harbor and Willapa Bay as those terms are hereinafter defined:

(1) "Puget Sound and adjacent inland waters", whenever used in this chapter, shall be construed to mean and include all the inland waters of the state of Washington inside the international boundary line between the state of Washington and British Columbia ((extending south to and including Olympia,) but excluding that portion of the Straits of Juan de Fuca west of Port Angeles.

(2) "Grays Harbor and Willapa Bay" shall include all inland waters, channels, waterways, and navigable tributaries within each area. The boundary line between inland waters and the high seas shall be designated as the outermost sea buoy as established and placed for Grays Harbor and Willapa Bay.

Sec. 3. Section 4, chapter 18, Laws of 1935, as amended by section 3, chapter 15, Laws of 1967 and RCW 88.16.070 are each amended to read as follows:

V- All vessels under enrollment and all private vessels of United States or Canadian registry engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. Every vessel ((not so exempt,) not having two pilots holding current licenses issued by the United States Coast Guard on board shall, while entering and navigating into Puget Sound and adjacent inland waters, Grays Harbor and Willapa Bay, ((employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter)) be subject to rules and regulations promulgated by the Washington Pilotage Commission insofar as such rules and regulations may require such vessel to employ a pilot licensed under the provisions of this chapter: PROVIDED, That the Washington Pilotage Commission, immediately after the effective date of this act, shall conduct a study of the need to require employment of pilots licensed under the provisions of this chapter on all vessels entering into Puget Sound and adjacent inland waters, together with an assessment of the legality and feasibility of such requirement. The commission shall report the results of such study together with recommended legislative action to the next session of the legislature.

Sec. 4. Section 13, chapter 18, Laws of 1935 and RCW 88.16.100 are each amended to read as follows:

The board shall have power on its own motion or, in its

discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this act and to suspend, withhold or revoke the license of any pilot for misconduct, incompetency, inattention to duty, intoxication or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. ((No complaint shall be entertained by the board unless same be reduced to writing and duly verified as in civil actions.)) When the board determines that reasonable cause exists for the conduct of a hearing on the issue of the suspension, withholding or revocation of a pilot license it shall forthwith prepare and serve a copy of a notice of hearing upon the pilot in question who shall be ((When a written complaint is filed, the accused party shall be forthwith served with a copy thereof and)) required to appear and answer the same within ten days from date of service and shall be entitled to a full ((trial)) hearing thereof before the board and to be represented by counsel and to subpoena witnesses. The decision of the board must be in writing and entered of record upon the minutes of the board. All final decisions of the board shall be subject to review by the superior court of the state of Washington for Thurston county, to which court any case with all the papers and proceedings therein shall be immediately certified by the chairman of the board if requested to do so by any party to the proceedings at anytime within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...While the apparent purpose of section 3, that of insuring greater environmental protection to the waters of Puget Sound, is commendable, the unfortunate effect of the section is to delete the provision of state law making pilotage compulsory with respect to vessels not specifically

Veto
Message

exempted by the Legislature. If section 3 is enacted into law, certain described vessels will be exempted from all the provisions of the Pilotage Act. All vessels not so exempt will "be subject to rules and regulations promulgated by the Washington Pilotage Commission", but there will be no legislative enactment making pilotage compulsory as to any vessels whatsoever.

Veto
Message

While the pilotage commission might, and probably would, adopt rules and regulations requiring that a pilot be engaged for all vessels not specifically exempted by the legislature, there is a serious question as to the constitutionality and thus the enforceability of such a regulation.

The provision in section 3 does require the pilotage commission, immediately after the effective date of the act, to conduct a study relative to the need to require pilots licensed under the provisions of state law on all vessels entering Puget Sound and adjacent waters. I will instruct the chairman of the pilotage commission to make such a study the prime order of business of the commission so a comprehensive report will be available for the next session of the legislature.

Rather than run the risk of seriously weakening the present law relative to pilotage on Puget Sound I am vetoing certain portions of section 3, with the belief that after the submission of the report by the pilotage commission to the next session of the legislature the entire matter will be reviewed and the legislature will be able to determine what, if any, amendments are needed to the pilotage act.

The remainder of Senate Bill 465 is approved."

CHAPTER 298
[Senate Bill No. 408]
PUBLIC ASSISTANCE--
COMMITTEE ON VENDOR'S RATES

AN ACT Relating to public assistance; concerning the committee on vendor's rates; and adding new sections to chapter 74.32 RCW.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 74.32 RCW a new section to read as follows:

Before completing its recommendations regarding rates, the governor's committee on vendor rates shall conduct an extensive investigation to determine the nature and extent of any additional requirements or standards established which affect any vendor group if the same have not been fully considered and provided for in the committee's last recommendations, and shall similarly determine the nature and effect of any additional requirements or standards which are expected to be imposed during the period covered by the committee's recommendations.

NEW SECTION. Sec. 2. There is added to chapter 74.32 RCW a new section to read as follows:

The additional requirements and standards referred to in section 1 of this 1971 act shall include but shall not be limited to changes in minimum wage or overtime provisions, changes in building code or facility requirements for occupancy or licensing, and changes in requirements for staffing, available equipment, or methods and procedures.

NEW SECTION. Sec. 3. There is added to chapter 74.32 RCW a new section to read as follows:

The committee shall investigate such changes whether their source is or may be federal, state, or local governmental agencies, departments and officers, and shall give full consideration to the cost of such changes and expected changes in the vendor rates recommended.

NEW SECTION. Sec. 4. There is added to chapter 74.32 RCW a new section to read as follows:

The committee shall also consider prevailing wage scales and fringe benefit programs affecting the vendor's industry or affecting related or associated industries or vendor classes, and shall consider in its rate recommendations a scale of competitive wages, to assure the availability of necessary personnel in each vendor program.

NEW SECTION. Sec. 5. There is added to chapter 74.32 RCW a new section to read as follows:

The committee shall further fully account in its recommended

rate structure for the effect of changes in payroll and property taxes accurate costs of insurance, and increased or lowered costs of borrowing money.

V NEW SECTION. Sec. 6. There is added to chapter 74.32 RCW a new section to read as follows:

The principal function of the committee shall be to reasonably and fairly relate levels of payment or reimbursement to required standards or regulations and effective taxes, personnel costs, and other applicable cost factors.

Passed the Senate May 10, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 21, 1971 with the exception of one section which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill provides that the governor's committee on vendor rates shall investigate and consider various items in developing its recommendations for vendor rates to the Department of Social and Health Services.

However, section 6 of the bill purports to define the principal function of the committee, and while that section does define one of the functions of the committee there are other functions which are also of substantial importance, such as content of services purchased, assurance of adequate service delivery, and conformity to appropriate state and federal laws and regulations.

I have therefore vetoed section 6. I have approved the remainder of the bill which is, in any event, the operative portion of the legislation."

CHAPTER 299

[Substitute Senate Bill No. 897]

REVENUE AND TAXATION

AN ACT Relating to revenue and taxation; amending section 4, chapter 236, Laws of 1955 and RCW 60.28.040; amending section 2, chapter 272, Laws of 1959 and RCW 73.32.130; amending section 82.04.050, chapter 15, Laws of 1961, as last amended by section 1, chapter 8, Laws of 1970 ex. sess. and RCW

82.04.050; amending section 82.04.190, chapter 15, Laws of 1961 as last amended by section 4, chapter 255, Laws of 1969 ex. sess. and RCW 82.04.190; amending section 82.04.280, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.280; amending section 26, chapter 173, Laws of 1965 as last amended by section 1, chapter 257, Laws of 1969 ex. sess. and RCW 82.04.435; amending section 82.08.050, chapter 15, Laws of 1961 as amended by section 15, chapter 173, Laws of 1965 ex. sess. and RCW 82.08.050; amending section 82.08.070, chapter 15, Laws of 1961, as amended by section 8, chapter 293, Laws of 1961 and RCW 82.08.070; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 11, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.150; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 11, Laws of 1971 1st ex. sess. and RCW 82.12.030; amending section 82.12.040, chapter 15, Laws of 1961, as amended by section 11, chapter 293, Laws of 1961 and RCW 82.12.040; amending section 82.16.020, chapter 15, Laws of 1961 as last amended by section 24, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.020; amending section 82.24.020, chapter 15, Laws of 1961 as last amended by section 23, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.020; amending section 82.24.070, chapter 15, Laws of 1961 as last amended by section 24, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.070; amending section 82.26.020, chapter 15, Laws of 1961 as amended by section 25, chapter 173, Laws of 1965 ex. sess. and RCW 82.26.020; amending section 82.32.040, chapter 15, Laws of 1961 and RCW 82.32.040; amending section 82.32.050, chapter 15, Laws of 1961, as amended by section 1, chapter 141, Laws of 1965 and RCW 82.32.050; amending section 82.32.060, chapter 15, Laws of 1961, as last amended by section 27, chapter 173, Laws of 1965 ex. sess. and RCW 82.32.060; amending section 82.32.080, chapter 15, Laws of 1961, as last amended by section 2, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.080; amending section 82.32.090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex. sess. and RCW 82.32.090; amending section 82.32.100, chapter 15, Laws of 1961, as amended by section 4, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.100; amending section 82.32.190, chapter 15, Laws of 1961 as amended by section 6, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.190; amending section 11, chapter 28, Laws of 1963 ex. sess. and RCW 82.32.235; amending section 82.32.350, chapter 15, Laws of 1961 and RCW 82.32.350; amending section

82.44.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 121, Laws of 1967 and RCW 82.44.010; amending section 82.44.030, chapter 15, Laws of 1961 and RCW 82.44.030; amending section 82.50.010, chapter 15, Laws of 1961 as amended by section 44, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.010; amending section 82.50.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1969 and RCW 82.50.020; amending section 82.50.030, chapter 15, Laws of 1961 as last amended by section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030; amending section 82.50.040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040; amending section 82.50.050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050; amending section 82.50.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1969 and RCW 82.50.070; amending section 82.50.101, chapter 15, Laws of 1961 as amended by section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101; amending section 82.50.105, chapter 15, Laws of 1961 as last amended by section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105; amending section 82.50.110, chapter 15, Laws of 1961 as last amended by section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110; amending section 82.50.120, chapter 15, Laws of 1961 as last amended by section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120; amending section 82.50.130, chapter 15, Laws of 1961 as amended by section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130; amending section 82.50.140, chapter 15, Laws of 1961 as amended by section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140; amending section 82.50.160, chapter 15, Laws of 1961 as amended by section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160; amending section 82.50.180, chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180; amending section 82.50.190, chapter 15, Laws of 1961 as last amended by section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190; amending section 82.50.200, chapter 15, Laws of 1961 as amended by section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200; amending section 84.04.090, chapter 15, Laws of 1961 and RCW 84.04.090; amending section 8, chapter 214, Laws of 1963 and RCW 84.28.065; amending section 84.28.090, chapter 15, Laws of 1961 as amended by section 10, chapter 214, Laws of 1963 and RCW 84.28.090; amending section 84.28.110, chapter 15, Laws of 1961 as last amended by section 153, chapter 81,

Laws of 1971 and RCW 84.28.110; amending section 84.36.110, chapter 15, Laws of 1961 and RCW 84.36.110; amending section 84.36.120, chapter 15, Laws of 1961 and RCW 84.36.120; amending section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.050; amending section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.50 RCW; adding new sections to chapter 84.40 RCW; adding new sections to chapter 15, Laws of 1961 and to Title 82 RCW; repealing and simultaneously reenacting certain acts and parts of acts; providing penalties; declaring an emergency; and establishing effective dates.

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

Section 1. Section 4, chapter 236, Laws of 1955 and RCW 60.28.040 are each amended to read as follows:

The amount of all taxes, increases and penalties due or to become due under Title 82, from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is ((five)) twenty thousand dollars or more shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract, and the amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

Sec. 2. Section 2, chapter 272, Laws of 1959 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 ((tax commission)) 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 ((four million five hundred thousand dollars; all sums received above that amount)) 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 ((four million one hundred thousand dollars)) 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 82.04.050, chapter 15, Laws of 1961 as last amended by section 1, chapter 8, Laws of 1970 ex. sess., and RCW 82.04.050 are each amended to read as follows:

"Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, clears, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any

activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), or (c) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f)

the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

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

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

((Upon and after the effective date of the provisions of chapter 2627 laws of 1969 ex sess, as now or hereafter amended, which impose a tax upon net income, the term shall not include the sale of drugs or medicines either required by law to be dispensed or actually dispensed in accordance with the prescription of a licensed practitioner of one of the healing arts authorized by law to

prescribe such drugs or medicines.)

Sec. 4. Section 82.04.190, chapter 15, Laws of 1961 as last amended by section 4, chapter 255, Laws of 1969 ex. sess. and RCW 82.04.190 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of his business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any (~~publicly owned~~) street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including (~~publicly owned~~) mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business, excluding only the United States (~~the state~~) and (~~its~~) municipal corporations or

political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer".

Sec. 5. Section 82.04.280, chapter 15, Laws of 1961 as last amended by section 2, chapter 8, Laws of 1970 ex. sess. and RCW 82.04.280 are each amended to read as follows:

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

Sec. 6. Section 26, chapter 173, Laws of 1965 as last amended by section 1, chapter 257, Laws of 1969 ex. sess. and RCW 82.04.435 are each amended to read as follows:

In computing tax under this chapter there may be credited against the amount of the tax the following items:

As to persons engaging in activities defined in RCW 82.04.120 (the definition of the term "to manufacture"), an amount not to exceed the tax actually paid under chapter 82.08 RCW (Retail Sales Tax) or chapter 82.12 RCW (Use Tax) by such persons or their lessors or their contract vendors, on materials, labor and services in the construction of new buildings or the enlarging of existing buildings directly used in such activities. Where a building is used partly for manufacturing and partly for other purposes the applicable tax credit shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide. For purposes of this section the term "buildings" shall mean and include only those structures used to house or shelter manufacturing activities, including the usual lighting, heating, ventilating and sanitary plumbing facilities. The term shall include plant offices and warehouses or other storage facilities for the storage of raw materials or finished goods when such facilities are essential to and an integral part of a factory, mill or manufacturing plant, but shall not include manufacturing or industrial fixtures or equipment such as tanks, conveyor systems, cranes, industrial machinery and related facilities irrespective of whether or not such fixtures or equipment are affixed to the realty. Notwithstanding the foregoing, the term "buildings" shall also include potlines and furnaces used directly in the manufacturing of metals. The phrase "construction of buildings" refers only to new or enlarged buildings and not to the repair or renovation of existing buildings.

This credit shall be allowable only against tax payable by the manufacturer and measured by the value of products or gross proceeds of sales of articles, substances or commodities manufactured in this state, and shall be allowable only against any tax payable which is attributable to manufacturing occurring in the particular factory, mill or manufacturing plant in which such buildings are located.

No tax credit claimed shall be deducted on any return until such claim has been approved by the department of revenue or until ninety days after such claim has been submitted to the department of revenue for approval. This credit shall not be allowable for tax paid on purchases of material, labor or services on which the supplier thereof became entitled to compensation prior to July 1, 1964 or subsequent to January 1, 1971: PROVIDED, That the credit shall be allowable for the tax paid on such purchases pursuant to any contract entered into prior to January 1, 1971 if such tax is paid on

such contract purchases prior to July 1, 1972; AND PROVIDED FURTHER, That with respect only to the construction of buildings used directly in the manufacturing of metals, this credit shall be allowable for tax paid on all purchases pursuant to construction which was in progress on January 1, 1971, and was completed after that date.

Any credits granted prior to July 1, 1969 pursuant to this section shall not be affected by this 1969 amendatory act.

Sec. 7. Section 82.08.050, chapter 15, Laws of 1961, as amended by section 15, chapter 173, Laws of 1965 ex. sess., and RCW 82.08.050 are each amended to read as follows:

The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the ~~((tax commission))~~ department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the ~~((commission))~~ department, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the ~~((commission))~~ department in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the ~~((commission))~~ department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller and from the seller to the ~~((commission))~~ department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the ~~((commission))~~ department, the ~~((commission))~~ department may, in its discretion, proceed directly against the buyer for collection of

the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the ((~~commission~~)) department; and all of the provisions of chapter 82.32, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

Sec. 8. Section 82.08.070, chapter 15, Laws of 1961, as amended by section 8, chapter 293, Laws of 1961, and RCW 82.08.070 are each amended to read as follows:

Each seller, on or before the fifteenth day of the month succeeding the end of each monthly period, shall make out a return for the preceding monthly period, upon forms to be provided by the ((~~commission~~)) department, setting forth the amount of all sales, nontaxable sales, taxable sales, the amount of tax thereon, and such other information as the ((~~commission~~)) department may require, sign, and transmit the same to the ((~~commission~~)) department: PROVIDED, That any such taxpayer may elect to remit each month on such forms as the ((~~tax commission~~)) department shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the ((~~commission~~)) department on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: PROVIDED FURTHER, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, at least ninety percent of the tax actually collected or owing during the month.

The ((~~tax commission~~)) department may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The ((~~tax commission~~)) department may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The ((~~tax commission~~)) department may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The ((commission)) department shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

The ((commission)) department may also require annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. The tax accrued under the provisions of this chapter, whether or not collected from the buyer shall be paid by the seller to the ((commission)) department in installments at the time of transmitting the return above provided for.

Sec. 9. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 11, chapter 21, Laws of 1969 ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale for resale to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board: PROVIDED, That from and after July 1, 1969 the tax upon each retail sale of wine under this subsection (1) shall be at the rate of twenty-six percent of the selling price. The tax imposed in this section shall apply to all sales of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to licensees, but shall not apply to sales of wine in the unopened bottle by licensees who have paid the tax imposed by this subsection (1) to their vendors on the acquisition of such wine. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, or strong beer by the Washington state liquor stores and agencies, excluding sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of ((June, 1965)) July, 1971, an additional tax upon each

retail sale of spirits in the original package at the rate of ~~((two))~~ four cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 66.08 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

Sec. 10. Section 82.12.030, chapter 15, Laws of 1961, as last amended by section 2, chapter 11, Laws of 1971 1st ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property

acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor

vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when

such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

~~((24))~~ (22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

Sec. 11. Section 82.12.040, chapter 15, Laws of 1961, as amended by section 11, chapter 293, Laws of 1961, and RCW 82.12.040 are each amended to read as follows:

Every person who maintains in this state a place of business or a stock of goods shall obtain from the ~~((tax commission))~~ department a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives.

Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the ((tax commission)) department and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the ((tax commission)) department in the manner prescribed, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless, be personally liable to the state for the amount of such tax.

Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the purchaser or transferee by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor.

Sec. 12. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 24, chapter 149, Laws of 1967 ex. sess. and RCW 82.16.020 are each amended to read as follows:

There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three and six-tenths percent;

(2) Gas distribution business: ((Two and four-tenths)) Three percent;

(3) Urban transportation business: Six-tenths of one percent;

(4) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(5) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent.

Sec. 13. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 23, chapter 173, Laws of 1965 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 or distribution of all cigarettes, in an amount equal to the rate of ~~((four))~~ six and one-half mills per cigarette.

Sec. 14. Section 82.24.070, chapter 15, Laws of 1961, as last amended by section 24, chapter 173, Laws of 1965 ex. sess. and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to two percent of the first four mills of the value of the stamps purchased or affixed by them.

Sec. 15. Section 82.32.040, chapter 15, Laws of 1961 and RCW 82.32.040 are each amended to read as follows:

Each ~~((vending machine and each coin operated machine, except where used in conducting a public utility business, and each))~~ mechanical device, the operator of which is taxable under chapter 82.28, shall be considered a separate place of business and a separate registration certificate shall be obtained for each such ~~((machine or))~~ device. The issuance of any certificate for such ~~((machines or))~~ devices to any applicant therefor may be denied by the ~~((tax commission))~~ department, if the ~~((commission))~~ department, after hearing, finds that the conditions of the applicant's business or prior record as a taxpayer place in jeopardy the collection of the tax. The ~~((commission))~~ department may require that any applicant for a certificate of registration for any such ~~((machine or))~~ device furnish a proper surety bond sufficient to secure the payment of any tax imposed. It shall be unlawful for any person to operate such ~~((machine or))~~ device or permit it to be operated on his premises unless a certificate of registration has been obtained and is conspicuously displayed upon such ~~((machine or))~~ device, or for any person to operate any such ~~((machine or))~~ device under a forged certificate of registration or under a certificate of registration not issued for such ~~((machine or))~~ device or to the operator thereof or under a certificate of registration which has been revoked, or for any person upon making application for a certificate of registration to fail or refuse to give any information requested by the ~~((commission))~~ department or to give false information with intent to conceal the true name or address of the owner or operator of such ~~((machine))~~ device.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Any ~~((machine or))~~ device described herein which does not display a certificate of registration, or any ~~((machine or))~~ device which displays a forged certificate of registration or a certificate of registration not issued for such ~~((machine))~~ device or to the operator thereof or revoked certificate of registration, is hereby

declared to be contraband and may be seized by the ((tax commission)) department, or by any peace officer of the state, when directed by the ((commission)) department so to do, without warrant, and shall be offered for sale by the ((commission)) department in the same manner as property distrained under warrant for the satisfaction of delinquent taxes. The proceeds of sale shall be paid to the ((commission)) department and credited to the account of miscellaneous revenue: PROVIDED, That the costs of the seizure and sale shall be paid out of the proceeds before making remittance.

Any money contained in such ((machines or)) devices may be removed before the ((machine or)) device is offered for sale and the amount thereof shall be considered as part of the proceeds of the sale.

Sec. 16. Section 82.32.050, chapter 15, Laws of 1961, as amended by section 1, chapter 141, Laws of 1965 ex. sess., and RCW 82.32.050 are each amended to read as follows:

If upon examination of any returns or from other information obtained by the ((tax commission)) department it appears that a tax or penalty has been paid less than that properly due, the ((commission)) department shall assess against the taxpayer such additional amount found to be due and as to assessments made on and after May 1, 1965, including assessments for additional tax or penalties due prior to that date shall add thereto interest at the rate of ((six)) nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment. The ((commission)) department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ten days from the date of the notice, or within such further time as the ((commission)) department may provide. If payment is not received by the ((commission)) department by the due date specified in the notice, or any extension thereof, the ((commission)) department shall add a penalty of ten percent of the amount of the additional tax found due. If the ((commission)) department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

No assessment or correction of an assessment for additional taxes due may be made by the ((commission)) department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 17. Section 82.32.060, chapter 15, Laws of 1961, as last amended by section 27, chapter 173, Laws of 1965 ex. sess., and RCW

82.32.060 are each amended to read as follows:

If, upon application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the ((tax commission)) department that within the two years immediately preceding the receipt ((of)) by the ((commission)) department of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the ((commission)) department of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of two years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. Except as to the utilization by the taxpayer of the credits in computing tax authorized by RCW 82.04.435, application for which credits must be made within two years of payment of the taxes giving rise to such credits, no refund or credit shall be allowed with respect to any payments made to the ((commission)) department more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year period may be offset against the amount of any tax deficiency which may be determined by the ((commission)) department for such statutory assessment period. ((Notwithstanding the foregoing, no refund or credit shall be granted with respect to taxes paid prior to May 4, 1950, but where a refund or credit may not be made because the tax was paid prior to May 4, 1950, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding May 4, 1950, may be offset against the amount of any tax deficiency which may be determined by the commission for such preceding period.))

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the ((tax commission)) department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the ((tax commission)) department and by the issuance of state warrants drawn upon and payable from such funds as the legislature

may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the ((tax commission)) department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the ((tax commission)) department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date.

Sec. 18. Section 82.32.080, chapter 15, Laws of 1961, as last amended by section 2, chapter 141, Laws of 1965 ex. sess., and RCW 82.32.080 are each amended to read as follows:

Payment of the tax may be made by uncertified check under such regulations as the ((commission)) department shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

A return or remittance which is transmitted to the ((tax commission)) department by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it.

The ((tax commission)) department, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the ((commission)) department of an amount to be determined by the ((commission)) department which shall be approximately equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The ((commission)) department shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not

approximate the tax liability for the reporting period or periods for which the extension is granted.

The ((~~commission~~)) department shall keep full and accurate records of all funds received and disbursed by it. Subject to the provisions of RCW 82.32.105 and 82.32.350, the department shall apply the payment of the taxpayer first against penalties and interest, and then upon the tax, without regard to any direction of the taxpayer.

The ((~~commission~~)) department may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the procedures provided in RCW 82.32.100 and to the penalties provided in RCW 82.32.090.

Sec. 19. Section 82.32.090, chapter 15, Laws of 1961, as last amended by section 26, chapter 149, Laws of 1967 ex. sess. and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the last day of the month in which the tax becomes due, there shall be assessed a penalty of ((~~two~~)) five percent of the amount of the tax; and if the tax is not received by the last day of the month next succeeding the month in which the due date falls, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received by the last day of the second month next succeeding the month in which the due date falls, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the due date falls, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year in which such due date falls.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

Sec. 20. Section 82.32.100, chapter 15, Laws of 1961, as amended by section 4, chapter 141, Laws of 1965 ex. sess. and RCW 82.32.100 are each amended to read as follows:

If any person fails or refuses to make any return or to make

available for examination the records required by this chapter, the ((tax commission)) department shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the ((commission)) department may examine the books, records, and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry.

As soon as the ((commission)) department procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, it shall proceed to determine and assess against such person the tax and penalties due, but such action shall not deprive such person from appealing to the superior court as hereinafter provided. To the assessment the ((commission)) department shall add the penalties provided in RCW 82.32.090. The ((commission)) department shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within ten days from the date of such notice.

No assessment or correction of an assessment may be made by the ((commission)) department more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

Sec. 21. Section 82.32.190, chapter 15, Laws of 1961, as amended by section 6, chapter 141, Laws of 1965 ex. sess., and RCW 82.32.190 are each amended to read as follows:

The ((tax commission)) department, by its order, may hold in abeyance the collection of tax from any taxpayer or any group of taxpayers when a question bearing on their liability for tax hereunder is pending before the courts: PROVIDED, That the ((commission)) department may impose such conditions as may be deemed just and equitable and shall require the payment of interest at the rate of ((one-half)) three-quarters of one percent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due.

Sec. 22. Section 11, chapter 28, Laws of 1963 ex. sess. and RCW 82.32.235 are each amended to read as follows:

In addition to the remedies provided in this chapter the ((tax commission)) department is hereby authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when there is reason to believe that there is in the possession of such person, political subdivision or department, property which is

or shall become due, owing, or belonging to any taxpayer against whom a warrant has been filed.

The notice and order to withhold and deliver shall be served by the sheriff of the county wherein the service is made, or by his deputy, or by any duly authorized representative of the ((tax commission)) department. Any person, or any political subdivision or department 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.

In the event there is in the possession of any such person or political subdivision or department, any property which may be subject to the claim of the ((tax commission)) department, such property shall be delivered forthwith to the commission or its duly authorized representative upon demand to be held in trust by the ((commission)) department for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the ((tax commission)) department conditioned upon final determination of liability.

Should any person or political subdivision fail to make answer to an 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 such person or political subdivision for the full amount claimed by the ((tax commission)) department in the notice to withhold and deliver, together with costs.

Sec. 23. Section 82.32.350, chapter 15, Laws of 1961 and RCW 82.32.350 are each amended to read as follows:

The ((tax commission; with concurrence of all three members;)) department may enter into an agreement in writing with any person relating to the liability of such person in respect of any tax imposed by any of the preceding chapters of this title for any taxable period or periods.

Sec. 24. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970 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 ((; and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills)); the levy by or for any school district shall not exceed 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.

Sec. 25. Section 1, chapter 133, Laws of 1967 ex. sess. as amended by section 2, chapter 216, Laws of 1969 ex. sess. and RCW 84.52.065 are each amended to read as follows:

In each of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972 the state shall levy for collection in 1968 and 1969 and 1970 and 1971 and 1972 and 1973 respectively for the support of common schools of the state a tax of two mills upon the assessed valuation of all taxable property within the state adjusted to fifty percent of true and fair value of such property in money in accordance with the ratio fixed by the state department of revenue. Such levy shall be in addition to the levy ~~((of two mills))~~ for public assistance purposes as provided in RCW 74.04.150 and 84.52.050, as now or hereafter amended.

NEW SECTION. Sec. 26. Sections 27 through 31 of this 1971 -V amendatory act are added to chapter 15, Laws of 1961 and to Title 82 RCW and shall constitute a new chapter therein to be known as chapter 82.13 RCW.

NEW SECTION. Sec. 27. It is the intent of this chapter to impose a compensating excise tax upon the consumption or use of electrical energy, with respect to the retail sale of which the tax imposed by chapter 82.16 RCW is not applicable, at the same rate and measure as the tax imposed under the provisions of chapter 82.16 RCW upon persons engaged in the light and power business.

NEW SECTION. Sec. 28. There is hereby levied and shall be collected from every person in this state a tax or excise for the privilege of consuming or using within this state, as a consumer or user, electrical energy.

NEW SECTION. Sec. 29. The tax imposed in section 28 of this chapter shall not apply to the use or consumption of electrical energy with respect to which tax liability is specifically imposed on the seller under the provisions of chapter 82.16 RCW.

NEW SECTION. Sec. 30. The tax shall be levied and collected in an amount equal to the selling price of the electrical energy multiplied by the rate of 3.6 percent. For purposes of this section, the term "selling price of the electrical energy" shall mean the consideration paid by the buyer to the seller with respect to the electrical energy used or consumed.

NEW SECTION. Sec. 31. The provisions of chapter 82.32 RCW, insofar as applicable, shall have full force and application with respect to taxes imposed under the provisions of sections 28 through

V-31 of this 1971 amendatory act.

Sec. 32. Section 8, chapter 214, Laws of 1963 and RCW 84.28.065 are each amended to read as follows:

Whenever any land is removed from classification as reforestation land it shall thereafter be assessed and taxed without regard to the provisions of this chapter, and there shall thereupon become due and owing to the county in which such land is situated the taxes set forth in this section.

(a) A yield tax equal to (~~twelve and one-half~~) twenty-five percent of the value of the timber or forest crop remaining on the land, based upon full current stumpage rates fixed by the assessor: PROVIDED, That whenever, within a period of twelve years following the classification of any lands as reforestation lands, any such lands shall be removed from classification, the owner thereof shall be required to pay a yield tax upon the timber of (~~one~~) two percent for each year that has expired and shall take effect July from the date of such classification until such removal from classification.

(b) A sum of money equivalent to the amount, if any, by which the tax paid on the land and forest crop because of classification under this chapter is less than the tax paid during the same period on similar land and forest crop that was not classified.

The assessor shall prepare a roll of lands to be removed from classification and shall extend against such lands the taxes computed as provided in this section, and shall forthwith transmit to the county treasurer a record of such taxes; and the county treasurer shall thereupon enter the amount of such taxes upon his records against such lands and their owner; and such taxes shall thereupon become a lien against such lands and timber and also against any forest material that may be cut thereon and against any other real or personal property owned by such owner. Such taxes shall become delinquent on the fifteenth day of March next following the effective date of the commission's order. The lien of such taxes shall be superior, and shall be enforceable, in the same manner and to the same effect as provided in RCW 84.28.140 for collection of yield taxes on materials removed from classified lands: PROVIDED, That payment of such taxes shall be a condition precedent to issuance of an order removing lands from classification pursuant to provisions of RCW 84.28.063: PROVIDED FURTHER, That an order classifying lands or removing lands from classification shall not be retroactive, but the effective date of such order shall not be earlier than the first day of January next following the date of issuance of such order.

Sec. 33. Section 84.28.090, chapter 15, Laws of 1961, as amended by section 10, chapter 214, Laws of 1963 and RCW 84.28.090 are each amended to read as follows:

All lands classified as reforestation lands as provided in

this chapter and lying west of the summit of the Cascade range of mountains in the state of Washington shall, after the date of such classification, be assessed for purposes of taxation at ~~((two))~~ eight dollars per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of mountains shall be assessed for purposes of taxation at ~~((one))~~ four dollars per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington.

Sec. 34. Section 84.28.110, chapter 15, Laws of 1961, as last amended by section 153, chapter 81, Laws of 1971 and RCW 84.28.110 are each amended to read as follows: -V

Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the fifteenth day of February of each year, report under oath to the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same were cut. If no such report of cutting is made, or if the assessor shall believe the report to be inaccurate, incorrect or mistaken, the assessor may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. As soon as the report is filed, if the assessor is satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor shall have determined the amount of timber or forest crop cut as herein provided, the assessor shall determine the full current stumpage rates for the timber or forest crop cut and shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to ~~((twelve and one-half))~~ twenty-five percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the assessor: PROVIDED, Whenever within the period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of ~~((one))~~ two percent for each year that has expired from the date of such classification until such cutting: PROVIDED, FURTHER, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in -V

V- harvesting the forest crop.

Whenever the owner is dissatisfied with the determination of the amount cut as made by the assessor, or with the full current stumpage rates as fixed by the assessor, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved and the county assessor of the county, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only, to be charged against the funds to which the collected tax was paid. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. The judgment of the superior court shall be subject to appeal to the supreme court or the court of appeals in the same manner and by the same procedure as appeals are taken and perfected in civil actions at law.

Sec. 35. Section 82.50.010, chapter 15, Laws of 1961 as amended by section 44, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.010 are each amended to read as follows:

"Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than ~~((thirty-two))~~ thirty-five feet in length or more than eight feet in width, except as hereinafter specifically excluded, and excluding modular homes as defined below.

"Travel trailer" means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are ~~((thirty-two))~~ thirty-five feet or less in length and eight feet or less in width, except as may be hereinafter specifically excluded.

"Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor

to its ceiling when fully extended, but shall not include motorhomes as defined in this section.

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation.

"Commission" means the department of revenue of the state.

"Director" means the director of motor vehicles of the state.

Sec. 36. Section 82.50.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 69, Laws of 1969 and RCW 82.50.020 are each amended to read as follows:

An annual excise tax is imposed on the owner of any mobile home ((or)) travel trailer, or camper for the privilege of using such mobile home ((or)) travel trailer, or camper in this state. The tax shall be collected for each calendar year by the department of motor vehicles or the county auditor of the county in which the mobile home ((or)) travel trailer, or camper is located at the time payment is made and shall be due on and after January 1st or on the date the mobile home ((or)) travel trailer, or camper is first purchased or brought into this state, and paid on or before February 4th of each calendar year or thirty days after the mobile home ((or)) travel trailer, or camper is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any mobile home ((or)) travel trailer, or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such mobile home ((or)) travel trailer, or camper has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

Sec. 37. Section 82.50.030, chapter 15, Laws of 1961 as last amended by section 46, chapter 149, Laws of 1967 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 ((one and one-half)) two percent of the fair market value of the mobile home ((or)) 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 mobile home ((or)) 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 ((or)) travel trailer, or camper is first used: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A mobile home ((or)) 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. 38. Section 82.50.040, chapter 15, Laws of 1961 as amended by section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040 are each amended to read as follows:

The classification and schedule prepared under RCW 82.44.040 for mobile homes ~~((or))~~, travel trailers, or campers used as facilities for human habitation shall be the schedule used by the county auditors and the director for determining the amount of tax due hereunder.

Sec. 39. Section 82.50.050, chapter 15, Laws of 1961 as amended by section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050 are each amended to read as follows:

The tax hereunder for any mobile home ~~((or))~~, travel trailer, or camper not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for mobile homes ~~((or))~~, travel trailers, or campers used as facilities for human habitation.

Sec. 40. Section 82.50.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 69, Laws of 1969 and RCW 82.50.070 are each amended to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer, a description of the mobile home ~~((or))~~, travel trailer, or camper, and in the case of a mobile home its location at the time of payment of the tax which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of mobile home ~~((or))~~, travel trailer, or camper, listed alphabetically.

In addition thereto the county auditor or the director shall issue a license plate and register the mobile home or travel trailer as if they were "house trailers" under the provisions of chapter 46.16 and shall collect the additional fees therein provided. Such license plate shall be displayed in the manner prescribed in RCW 46.16.240: PROVIDED, That when the mobile home or travel trailer is not using the public highways the license plate shall be displayed pursuant to rules or orders promulgated by the department.

Sec. 41. Section 82.50.101, chapter 15, Laws of 1961 as amended by section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101 are each amended to read as follows:

The director or his authorized representative shall have power to enter at reasonable times all mobile home parks and other areas

where mobile homes, ((or)) travel trailers, or campers are parked for the purpose of determining whether or not the tax herein prescribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

Sec. 42. Section 82.50.105, chapter 15, Laws of 1961 as last amended by section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105 are each amended to read as follows:

On or before the thirty-first day of December of each calendar year, the director shall cause to be mailed to the owners of mobile homes ((or)) travel trailers, or campers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the mobile home ((or)) travel trailer, or camper, prominent notice of penalties, due dates, and such other information as may be required by the director. If payment is not made within thirty days of the issuance of said notice, the director may forward a notification of delinquency to the county sheriff of the county wherein the mobile home ((or)) travel trailer, or camper is located, requesting distraint of said mobile home ((or)) travel trailer, or camper.

Sec. 43. Section 82.50.110, chapter 15, Laws of 1961 as last amended by section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110 are each amended to read as follows:

If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable.

The tax hereunder shall be a specific lien on the mobile home ((or)) travel trailer, or camper from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the mobile home ((or)) travel trailer, or camper may become charged or liable, after July 1, 1957, and no sale or transfer of any mobile home ((or)) travel trailer, or camper shall in any way affect the lien for such excise tax upon the mobile home ((or)) travel trailer, or camper.

Sec. 44. Section 82.50.120, chapter 15, Laws of 1961 as last amended by section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120 are each amended to read as follows:

It shall be unlawful for any owner or other person to remove a mobile home ((or)) travel trailer, or camper from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

Sec. 45. Section 82.50.130, chapter 15, Laws of 1961 as amended by section 54, chapter 149, Laws of 1967 ex. sess. and RCW

82.50.130 are each amended to read as follows:

When notified by the director that the excise tax is delinquent on any mobile home ((or)) travel trailer, or camper, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the mobile home ((or)) travel trailer, or camper, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the mobile home ((or)) travel trailer, or camper, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distrain the mobile home ((or)) travel trailer, or camper for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he shall determine that it is reasonably impracticable to take manual possession of the mobile home ((or)) travel trailer, or camper, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such mobile home ((or)) travel trailer, or camper, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12.

Sec. 46. Section 82.50.140, chapter 15, Laws of 1961 as amended by section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140 are each amended to read as follows:

If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the mobile home ((or)) travel trailer, or camper by posting written notices in three public places in the county in which the mobile home ((or)) travel trailer, or camper is located, one of which shall be at the county court house of such county, and by posting a written notice on the mobile home ((or)) travel trailer, or camper in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the mobile home ((or)) travel trailer, or camper will be sold. He shall tax the same fees for making the distraint and sale of the mobile home ((or)) travel trailer, or camper for the payment of taxes as are allowed him by law for making levy and sale

of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the mobile home ~~((or))~~, travel trailer, or camper is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such mobile home ~~((or))~~, travel trailer, or camper and posting of the notices, the sheriff shall proceed to sell the mobile home ~~((or))~~, travel trailer, or camper at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the mobile home ~~((or))~~, travel trailer, or camper so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

Sec. 47. Section 82.50.160, chapter 15, Laws of 1961 as amended by section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: ~~((Twenty))~~ Fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; ~~((twenty))~~ fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and ~~((sixty))~~ seventy percent for schools to be distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. ~~((No portion))~~ Fifty percent of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW ~~((28-41-430))~~ 29A.41.130.

Sec. 48. Section 82.50.180, chapter 15, Laws of 1961 as amended by section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180 are each amended to read as follows:

The following mobile homes ~~((or))~~, travel trailers, or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied mobile home ~~((or))~~, travel trailer, or camper when it is part of an inventory of mobile homes ~~((or))~~, travel

trailers, or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A mobile home ((or)) travel trailer, or camper owned by any government or political subdivision thereof.

(3) A mobile home ((or)) travel trailer, or camper owned by a nonresident and currently licensed in another state, unless such mobile home ((or)) travel trailer, or camper shall remain in this state for a period of ninety days or more during the calendar year.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

(4) Mobile homes or travel trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

(5) A mobile home which has substantially lost its identity as a mobile unit by virtue of being permanently fixed in location upon land owned by the owner of the mobile home and placed on a permanent foundation, subsequent to the removal of the hitch, wheels and axles of said unit, and with fixed pipe connections with sewer, water or other utilities.

Following the permanent placement of said mobile home as provided herein, and upon the request of the owner, made to the county assessor, the assessor shall confirm compliance with the conditions of this subsection and if the unit so qualifies, the unit will be entered on the real property tax rolls of the involved county, and said unit shall be exempted from the provisions of this chapter from and after the date it is assessed as a part of the real property.

Sec. 49. Section 82.50.190, chapter 15, Laws of 1961 as last amended by section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190 are each amended to read as follows:

No mobile home ((or)) travel trailer, or camper which is a part of the inventory of mobile homes ((or)) travel trailers, or campers held for sale by a dealer in the course of his business and no mobile home ((or)) travel trailer, or camper with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

Notwithstanding any provision of law to the contrary, on January 1, 1972, any owner of a camper who has failed to list his camper for the purposes of ad valorem taxation shall be relieved of any liability for such failure.

Sec. 50. Section 82.50.200, chapter 15, Laws of 1961 as amended by section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200 are each amended to read as follows:

Mobile homes ((or)) , travel trailers , or campers taxed and licensed under the provisions of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Sec. 51. Section 82.44.030, chapter 15, Laws of 1961 and RCW 82.44.030 are each amended to read as follows:

Every dealer in motor vehicles, for the privilege of using any motor vehicle eligible to be used under a set of dealer's license plates, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original set of dealer's license plates, and also a similar tax shall be collected upon the issuance of each set of dealer's duplicate license plates, which taxes shall be in addition to any tax otherwise payable under this chapter; PROVIDED, That no dealer's license plates shall be required on any camper as defined in RCW 82.50.010 when the motor vehicle carrying such camper is using dealer license plates.

NEW SECTION. Sec. 52. There is added to chapter 82.44 RCW a new section to read as follows:

The department of revenue and association of county assessors shall include campers on the schedule prepared by them as required under RCW 82.44.040 and any unlisted campers shall be appraised in the same manner as motor vehicles as provided in RCW 82.44.050.

NEW SECTION. Sec. 53. (1) Sections 35 through 52 and section 54 of this 1971 amendatory act shall take effect on July 1, 1971, except that the provisions of chapter 82.50 RCW imposing a tax on campers shall not take effect until January 1, 1972.

(2) Sections 36 through 50 of this 1971 amendatory act shall be operative and in effect only until and including December 31, 1972, at which time, they, in their entirety, shall expire without any further action of the legislature. The expiration of such sections shall not be construed as affecting any existing right acquired under the expired statutes, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor any administrative action taken thereunder.

(3) Sections 55 through 76 of this 1971 amendatory act shall take effect on January 1, 1973 without any further action of the legislature.

Sec. 54. Section 82.44.010, chapter 15, Laws of 1961 as last amended by section 4, chapter 121, Laws of 1967 and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

"Motor vehicle" means all motor vehicles, trailers and semi-trailers used, or of the type designed primarily to be used,

upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, (4) ~~((house trailers))~~ mobile homes and travel trailers as defined in RCW 82.50.010, or (5) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

"Commission" or "tax commission" means the ~~((tax commission))~~ department of revenue of the state.

NEW SECTION. Sec. 55. There is added to chapter 82.50 RCW a new section to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The tax shall be collected for each calendar year by the department of motor vehicles or the county auditor of the county in which the travel trailer or camper is located at the time payment is made and shall be due on and after January 1st or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before January 31st of each calendar year or thirty days after the travel trailer or camper is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

NEW SECTION. Sec. 56. There is added to chapter 82.50 RCW a new section 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 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.

NEW SECTION. Sec. 57. There is added to chapter 82.50 RCW a new section to read as follows:

The classification and schedule prepared under RCW 82.44.040 for travel trailers or campers used as facilities for human habitation shall be the schedule used by the county auditors and the director for determining the amount of tax due hereunder.

NEW SECTION. Sec. 58. There is added to chapter 82.50 RCW a new section to read as follows:

The tax hereunder for any travel trailer or camper not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for travel trailers or campers used as facilities for human habitation.

NEW SECTION. Sec. 59. There is added to chapter 82.50 RCW a new section to read as follows:

The county auditor or the department of motor vehicles upon payment of the tax hereunder shall issue a receipt which shall include such information as may be required by the director, including the name of the taxpayer and a description of the travel trailer or camper, which receipt shall be printed by the department of motor vehicles in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of travel trailers or campers, listed alphabetically.

NEW SECTION. Sec. 60. There is added to chapter 82.50 RCW a new section to read as follows:

The director or his authorized representative shall have power to enter at reasonable times all mobile home parks and any other areas where travel trailers or campers are parked for the purpose of determining whether or not the tax herein prescribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

NEW SECTION. Sec. 61. There is added to chapter 82.50 RCW a new section to read as follows:

On or before the fifteenth day of February of each calendar year, the director shall cause to be mailed to the owners of travel trailers or campers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the travel trailer or camper, prominent notice of penalties, due dates, and such other information as may be required by the director. If payment is not made within thirty days of the

issuance of said notice, the director may forward a notification of delinquency to the county sheriff of the county wherein the travel trailer or camper is located, requesting distraint of said travel trailer or camper.

NEW SECTION. Sec. 62. There is added to chapter 82.50 RCW a new section to read as follows:

If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable.

The tax hereunder shall be a specific lien on the travel trailer or camper from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the travel trailer or camper may become charged or liable, after July 1, 1957, and no sale or transfer of any travel trailer or camper shall in any way affect the lien for such excise tax upon the travel trailer or camper.

NEW SECTION. Sec. 63. There is added to chapter 82.50 RCW a new section to read as follows:

It shall be unlawful for any owner or other person to remove a travel trailer or camper from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

NEW SECTION. Sec. 64. There is added to chapter 82.50 RCW a new section to read as follows:

When notified by the director that the excise tax is delinquent on any travel trailer or camper, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the travel trailer or camper, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the travel trailer or camper, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the travel trailer or camper for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he shall determine that it is reasonably impracticable to take manual possession of the travel trailer or camper, it shall be deemed to have been distrained and taken into possession when the

sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such travel trailer or camper, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided, shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12 RCW.

NEW SECTION. Sec. 65. There is added to chapter 82.50 RCW a new section to read as follows:

If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the travel trailer or camper by posting written notices in three public places in the county in which the travel trailer or camper is located, one of which shall be at the county court house of such county, and by posting a written notice on the travel trailer or camper in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the travel trailer or camper will be sold. He shall tax the same fees for making the distraint and sale of the travel trailer or camper for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the travel trailer or camper is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such travel trailer or camper and posting of the notices, the sheriff shall proceed to sell the travel trailer or camper at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the travel trailer or camper so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

NEW SECTION. Sec. 66. There is added to chapter 82.50 RCW a new section to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: Fifteen percent to cities and towns for the use thereof apportioned ratably

among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. All of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW 28A.41.130.

NEW SECTION. Sec. 67. There is added to chapter 82.50 RCW a new section to read as follows:

The following travel trailers or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A travel trailer or camper owned by any government or political subdivision thereof.

(3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper shall remain in this state for a period of ninety days or more during the calendar year.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

(4) Travel trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

NEW SECTION. Sec. 68. There is added to chapter 82.50 RCW a new section to read as follows:

No mobile home, travel trailer, or camper which is a part of the inventory of mobile homes, travel trailers, or campers held for sale by a dealer in the course of his business and no travel trailer or camper with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation.

NEW SECTION. Sec 69. There is added to chapter 82.50 RCW a new section to read as follows:

Travel trailers or campers taxed and licensed under the provisions of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Sec. 70. Section 84.04.090, chapter 15, Laws of 1961 and RCW 84.04.090 are each amended to read as follows:

The term "real property" for the purposes of taxation shall be held and construed to mean and include the land itself, whether laid out in town lots or otherwise, and all buildings, structures or improvements or other fixtures of whatsoever kind thereon, except improvements upon lands the fee of which is still vested in the United States, or in the state of Washington, and all rights and privileges thereto belonging or in any wise appertaining, except leases of real property and leasehold interests therein for a term less than the life of the holder; and all substances in and under the same; all standing timber growing thereon, except standing timber owned separately from the ownership of the land upon which the same may stand or be growing; and all property which the law defines or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law for the purposes of taxation. 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 permanently fixed in location upon land owned or leased by the owner of the mobile home and placed on a permanent foundation with fixed pipe connections with sewer, water, or other utilities.

Sec. 71. Section 84.36.110, chapter 15, Laws of 1961 and RCW 84.36.110 are each amended to read as follows:

The following property shall be exempt from taxation:

(1) All household goods and furnishings in actual use by the owner thereof in equipping and outfitting his or her residence or place of abode and not for sale or commercial use, and all personal effects held by any person for his or her exclusive use and benefit and not for sale or commercial use.

(2) The personal property, other than specified in subdivision (1) hereof, of each head of a family liable to assessment and taxation of which such individual is the actual and bona fide owner to an amount of three hundred dollars of actual values: PROVIDED, That this exemption shall not apply to any private motor vehicle, or mobile home, and; PROVIDED, FURTHER, That if the county assessor is satisfied that all of the personal property of any person is exempt from taxation under the provisions of this statute or any other statute providing exemptions for personal property, no listing of such property shall be required; but if the personal property described in subdivision (2) of this section exceeds in value the amount allowed as exempt, then a complete list of said personal property shall be made as provided by law, and the county assessor shall deduct the amount of the exemption authorized by this subdivision from the total amount of the assessment and assess the

remainder.

Sec. 72. Section 84.36.120, chapter 15, Laws of 1961 and RCW 84.36.120 are each amended to read as follows:

For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a widow, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

"Mobile home" shall be construed to mean and include all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width.

NEW SECTION. Sec. 73. There is added to chapter 82.50 RCW a new section to read as follows:

The provisions of chapter 82.50 RCW shall remain applicable to mobile homes through December 31, 1972. All mobile homes subject to the property tax shall be listed and assessed for the first time on January 1, 1972 and such tax shall be paid during 1973 in accordance with the laws of this state.

NEW SECTION. Sec. 74. There is added to chapter 84.40 RCW a new section to read as follows:

The director of revenue shall prepare a schedule of the value of mobile homes for property tax purposes. A copy of such schedule shall be sent to all county assessors and to the director of the department of motor vehicles.

NEW SECTION. Sec. 75. There is added to chapter 84.40 RCW a new section to read as follows:

Every person who wilfully avoids the payment of personal property taxes on mobile homes subject to such tax under the laws of this state shall be guilty of a misdemeanor.

NEW SECTION. Sec. 76. At the expiration of December 31, 1972 and simultaneously with the taking effect of sections 55 through 76 of this 1971 amendatory act, the following acts and parts of acts are hereby repealed:

(1) Section 82.50.020, chapter 15, Laws of 1961, section 45, chapter 149, Laws of 1967 ex. sess., section 1, chapter 69, Laws of

1969 and RCW 82.50.020;

(2) Section 82.50.030, chapter 15, Laws of 1961, section 7, chapter 199, Laws of 1963, section 29, chapter 173, Laws of 1965 ex. sess., section 46, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.030;

(3) Section 82.50.040, chapter 15, Laws of 1961, section 47, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.040;

(4) Section 82.50.050, chapter 15, Laws of 1961, section 48, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.050;

(5) Section 82.50.070, chapter 15, Laws of 1961, section 49, chapter 149, Laws of 1967 ex. sess., section 2, chapter 69, Laws of 1969 and RCW 82.50.070;

(6) Section 82.50.101, chapter 15, Laws of 1961, section 50, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.101;

(7) Section 82.50.105, chapter 15, Laws of 1961, section 8, chapter 199, Laws of 1963, section 1, chapter 92, Laws of 1965 ex. sess., section 51, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.105;

(8) Section 82.50.110, chapter 15, Laws of 1961, section 2, chapter 92, Laws of 1965 ex. sess., section 52, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.110;

(9) Section 82.50.120, chapter 15, Laws of 1961, section 9, chapter 199, Laws of 1963, section 53, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.120;

(10) Section 82.50.130, chapter 15, Laws of 1961, section 54, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.130;

(11) Section 82.50.140, chapter 15, Laws of 1961, section 55, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.140;

(12) Section 82.50.160, chapter 15, Laws of 1961, section 1, chapter 274, Laws of 1969 ex. sess. and RCW 82.50.160;

(13) Section 82.50.180, chapter 15, Laws of 1961, section 56, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.180;

(14) Section 28, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.185;

(15) Section 82.50.190, chapter 15, Laws of 1961, section 57, chapter 149, Laws of 1967 ex. sess., section 1, chapter 225, Laws of 1969 ex. sess. and RCW 82.50.190; and

(16) Section 82.50.200, chapter 15, Laws of 1961, section 58, chapter 149, Laws of 1967 ex. sess. and RCW 82.50.200.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

Sec. 77. Section 82.26.020, chapter 15, Laws of 1961 as

amended by section 25, chapter 173, Laws of 1965 ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, (~~(1965)~~) 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of (~~(thirty)~~) forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of twenty-five percent of the wholesale sales price of each tobacco product in his possession or under his control on July 1, 1959.

Each distributor, within twenty days after July 1, 1959 shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1959 and the amount of tax due thereon.

The tax imposed by this subdivision shall be due and payable within twenty days after July 1, 1959 and thereafter shall bear interest at the rate of one percent per month.

NEW SECTION. Sec. 78. If any phrase, clause, subsection or section of this 1971 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this 1971 amendatory act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

NEW SECTION. Sec. 79. This 1971 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 as follows:

(1) Sections 1 through 12, 15 through 34 and 53 shall take effect July 1, 1971;

(2) Sections 13, 14, and 77 and 78 shall take effect June 1, 1971; and

(3) Sections 35 through 52 and 54 through 76 shall take effect as provided in section 53.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of

certain sections which are vetoed. Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Section 19 of this bill is an amendment to RCW 82.32.090, and provides for an increase in the penalty for delinquent state excise taxes from 2% to 5%. The effective date of this section is, in accordance with section 79 of the bill, July 1, 1971.

Veto
Message

RCW 82.32.090 was also amended by section 1 of Substitute House Bill No. 461 which I have already signed. Section 1 of Substitute House Bill No. 461 not only increases the penalty from 2% to 5%, but also provides that taxes accrued, though not collected, in the last month of the fiscal year shall be credited to that fiscal year rather than the succeeding fiscal year. Further, the effective date of these provisions is June 1, 1971.

In order to avoid any inconsistency between section 19 of Engrossed Substitute Senate Bill No. 897 and section 1 of Substitute House Bill 461 as to effective dates, I have vetoed section 19.

I have also vetoed sections 26 through 31, which establish a 3.6% compensating excise tax upon the use of electrical energy sold at retail by the Bonneville Power Administration to its industrial customers. The purpose of these provisions is an excellent one, in that they compensate for the fact that these sales of electrical energy cannot be made subject to the 3.6% public utility tax imposed upon retail sales of electrical energy by other sellers, such as private power companies, public utility districts, and municipal utility systems.

However, special circumstances require a veto of these provisions at this time. For these industrial customers of the Bonneville Power Administration will be making contributions in the amount of approximately three million dollars annually as part of the additional costs of keeping in operation the "N" Reactor at Hanford. This will allow continuous operation of the Hanford No. 1 steam generating plant of Washington Public Power Supply System, which is essential for the economic welfare of the state.

In view of this unexpected and heavy burden upon these industrial customers, I feel the additional burden of the proposed compensating tax is unwarranted at this time. However, consideration must certainly be given to imposing this tax at the expiration of the agreements providing for the contributions from these industrial customers, approximately three years hence.

Veto
Message

I have also vetoed section 32 and 34, which raise the yield tax applicable to timber on classified reforestation lands under chapter 84.28 RCW from twelve and one-half to twenty-five percent of the timber value. Pursuant to Substitute Senate Bill No. 849, which I have signed today, a study is to be made of the problem of integrating taxation of land and timber now classified under chapter 84.28 RCW into the provisions of Substitute Senate Bill No. 849. I believe that any legislative action with respect to changing the rates of the yield tax under chapter 84.28 RCW should await the results of this study.

With the exception of sections 19, 26 through 32, and 34, the remainder of the bill is approved."

CHAPTER 300

[Senate Bill No. 884]

HOUSING AUTHORITIES--

SUPPLEMENTAL PROJECTS

AN ACT Relating to housing authorities; amending section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030; and adding a new section to chapter 35.82 RCW.

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

V- Section 1. Section 35.82.030, chapter 7, Laws of 1965 and RCW 35.82.030 are each amended to read as follows:

In each city (as herein defined) and in each county of the state there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city or county: PROVIDED, HOWEVER, That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city or county. The determination as to whether or not there is such need for an authority to function (1)

may be made by the governing body on its own motion or (2) shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city or county, as the case may be, asserting that there is need for an authority to function in such city or county and requesting that the governing body so declare: PROVIDED, That the governing body of any class A county east of the Cascade mountains and of any city within such county shall only make such determination after referendum thereon to the people of such city or county, as the case may be.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the city or county, as the case may be, if it shall find (1) that unsanitary or unsafe inhabited dwelling accommodations exist in such city or county or (2) that there is a shortage of safe or sanitary dwelling accommodations in such city or county available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city or county, as the case may be. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

NEW SECTION. Sec. 2. There is added to chapter 35.82 RCW a new section to read as follows:

Except as limited by this section, an authority shall have the same powers with respect to supplemental projects as hereinafter in this section defined as are now or hereafter granted to it under this chapter with respect to housing projects.

No funds shall be expended by an authority for a supplemental project except by resolution adopted on notice at a public hearing as provided by chapter 42.32 RCW, supported by formal findings of fact incorporated therein, establishing that:

- (1) Low-income housing needs within the area of operation of

the authority are being or will be adequately met by existing programs; and

(2) A surplus of funds will exist after meeting such low-income housing needs.

Expenditures for supplemental projects shall be limited to those funds determined to be surplus.

"Supplemental project" for the purposes of this chapter shall mean any work or undertaking to provide buildings, land, equipment, facilities, and other real or personal property for recreational, group home, halfway house or other community purposes which by resolution of the housing authority is determined to be necessary for the welfare of the community within its area of operation and to fully accomplish the purposes of this chapter. Such project need not be in conjunction with the clearing of a slum area under subsection (9) (a) of RCW 35.82.020 or with the providing of low-income housing under subsection (9) (b) of RCW 35.82.020.

Passed the Senate May 9, 1971.

Passed the House May 6, 1971.

Approved by the Governor May 21, 1971 with the exception of section 1 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...The proviso in SB 884, "That the governing body of any class A county east of the Cascade mountains and of any city within such county shall only make such determination after referendum thereon to the people of such city or county, as the case may be." is narrowly drawn to apply to only one county in the state. Such a limitation to the general requirements of existing statutes relative to housing authorities is inappropriate and contrary to sound public policy. I have therefore vetoed this proviso and approved the remainder of the bill."

Veto Message

CHAPTER 301
[Substitute Senate Bill No. 926]
SUPPLEMENTAL BUDGET

AN ACT Adopting the supplemental budget; making appropriations for miscellaneous purposes; and declaring an emergency.

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

NEW SECTION. Section 1. The following sums, or so much

thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated, for the period from the effective date of this act to June 30, 1973, except as otherwise noted.

BELATED CLAIMS

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the State Auditor:

GENERAL FUND--Architects' License Account	
Appropriation.....\$	902.85
GENERAL FUND--Commercial Feed Account	
Appropriation.....\$	2.44
GENERAL FUND--Commission Merchants Account	
Appropriation.....\$	7.17
GENERAL FUND--Electrical License Account	
Appropriation.....\$	4.36
GENERAL FUND--Fertilizer, Agricultural Mineral and Lime Account Appropriation.....\$	4.89
GENERAL FUND--Probation Services Account	
Appropriation.....\$	2,523.79
GENERAL FUND--Real Estate Commission Account	
Appropriation.....\$	1,776.15
GENERAL FUND--Reclamation Revolving Account	
Appropriation.....\$	150.00
GENERAL FUND--Resources Management Account	
Appropriation.....\$	7,540.00
GENERAL FUND--Driver Education Account	
Appropriation.....\$	625.35
GENERAL FUND--Outdoor Recreation Account	
Appropriation.....\$	51.50
GAME FUND Appropriation, 1965-1967.....\$	118.61
GAME FUND Appropriation, 1967-1969.....\$	20,216.75
GRAIN AND HAY INSPECTION FUND	
Appropriation, 1965-1967.....\$	132.96
GRAIN AND HAY INSPECTION FUND	
Appropriation, 1967-1969.....\$	33.25
HIGHWAYS SAFETY FUND Appropriation.....\$	1,269.54
MOTOR VEHICLE FUND Appropriation.....\$	28,890.12
STATE PATROL HIGHWAY ACCOUNT Appropriation.....\$	8,784.05
PUBLIC SERVICE REVOLVING FUND Appropriation.....\$	1,311.34
AGRICULTURAL LOCAL FUND ACCOUNT	
Appropriation.....\$	272.55
DEPARTMENT OF PERSONNEL SERVICE REVOLVING FUND	
Appropriation.....\$	182.22

ACCIDENT FUND Appropriation.....\$	48.00
MEDICAL AID FUND Appropriation.....\$	267.23
GENERAL FUND--Nursery Inspection Account Appropriation.....\$	34.07

SUNDRY CLAIMS

General Fund Appropriation for relief of various individuals, firms and corporations for sundry reasons to be disbursed on vouchers approved by the State Auditor as follows:

HILLCREST AIRCRAFT CO., for refund of Air Fuel Tax.....\$	3,194.28
INTERNATIONAL TRANSPORT, INC., refund for overpayment of prorated license fees.....\$	12,838.56
PUGET SOUND HELICOPTERS, INC., in full settlement for judgment against State, Thurston County Cause No. 42630.....\$	20,560.40
EARL A. AND MARY WASNER, in full payment of 6% interest on judgment against the State, Thurston County Cause No. 36265.....\$	2,213.42
CLARENCE L. BUNGE, for services rendered to public assistance recipients, subject to verification.....\$	213.10
HYUNG K. PARK, for services rendered to public assistance recipients.....\$	22.23
KEITH, WINSTON AND REPSOLD, Attorneys for Metalab Equipment Co. v. State, Thurston County Cause No. 40335, in full settlement for judgment.....\$	10,715.15
ROBERT W. BENSON, Public Printer, for services and supplies rendered to Facilities and Operations Commission.....\$	2,397.12
DOCTORS CLINIC, for services rendered to public assistance recipient.....\$	71.00
WILL HOWARD, Attorney for George C. Olsen, in full settlement for injuries and medical costs sustained while an employee of the Washington State Senate (1969), subject to release of any and all claims by Olsen.....\$	3,500.00
PETER E. GOLDEN, for initial uniform allowances in accordance with RCW 38.12.200.....\$	100.00
LARRY W. WILDE, for initial uniform allowances in accordance with RCW 38.12.200.....\$	100.00

JACK C. AGNFW, in full settlement of judgment against State, King County Superior Court No. 195387.....\$	4,989.82
HARBOR VIEW MEDICAL CENTER, for detention of mentally ill patients until transfer to mental institutions of State of Washington.....\$	16,742.51
CLARK COUNTY, WASHINGTON, for overpayment to Columbia View Manor.....\$	960.37
ISLAND COUNTY TREASURER, reimbursement for cost incurred in making tax roll corrections.....\$	3,324.62
ISLAND COUNTY ASSESSOR, reimbursement for cost incurred in tax roll corrections.....\$	2,088.38
MRS. TOM (RUTH) OAKSHOTT, refund of moneys paid into Judges' Retirement Fund by Judge Thomas Oakshott, deceased, as full settlement, subject to release of any and all claims.....\$	3,752.50
LEWIS SQUALLY, for costs taxed against the State by the Supreme Court.....\$	451.14
ALVIN BRIDGES, supplemental judgment taxing costs against the State.....\$	109.00
RICHARD L. NORMAN, attorneys fees for case of State of Washington v. Robert J. Riddell.....\$	1,591.39
EMIL W. ROSENBERG, reimbursement for sport jacket torn due to demonstration at Washington State Senate Chamber, February 23, 1971.....\$	35.00
OBED J. WILLIAMSON, reimbursement for underpayment of 1961-62 academic year's salary due to administrative error by Eastern Washington State College.....\$	1,400.00
State Employees' Retirement Fund Appropriation to be disbursed on vouchers approved by the State Auditor as follows:	
MARGARET NEAL, refund of contributions to Washington State Employees' Retirement System.....\$	806.05
Medical Aid Fund Appropriation to be disbursed on vouchers approved by the State Auditor as follows:	
ABE CHAIKIN, salary adjustment including retirement and OASI.....\$	863.05

General Fund Appropriation to Supplies and Services Fund for supplies and services rendered during previous bienniums: PROVIDED, That this fund is to be disbursed by the State Auditor in accordance with the detailed list on file in the State Auditor's office containing claim numbers 71-0001 to 71-0109, 71-0140 to 71-0397, and 71-0408.....\$ 50,279.30

General Fund Appropriation to the Department of Social and Health Services and to be paid by the Department of Social and Health Services to various vendors in full settlement of services rendered to welfare patients for the period March 10, 1969 to January 29, 1971, and to be paid at the rate of eighty-five percent of each late billing received for services rendered during the period March 10, 1969 to January 29, 1971, on vouchers approved by the Department of Social and Health Services.....\$ 404,347.01

NEW SECTION. Sec. 2. The following sums or so much thereof as shall be found necessary are hereby appropriated out of the several funds indicated, for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973, except as otherwise provided.

Permanent Statute Law Committee

General Fund Appropriation: For bill drafting services and unanticipated expenses associated with the 1972 special session.....\$ 70,000

Department of General Administration

General Fund Appropriation: For janitorial and other services to legislative agencies.....\$341,170

Supreme Court

General Fund Appropriation: For Department of General Administration facilities and services charges.....\$ 89,591

Law Library

General Fund Appropriation: For Department of General Administration facilities and services charges.....\$ 57,563

Administrator for the Courts

General Fund Appropriation: For Department of General Administration facilities and services charges.....\$ 8,967

Secretary of State

General Fund Appropriation: For start up costs in collecting 25 percent surtax from corporations resulting from passage of chapter 2, Laws of 1971 first ex. sess.....\$ 15,000

Department of General Administration

General Fund Appropriation; For the Department of General Administration for the division of savings and loans: PROVIDED, That no allocations shall be made from this appropriation except from additional revenues received by the division of savings and loan from increases established after May 15, 1971, in fee schedules for services performed by the division.....\$ 58,525

Department of Revenue

General Fund Appropriation: For expansion of timber assessment staff and related costs as provided for in chapter ..., Laws of 1971 first ex. sess. (SB 849).....\$250,000

Department of Motor Vehicles

General Fund Appropriation: For the professional licensing division in order to meet responsibilities dictated by the various professional and occupational laws.....\$ 40,000

State Commission on Mexican-American Affairs

General Fund Appropriation: For the purpose of carrying out the provisions of chapter 34, Laws of 1971 1st ex. sess. (SB 394).....\$ 30,000

Department of Employment Security

Unemployment Compensation Administrative Fund Appropriation: For the purpose of carrying out the provisions of chapter 3, Laws of 1971 (HB 199)\$118,100

Department of Agriculture

General Fund Appropriation: For the purpose of carrying out the provisions of chapter 49, Laws of 1971 (HB 41).....\$ 22,132

Department of Natural Resources

General Fund--Forest Development Account Appropriation: For the purpose of providing additional operating expenses as authorized by chapter ..., Laws of 1971 first ex. sess. (HB 477).....\$ 80,010.

General Fund--resource Management Cost Account Appropriation: For the purpose of providing additional operating expenses as authorized by

chapter ..., Laws of 1971 first ex. sess. (HB 477) and chapter 43, Laws of 1971 first ex. sess. (HB 493): PROVIDED, That not more than \$80,000 shall be expended in accordance with the provisions of chapter 43, Laws of 1971 first ex. sess.\$752,121

Washington Public Employees Retirement System

Retirement System Expense Fund Appropriation: For the purpose of carrying out the provisions of chapter 75, Laws of 1971 (HB 158).....\$ 75,000

Department of Social and Health Services

General Fund Appropriation: For the division of institutions to match local and federal revenues for the purpose of funding local mental retardation community construction projects: PROVIDED, That not more than \$41,250 shall be expended for the Victoria Ranch program and \$68,150 for the Lower Puget Sound Developmental Center (Morningside).....\$109,400

General Fund Appropriation: For the purpose of carrying out the provisions of chapter ..., Laws of 1971 (SB 170): PROVIDED, That expenditure shall not exceed revenues.....\$104,000

General Fund Appropriation: For the division of health: PROVIDED, That this appropriation, or so much as will be necessary, will be utilized for the operation of Firland Sanatorium from January 1, 1972 for the remainder of the biennium.....\$1,200,000

General Fund Appropriation: PROVIDED, That this amount will be utilized, together with the amount included in Engrossed Substitute House Bill No. 151, for the operation of Edgecliff Sanatorium for the first year of the 1971-73 biennium.....\$300,000

State Treasurer--State Revenues for Distribution

General Fund Appropriation: For county prosecutors' salaries.....\$592,125

General Fund Appropriation for distribution to counties to carry out the provisions of chapter 47, Laws of 1971 1st ex. sess. (SB 372), not to exceed 20% of revenues, and the provisions of chapter 29, Laws of 1971 1st ex. sess. (SB 156), not to

exceed 15% of revenues.....\$282,825

Oceanographic Commission

General Fund Appropriation: For the purpose
of continuing special studies associated
with oceanographic research.....\$ 15,000

Parks and Recreation Commission

General Fund Appropriation: For the purpose
of acquiring the historical ferry San Mateo
from the highway department.....\$ 1,500

Superintendent of Public Instruction

General Fund Appropriation of Mobile Home
Excise Tax to be distributed to local school districts in accordance
with chapter 82.50 RCW.....\$ 8,387,297

NEW SECTION. Sec. 3. There is hereby appropriated to the
department of natural resources to be disbursed for capital projects
during the period ending June 30, 1973 out of the several funds of
the state as hereinafter specified:

	From the	From the
	Fund Designated	General Fund

Rights-of-way acquisition,
timber access road
constructions, irrigation
development, road
development, road
construction, land
clearing and leveling
of agricultural land

Forest Development

Account	27,420
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Resources Management

Account	1,645,264
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Construct honor camp
bridges and culverts

General Fund	70,000
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NEW SECTION. Sec. 4. The following sums, or so much thereof
as shall severally be found necessary, are hereby appropriated out of
the several funds indicated, for the period from the effective date
of this act to June 30, 1973, except as otherwise provided.

Interim Committee on Fisheries, Game, Game Fish or Wildlife

General Fund Appropriation.....\$ 40,000

Senate Code of Ethics Board

General Fund Appropriation.....\$ 3,500

House Code of Ethics Board

General Fund Appropriation.....\$ 3,500

Joint Code of Ethics Board

General Fund Appropriation.....	\$ 3,500
Joint Committee on Governmental Cooperation	
General Fund Appropriation.....	\$110,000
Interim Committee on Water Resources	
General Fund Appropriation.....	\$ 52,000
Interim Committee on Banking, Insurance and Regulated Agencies	
General Fund Appropriation.....	\$110,000
Public Employees' Collective Bargaining Interim Committee	
General Fund Appropriation.....	\$ 30,000
Forest Tax Committee	
General Fund Appropriation.....	\$150,000
Municipal Committee	
Liquor Board Revolving Fund Appropriation.....	\$ 75,000
Superintendent of Public Instruction	
General Fund Appropriation of Mobile Home	
Excise Tax to be distributed: PROVIDED,	
These funds will be used to maintain the	
current guarantee per weighted pupil	
through 1970-71.....	
	\$490,077

NEW SECTION. Sec. 5. (1) From the amount appropriated to the House of Representatives for the expenses and costs of the legislature by section 1, chapter 2, Laws of 1971, the House of Representatives shall reimburse the Speaker for not more than one hundred days, in lieu of per diem at the rate of forty dollars per day for each day or major portion thereof in which he is actually engaged in completing the work of the forty-second legislature and is completing his duties as Speaker during the interim period until the convening of the next regular session of the legislature.

(2) From the amounts appropriated to the Senate and the House of Representatives for the expenses and costs of the legislature by section 1, chapter 2, Laws of 1971, the Senate and House of Representatives respectively shall reimburse their members in quarterly amounts of not to exceed one hundred fifty dollars upon presentation of vouchers by a member claiming reimbursement for interim expenses and certified by him that his expenses for such three month period were equal to or in excess of one hundred fifty dollars.

NEW SECTION. Sec. 6. Legislative redistricting in the nature of the case because of the numerical differences existing in the composition of the membership of the House of Representatives and the Senate of the Legislature of the State of Washington is a matter peculiarly within the special province of each house of the legislature. It is therefore the intention of the legislature that each house utilize for legislative redistricting purposes during the 1971-73 biennium funds appropriated to it for interim expenses.

None of the moneys appropriated pursuant to the provisions of this act or pursuant to the provisions of Engrossed Substitute House Bill No. 151 or appropriated pursuant to any other bill or statute enacted or in the process of being enacted by the regular or extraordinary sessions of the 1971 legislature making an appropriation to the legislative council or any other interim permanent or temporary legislative committee shall be used directly or indirectly for the purpose of preparing, collecting or assembling data for any legislative or congressional redistricting measure during the 1971-73 biennium.

House of Representatives

General Fund Appropriation: For the purpose of carrying out the provisions of Section 6.....\$ 25,000

Senate

General Fund Appropriation: For the purpose of carrying out the provisions of Section 6.....\$ 25,000

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...The specific items I have vetoed are as follows:

Veto Message

1. Department of Social and Health Services

On page 8, beginning on line 27, I have vetoed the following language: For the Division of Health: PROVIDED, That this appropriation, or so much as will be necessary, will be utilized for the operation of Firland Sanatorium from January 1, 1972 for the remainder of the biennium.

This appropriation is necessary to provide interim financing until the revenue provided for in the passage of HB 313 becomes available to operate the Sanatorium. The effect of removing this language is to enable the Department to

Veto
Message

utilize a portion of these funds for interim financing of Firland and to fund other mandatory legislation for which an appropriation was not provided in the rush of passing a supplemental budget in the last moments of the session. Any remaining balance will be placed in unallotted status and reverted at the end of the biennium.

2. State Treasurer - State Revenue
for Distribution

On page 9, beginning on line 14, I have vetoed the following language: not to exceed 15% of revenues. This language is inconsistent with SB 156 which requires the Treasurer to distribute 25% of the snowmobile registration fees to county treasurers. I believe the intent of the substantive legislation should be followed, rather than the erroneous provision in a hastily considered supplemental appropriations bill.

3. Interim Committee on Water
Resources.

On page 10, on lines 32 and 33, I have vetoed the appropriation to the Interim Committee on Water Resources. I have been advised by the Speaker of the House and other legislators that such an interim committee was not appointed.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 302
[Engrossed Substitute Senate Bill No. 441]
CRIMES AND CRIMINAL PROCEDURE--
REGULATION OF OUTDOOR MUSIC FESTIVALS

AN ACT Relating to crimes and criminal procedure; providing for the regulation of outdoor music festivals; amending section 1, chapter 172, Laws of 1935 as amended by section 1, chapter 124, Laws of 1961 and RCW 9.41.010; amending section 7, chapter 172, Laws of 1935 as amended by section 6, chapter 124, Laws of 1961 and RCW 9.41.070; amending section 2, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.110; amending section 3, chapter 79, Laws of 1969 ex. sess. and RCW

9.40.120; amending section 4, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.130; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030; amending section 18, chapter 137, Laws of 1969 ex. sess. as amended by section 3, chapter 72, Laws of 1970 ex. sess. and RCW 70.74.135; amending section 400, chapter 249, Laws of 1909 as amended by section 23, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.270; amending section 401, chapter 249, Laws of 1909 as amended by section 24, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.280; adding new sections to Title 70 RCW; amending section 1, page 124, Laws of 1886 and RCW 10.85.030; amending section 2, chapter 132, Laws of 1945 and RCW 13.04.130; amending section 5, chapter 13, Laws of 1965 as amended by section 5, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.050; adding new sections to chapter 10.85 RCW; creating new sections; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 172, Laws of 1935 as amended by section 1, chapter 124, Laws of 1961 and RCW 9.41.010 are each amended to read as follows:

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

Sec. 2. Section 7, chapter 172, Laws of 1935 as amended by section 6, chapter 124, Laws of 1961 and RCW 9.41.070 are each amended to read as follows:

The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for ~~((not more than one year))~~ two years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addition or of habitual drunkenness or of confinement to a mental institution; PROVIDED, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol. The license shall be in

triplicate, in form to be prescribed by the state director of motor vehicles, and shall bear the name, address, and description, fingerprints and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of motor vehicles and the triplicate shall be preserved for six years, by the authority issuing said license.

(1) The fee for the original issuance of ((such)) a two-year license shall be ((one dollar which shall be paid into the state treasury)) five dollars: PROVIDED, That the fee shall be distributed as follows:

(a) Two dollars shall be paid to the state general fund;

(b) One dollar fifty cents shall be paid to the agency taking the fingerprints of the person licensed; and

(c) One dollar fifty cents shall be paid to the issuing authority for the purpose of enforcing this chapter.

(2) The fee for the renewal of such license shall be three dollars: PROVIDED, That the fee shall be distributed as follows:

(a) One dollar shall be paid to the state general fund; and

(b) Two dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

Sec. 3. Section 2, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.110 are each amended to read as follows:

For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) ("Fire bomb" means a breakable container containing a flammable liquid with a flash point of 170 degrees Fahrenheit or less; having a wick or similar device capable of being ignited) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be ((a fire bomb)) an incendiary device for purposes of this section.

Sec. 4. Section 3, chapter 79, Laws of 1969 ex. sess. and RCW 9.40.120 are each amended to read as follows:

Every person who possesses, manufactures, or disposes of ((a firebomb)) an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not less than five years nor more than twenty-five years.

V

Sec. 5. Section 4, chapter 79, Laws of 1969 ex. sess. and RCW

9.40.130 are each amended to read as follows:

RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of ~~((a fire bomb))~~ an incendiary device for the parties or purposes described in this section.

Sec. 6. Section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030 are each amended to read as follows:

The killing of a human being, unless it is excusable or justifiable, is murder in the first degree when committed either--

(1) With a premeditated design to effect the death of the person killed, or of another; or,

(2) By an act imminently dangerous to others and evincing a depraved mind, regardless of human life, without a premeditated design to effect the death of any individual; or,

(3) Without design to effect death, by a person engaged in the commission of, or in an attempt to commit, or in withdrawing from the scene of, a robbery, rape, burglary, larceny or arson in the first degree; or,

(4) By maliciously interfering or tampering with or obstructing any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure or appliance pertaining to or connected with any railway, or any engine, motor or car of such railway; or,

(5) Without design to effect death, by a person engaged in the commission of, or in an attempt to commit, or in withdrawing from the scene of any crime involving the use of any incendiary device as defined in RCW 9.40.110, as now or hereafter amended, or the use of any explosive as defined in RCW 70.74.010, as now or hereafter amended.

Murder in the first degree shall be punishable by imprisonment in the state penitentiary for life, unless the jury shall find that the punishment shall be death; and in every trial for murder in the first degree, the jury shall, if it find the defendant guilty, also find a special verdict as to whether or not the death penalty shall be inflicted; and if such special verdict is in the affirmative, the penalty shall be death, otherwise, it shall be as herein provided. All executions in accordance herewith shall take place at the state penitentiary under the direction of and pursuant to arrangements made

V- by the superintendent thereof.

Sec. 7. Section 16, chapter 137, Laws of 1969 ex. sess. as amended by section 3, chapter 72, Laws of 1970 ex. sess. and RCW 70.74.135 are each amended to read as follows:

All persons desiring to purchase explosives except handloader components shall apply to the department of labor and industries for a license. Said application shall state, among other things:

- (1) The location where explosives are to be used;
- (2) The kind and amount of explosives to be used;
- (3) The name and address of the applicant;
- (4) The reason for desiring to use explosives;
- (5) The citizenship of the applicant if the applicant is an individual;
- (6) If the applicant is a partnership, the names and addresses of the partners and their citizenship;
- (7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and
- (8) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this chapter.

The department of labor and industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the use of explosives, lack suitable facilities therefor, have been convicted of a (~~crime involving moral turpitude~~) felony involving force or violence, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof; or for any violation of this chapter.

Sec. 8. Section 400, chapter 249, Laws of 1909 as amended by section 23, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.270 are each amended to read as follows:

Every person who shall maliciously place any explosive substance or material in, upon, under, against or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure the same if exploded, shall be guilty of a felony, and if the circumstances and surroundings are such that the safety of any person might be endangered by the explosion thereof, shall be punished by imprisonment in the state penitentiary for not less than five years nor more than twenty-five years.

Sec. 9. Section 401, chapter 249, Laws of 1909 as amended by section 24, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.280 are each amended to read as follows:

Every person who shall maliciously, by the explosion of gunpowder or any other explosive substance or material, destroy or damage any building, car, airplane, vessel, common carrier, railroad track, public utility transmission system or structure, shall be punished as follows:

(1) If thereby the life or safety of a human being is endangered, by imprisonment in the state penitentiary for not less V
than five years nor more than ~~((twenty))~~ twenty-five years;

(2) In every other case by imprisonment in the state penitentiary for not more than five years.

Sec. 10. Section 1, page 124, Laws of 1886 and RCW 10.85.030 are each amended to read as follows: V

The county commissioners in the several counties of the state, when in their opinion the public good requires it, are hereby authorized to offer and pay a suitable reward, not to exceed five ~~((hundred))~~ thousand dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back and secures any person or persons, convicted of or charged with any criminal offense, if the offense be a felony.

NEW SECTION. Sec. 11. There is added to chapter 10.85 RCW a new section to read as follows:

The legislative authority of any city or town, when in the opinion of such legislative authority the public good requires, is hereby authorized to offer and pay a suitable reward, not to exceed five thousand dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back any person or persons, convicted of or charged with any criminal offense, if the offense be a felony.

NEW SECTION. Sec. 12. There is added to chapter 10.85 RCW a new section to read as follows:

When more than one claimant applies for the payment of any reward, offered by the legislative authority of any city or town, such legislative authority shall determine, in their respective cities and towns, to whom the same shall be paid, and if more than one person, in what proportion to each. The determination of the legislative authority shall be final and conclusive.

NEW SECTION. Sec. 13. There is added to chapter 10.85 RCW a new section to read as follows:

Whenever any reward has been offered by any legislative authority of any city or town in the state, for the apprehension of any person or persons, convicted of or charged with any criminal offense, if the offense be a felony, the person or persons who shall first apprehend, bring back and secure such person or persons so charged, shall be entitled to such reward, and the legislative authority of a city or town which has offered such reward, is

V-

authorized to draw a warrant or warrants on the city or town treasurer for the amount of such reward, and said treasurer shall pay the amount of said warrant or warrants, out of any money in the city or town treasury not otherwise appropriated.

Sec. 14. Section 2, chapter 132, Laws of 1945 and RCW 13.04.130 are each amended to read as follows:

((Neither the fingerprints nor a photograph shall be taken of)) Any child under the age of eighteen years taken into custody ((for any purpose without the consent of juvenile court)) upon probable cause that such child has committed an act which would constitute a felony if such child were an adult or for lesser offenses involving dangerous drugs, or narcotic drugs shall be fingerprinted and photographed by the law enforcement agency which takes such child into custody. Fingerprints and photographs taken pursuant to this section shall be kept in a separate "Juvenile Confidential" file maintained by the arresting law enforcement agency for such purpose and shall not be a public record unless the juvenile court so orders. The "Juvenile Confidential" file shall be separate from all adult files and access to such files shall be limited to authorized personnel only. Fingerprints and photographs authorized under this section shall not be taken of a boy or girl fourteen years of age or younger without the consent of, and pursuant to an order by, the juvenile court.

Fingerprints and photographs taken pursuant to this section shall be used for identification purposes only and the law enforcement agency which takes such fingerprints and photographs shall retain the originals thereof. In each instance where fingerprints and photographs are taken, the law enforcement agency shall forward a written report of the alleged offense to the juvenile court.

Any law enforcement agency, except such agencies located in cities with a population of seventy-five thousand or more, which takes fingerprints and photographs authorized by this section shall forward, for the purposes of identification only, such fingerprints and photographs together with the name, address, date of birth, age and sex of the child in custody to the sheriff or director of public safety of the county wherein the arresting law enforcement agency is located. The sheriff or director of public safety shall keep such information in a "Juvenile Confidential" file in the same manner as the arresting law enforcement agency. Sheriffs and directors of public safety or chiefs of police in cities with a population of seventy-five thousand or more are authorized to release fingerprints and photographs taken pursuant to this section to other law enforcement agencies only on specific request and only for the purpose of identification.

Sec. 15. Section 5, chapter 13, Laws of 1965 as amended by section 5, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse, it shall be the duty of the law enforcement agency or the department of ((public assistance)) social and health services to investigate and provide child welfare services with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody.

NEW SECTION. Sec. 16. Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the state of Washington or any political subdivision thereof, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be guilty of a gross misdemeanor.

Nothing in this section shall interfere with or prevent the exercise by any court of the state of Washington or any political subdivision thereof of its power to punish for contempt.

NEW SECTION. Sec. 17. There is added to chapter 27, Laws of 1959 and to chapter 69.33 RCW a new section to read as follows:

The sheriff of each county and the chief of police of any city or town may submit the names of not more than three of their deputies or officers of their departments to the chief of the state patrol to serve as special narcotics and dangerous drug agents of the Washington state patrol. Such agents shall have state-wide jurisdiction to investigate any suspected violation of the provisions of chapter 69.33 RCW and 69.40 RCW if such suspected violation is believed to have occurred in whole or in part within their local jurisdiction.

Whenever such agents travel outside their local jurisdiction to investigate a possible violation of chapters 69.33 or 69.40 RCW such agents shall register with the sheriff of the county and if operating within a town or city, with the chief of police of such town or city before such agents may engage in any enforcement

V activities therein. Any such agent shall have power to arrest in all jurisdictions in which he is registered: PROVIDED, That such arrest power shall be limited to arrests for violations of chapter 69.33 and 69.40 RCW.

For purposes of this section such agents will be considered to be acting in behalf of their local law enforcement agency, shall continue on the staff of such agency with all rights and benefits, and shall not be deemed to be officers or employees of the Washington state patrol.

NEW SECTION. Sec. 18. There is added to chapter 9.91 RCW a new section to read as follows:

(1) It shall be unlawful for any person, firm or corporation engaged in the business of buying or otherwise obtaining new, used or secondhand metals to purchase or otherwise obtain such metals unless a permanent record of the purchase of such metals is maintained: PROVIDED, That no such record need be kept of purchases made by or from a manufacturer, remanufacturer or distributor appointed by a manufacturer of such metals.

For the purpose of this section the term "metals" shall mean copper, copper wire, copper cable, copper pipe, copper sheets and tubing, copper bus, aluminum wire, brass pipe, lead, electrolytic nickel and zinc.

(2) The permanent record required by subsection (1) of this section shall contain the following:

- (a) a general description of all property purchased;
- (b) the type and quantity or weight;
- (c) the name, address, driver's license number, and signature of the seller or the person making delivery; and,
- (d) a description of any motor vehicle and the license number thereof used in the delivery of such metals.

The information so recorded shall be retained by the purchaser for a period of not less than one year.

(3) Any violation of this section is punishable, upon conviction, by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

NEW SECTION. Sec. 19. The legislative hereby declares it to be the public interest, and for the protection of the health, welfare and property of the residents of the state of Washington to provide for the orderly and lawful conduct of outdoor music festivals by assuring that proper sanitary, health, fire, safety, and police measures are provided and maintained. This invocation of the police power is prompted by and based upon prior experience with outdoor music festivals where the enforcement of the existing laws and regulations on dangerous and narcotic drugs, indecent exposure,

intoxicating liquor, and sanitation has been rendered most difficult by the flagrant violations thereof by a large number of festival patrons.

NEW SECTION. Sec. 20. Nothing in this act 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 act repeal any existing ordinances or regulations.

NEW SECTION. Sec. 21. For the purposes of this act the following words and phrases shall have the indicated meanings:

(1) "Outdoor music festival" or "music festival" or "festival" means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is two thousand persons or more and where the duration of the program is five hours or longer: PROVIDED, That this definition shall not be applied to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held: PROVIDED, FURTHER, That this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state.

(2) "Promoter" means any person or other legal entity issued a permit to conduct an outdoor music festival.

(3) "Applicant" means the promoter who has the right of control of the conduct of an outdoor music festival who applies to the appropriate legislative authority for a license to hold an outdoor music festival.

(4) "Issuing authority" means the legislative body of the local governmental unit where the site for an outdoor music festival is located.

(5) "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a music festival. A person shall be presumed to have knowingly provided as that phrase is used herein after he has been served with a court order.

NEW SECTION. Sec. 22. No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised or permit an outdoor music festival unless a valid permit has been obtained from the issuing authority for the operation of such music festival as provided for by this act. One such permit shall be required for each outdoor music festival. A permit may be granted

for a period not to exceed sixteen consecutive days and a festival may be operated during any or all of the days within such period. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this act shall be subject to the appropriate penalties as prescribed by this act.

NEW SECTION. Sec. 23. 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 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 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

(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.

(c) During the hours that the festival site shall be open to the public there shall be at least one police officer 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 act. 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 act 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 which are capable of accommodating 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 act.

(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.

NEW SECTION. Sec. 24. Within twenty-one 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 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 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.

NEW SECTION. Sec. 25. Any local agency requested by an applicant to give written approval as required by section 23 of this act may within fifteen days after the applicant has filed his application apply to the issuing authority for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred the issuing authority shall reimburse the local agency therefor from the funds of the permit fee. The issuing authority shall prior to the first scheduled date of the festival return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

NEW SECTION. Sec. 26. After the application has been approved the promotor shall deposit with the issuing authority, a cash deposit or surety bond in the amount of one hundred fifty thousand dollars. 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 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 act. The policy shall have the issuing authority of the permit as an additional named insured.

NEW SECTION. Sec. 27. Revocation of any permit granted pursuant to this act shall not preclude the imposition of penalties as provided for in this act and the laws of the state of Washington. Any permit granted pursuant to the provisions of this act to conduct a music festival shall be summarily revoked by the issuing authority when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

Any permit granted pursuant to the provisions of this act to conduct a music festival may otherwise be revoked for any material violation of this act or the laws of the state of Washington after a hearing held upon not less than three days notice served upon the promoter personally or by certified mail.

Every permit issued under the provisions of this act shall state that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the appropriate authority to revoke such permit is a consideration of its issuance.

NEW SECTION. Sec. 28. No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time an outdoor music festival is in operation, knowingly permit or allow any person to bring upon the premises of said music festival, any narcotic or dangerous drug as defined by chapters 69.33 or 69.40 RCW, or knowingly permit or allow narcotic or dangerous drug to be consumed on the premises, and no person shall take or carry onto said premises any narcotic or dangerous drug.

NEW SECTION. Sec. 29. No music festival shall be operated in a location which is closer than one thousand yards from any schoolhouse or church, or five hundred yards from any house, residence or other human habitation unless waived by occupants.

NEW SECTION. Sec. 30. No person under the age of sixteen years shall be admitted to any outdoor music festival without the escort of his or her parents or legal guardian and proof of age shall

be provided upon request.

NEW SECTION. Sec. 31. Any permit granted pursuant to this act shall be posted in a conspicuous place on the site of the outdoor music festival and such permit shall be not transferable or assignable without the consent of the issuing authority.

NEW SECTION. Sec. 32. Any person who shall violate any provision of this act or knowingly participate in a music festival, or who shall, having obtained a permit pursuant to this act, wilfully fail to comply with the rules, regulations and conditions set forth in this act or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a gross misdemeanor.

NEW SECTION. Sec. 33. Sections 19 through 32 of this act shall be added to Title 70 RCW.

NEW SECTION. Sec. 34. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 35. 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 May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items and section which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...In three separate sections, the legislature provided for mandatory minimum sentences, actions which are contrary to current trends in the criminal justice field, and which take away discretion from the judiciary, the parole board, and the administrators of our correctional programs. Further more, veto of these sections is consistent with the Legislative Council's proposed comprehensive revision of the State Criminal Code which does not contain mandatory minimum sentences, despite dealing with the most serious types of crimes.

Veto
Message

I have vetoed Section 6 of the act which expands the crime of first degree murder to include homicides occurring during commission of, or withdrawal from, the scene of any crime involving incendiary devices or explosives. My reasons for this action arise from my well-known opposition to

expansion of applicability of the death penalty. It is unwise automatically to attach such a sanction to acts regardless of surrounding circumstances, particularly when under present law, murder in the first degree encompasses any homicide resulting from an act imminently dangerous to human life. Also, present law, coupled with provisions in this bill which I have approved will classify as second degree murder, with the possibility of application of the life sentence penalty, the acts contained in this vetoed section.

Veto
Message

I have removed from the bill sections which provide for up to a \$5,000 reward for the apprehension, bringing back and securing of any alleged or convicted felon. I have done so in the belief that the specific language in these provisions amounts to enabling legislation for bounty hunters and vigilante action by citizens untrained in the specialized techniques of law enforcement. This could only increase the danger to citizens and law enforcement officials alike.

I have vetoed in its entirety the provision in the act authorizing the police in their discretion to fingerprint and photograph juveniles. Not only may fingerprints and photographs be obtained under present law simply by securing the permission of the juvenile court, but this subject is directly covered in the nearly completed revision of the juvenile code undertaken by a committee of broad representation, including the judicial council, prosecuting attorneys, juvenile court judges, juvenile probation officers, law enforcement officials, Department of Social and Health Services staff, the Attorney General and others. It would be untimely to adopt this single provision when a comprehensive treatment of juvenile court law and the law relating to juvenile offenders will be presented to the 1972 session of the Legislature.

In hope of preserving its constitutionality, I have vetoed portions of Section 16 dealing with demonstrations and picketing in or near courthouses. Legislation regulating conduct in the areas of thought or expression must stay within the bounds of our basic constitutional framework. As revised by veto action, the bill now punishes acts which amount to obstruction of or interference with the judicial process. Such conduct is not protected under the first amendment and should not go unregulated if we are to preserve for each citizen the orderly processes of government.

The State Patrol and many police chiefs and sheriffs throughout the state have communicated to me their displeasure with Section 17, which grants statewide powers to local law enforcement officials for enforcement of drug laws in certain situations. This state has a strong history of combating statewide crime problems through cooperation and coordination which would be seriously weakened by this increase in power to local law enforcement without proper checks or controls when cross-jurisdictional problems occur. Rather than cooperation, this section would inevitably foster conflict among local police agencies. A further problem exists in that the investigation authority under this provision may well be repealed by the Uniform Controlled Substances Act, Second Substitute Senate Bill 146.

Included in this bill is an excellent piece of legislation providing for comprehensive regulation of outdoor music festivals which have presented the state with grave law enforcement and health problems in recent years. Inasmuch as music festivals have presented problems to local governmental units which are beyond their ability to respond, and to assure a consistent, planned, statewide approach, the state must assume a necessarily pre-emptive regulatory role. I have therefore vetoed Section 20 of this bill.

I have vetoed those portions of the bill as to outdoor music festivals which set fixed amounts for required bonds and evidence of insurance. I have taken this action to insure flexibility in the state's efforts at control. Fixed amounts may well prove too low for some poorly conceived activities, yet be far too high for relatively well-organized activities.

The veto action taken in Section 32 is technical, to correct an obvious drafting error making it an offense to participate in a music festival regardless of its legality. The section as vetoed now makes it a crime, as I am sure was the legislative intent, to fail to comply with the rules and conditions of the act."

CHAPTER 303

[Engrossed Senate Bill No. 690]

METROPOLITAN MUNICIPAL CORPORATIONS

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.020, chapter 7, Laws of 1965 and RCW 35.58.020; amending section 35.58.040, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1967 and RCW 35.58.040; amending section 10, chapter 105, Laws of 1967 and RCW 35.58.118; amending section 35.58.120, chapter 7, Laws of 1965, as last amended by section 1, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.120; amending section 35.58.140, chapter 7, Laws of 1965 as last amended by section 2, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.140; amending section 35.58.200, chapter 7, Laws of 1965 and RCW 35.58.200; amending section 35.58.240, chapter 7, Laws of 1965 as amended by section 11, chapter 105, Laws of 1967 and RCW 35.58.240; amending and reenacting section 1, chapter 11, Laws of 1970 ex. sess. as amended by section 13, chapter 42, Laws of 1970 ex. sess. and by section 38, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.450; amending section 16, chapter 105, Laws of 1967 and RCW 35.58.560; adding a new section; and declaring an emergency.

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

NEW SECTION. Section 1. Notwithstanding any other provision of chapter 35.58 RCW a metropolitan municipal corporation may perform the function of metropolitan public transportation only if the performance of such function is authorized by election. The metropolitan council may call such election and certify the ballot proposition. The election shall be conducted and canvassed as provided in RCW 35.58.090 and the municipality shall be authorized to perform the function of metropolitan public transportation if a majority of the persons voting on the proposition shall vote in favor.

Sec. 2. Section 35.58.020, chapter 7, Laws of 1965 and RCW 35.58.020 are each amended to read as follows:

As used herein:

(1) "Metropolitan municipal corporation" means a municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Metropolitan area" means the area contained within the boundaries of a metropolitan municipal corporation, or within the boundaries of an area proposed to be organized as such a corporation.

(3) "City" means an incorporated city or town.

(4) "Component city" means an incorporated city or town within

a metropolitan area.

(5) "Component county" means a county, all or part of which is included within a metropolitan area.

(6) "Central city" means the city with the largest population in a metropolitan area.

(7) "Central county" means the county containing the city with the largest population in a metropolitan area.

(8) "Special district" means any municipal corporation of the state of Washington other than a city, county, or metropolitan municipal corporation.

(9) "Metropolitan council" means the legislative body of a metropolitan municipal corporation.

(10) "City council" means the legislative body of any city or town.

(11) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made under the direction of the state census board.

(12) "Metropolitan function" means any of the functions of government named in RCW 35.58.050.

(13) "Authorized metropolitan function" means a metropolitan function which a metropolitan municipal corporation shall have been authorized to perform in the manner provided in this chapter.

(14) "Metropolitan public transportation" or "metropolitan transportation" for the purposes of this chapter shall mean the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems: PROVIDED, That nothing in this chapter shall be construed to prohibit a metropolitan municipal corporation from leasing its buses to private certified carriers or to prohibit the metropolitan municipal corporation from providing school bus service for the transportation of pupils between their homes and schools: AND PROVIDED FURTHER, That nothing in any other section of this chapter, as now or hereafter amended, shall extend the scope of permissible transporting by metropolitan municipal corporations as set forth in this subsection.

Sec. 3. Section 35.58.040, chapter 7, Laws of 1965 as amended by section 1, chapter 105, Laws of 1967 and RCW 35.58.040 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the

boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120 ((127)) (2) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a class A county contiguous to a class AA county or class AA county, shall, upon the effective date of this 1971 amendatory act as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after the effective date of this 1971 amendatory act, have the same boundaries as those of the respective central county of such metropolitan corporation; PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 4. Section 10, chapter 105, Laws of 1967 and RCW 35.58.118 are each amended to read as follows:

The metropolitan council may at ((an election held to authorize the performance of the function of metropolitan public transportation submit to the voters the proposition of)) any time by resolution determine whether the metropolitan transportation function shall be performed with an appointed commission pursuant to RCW 35.58.270 or by the metropolitan council without the appointment of such a commission; PROVIDED, That any resolution to perform the metropolitan transportation function with an appointed commission pursuant to RCW 35.58.270 shall not become effective until approved by the voters residing within the boundaries of the metropolitan municipal corporation. ((If such a proposition is not submitted and the municipality is authorized to perform the function of metropolitan transportation a commission shall be appointed in the manner and with the powers and duties provided in RCW 35.56.270. If such a proposition is submitted it shall be in substantially the

following form:

"If the [redacted] (here insert name of metropolitan municipal corporation) [redacted] is authorized to perform the function of metropolitan public transportation shall this function be performed by a seven member appointed commission as provided in RCW 35.58.270 or shall this function be performed by the metropolitan council without the appointment of such commission?"

FOR COMMISSION MANAGEMENT [redacted]

FOR COUNCIL MANAGEMENT [redacted]

Sec. 5. Section 35.58.120, chapter 7, Laws of 1965 as last amended by section 1, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.120 are each amended to read as follows:

A metropolitan municipal corporation shall be governed by a metropolitan council composed of the following:

(1) One member (a) who shall be the elected county executive of the central county, or (b) if there shall be no elected county executive, one member who shall be selected by, and from, the board of commissioners of the central county;

(2) One additional member for each county commissioner district or county council district which shall contain fifteen thousand or more persons residing within the metropolitan municipal corporation, who shall be the county commissioner or county councilman from such district;

(3) One additional member selected by the board of commissioners or county council of each component county for each county commissioner district or county council district containing ((ten)) fifteen thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation ((who shall be either the county commissioner from such district or)) each such appointee to be a resident of such unincorporated portion;

((4)) (4) One member from each ((of the six largest)) component ((cities)) city which shall have a population of fifteen thousand or more persons, who shall be the mayor of such city, if such city shall have the mayor-council form of government, and in other cities shall be selected by, and from, the mayor and city council of each of such cities.

((4)) (5) One member representing all component cities ((other than the six largest cities,)) which have less than fifteen thousand population each, to be selected by and from the mayors of such smaller cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan municipal corporation and thereafter on the third Tuesday in June of each even-numbered year at two o'clock p.m. at the office of the board of county commissioners of the central county.

The chairman of such board shall preside. After nominations are made, successive ballots shall be taken until one candidate receives a majority of all votes cast.

~~((15))~~ (6) One additional member selected by the city council of each component city containing a population of ~~((ten))~~ fifteen thousand or more for each ~~((sixty))~~ fifty thousand population over and above the first ~~((ten))~~ fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other ~~((elected))~~ officers of such city.

(7) For any metropolitan municipal corporation which shall be authorized to perform the function of metropolitan sewage disposal, one additional member who shall be a commissioner of a sewer district which is a component part of the metropolitan municipal corporation and shall participate only in those council actions which relate to the performance of the function of metropolitan sewage disposal. The commissioners of all sewer districts which are component parts of the metropolitan municipal corporation shall meet on the first Tuesday of the month following the effective date of this 1971 amendatory act and thereafter on the second Tuesday of June of each even-numbered year at 2:00 o'clock p.m. at the office of the board of county commissioners of the central county. After election of a chairman, nominations shall be made to select a member to serve on the metropolitan council and successive ballots taken until one candidate receives a majority of votes cast.

~~((16))~~ (8) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office of or be an employee of any component city or component county of the metropolitan municipal corporation.

Sec. 6. Section 35.58.140, chapter 7, Laws of 1965 as last amended by section 2, chapter 135, Laws of 1969 ex. sess. and RCW 35.58.140 are each amended to read as follows:

Each member of a metropolitan council except those selected under the provisions of RCW 35.58.120 (1)(a), ~~((14))~~ (5), (7), and ~~((16))~~ (8), shall hold office at the pleasure of the body which selected him. Each member, who shall hold office ex officio, may not hold office after he ceases to hold the position of elected county executive, mayor, commissioner, or councilman. The chairman shall hold office until the second Tuesday in July of each even-numbered year and may, if reelected, serve more than one term. Each member shall hold office until his successor has been selected as provided in this chapter.

Sec. 7. Section 35.58.200, chapter 7, Laws of 1965 and RCW 35.58.200 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan sewage disposal, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive sewage disposal and storm water drainage plan for the metropolitan area.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan facilities for sewage disposal and storm water drainage within or without the metropolitan area, including trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, sewage treatment plants, together with all lands, properties, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a city or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the legislative body of the city or special districts owning such facilities. Cities and special districts are hereby authorized to convey or lease such facilities to metropolitan municipal corporations or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

(3) To require counties, cities, special districts and other political subdivisions to discharge sewage collected by such entities from any portion of the metropolitan area which can drain by gravity flow into such metropolitan facilities as may be provided to serve such areas when the metropolitan council shall declare by resolution that the health, safety, or welfare of the people within the metropolitan area requires such action.

(4) To fix rates and charges for the use of metropolitan sewage disposal and storm water drainage facilities.

(5) To establish minimum standards for the construction of local sewer facilities and to approve plans for construction of such facilities by component counties or cities or by special districts (wholly or partly within the metropolitan area) which are delivering sewage to the metropolitan municipal corporation. No such county, city, or special district shall construct such facilities without first securing such approval.

(6) To acquire by purchase, condemnation, gift, or grant, to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities for the local collection of sewage or storm water in portions of the metropolitan area not contained within any city or sewer district and, with the consent of the

legislative body of any city or sewer district, to exercise such powers within such city or sewer district and for such purpose to have all the powers conferred by law upon such city or sewer district with respect to such local collection facilities. All costs of such local collection facilities shall be paid for by the area served thereby.

Sec. 8. Section 35.58.240, chapter 7, Laws of 1965 as amended by section 11, chapter 105, Laws of 1967 and RCW 35.58.240 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare, adopt and carry out a general comprehensive plan for public transportation service which will best serve the residents of the metropolitan area and to amend said plan from time to time to meet changed conditions and requirements.

(2) To acquire by purchase, condemnation, gift or grant and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of metropolitan transportation facilities and properties within or without the metropolitan area, including systems of surface, underground or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including escalators, moving sidewalks or other people-moving systems, passenger terminal and parking facilities and properties and such other facilities and properties as may be necessary for passenger and vehicular access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities. Public transportation facilities and properties which are owned by any city may be acquired or used by the metropolitan municipal corporation only with the consent of the city council of the city owning such facilities. Cities are hereby authorized to convey or lease such facilities to metropolitan corporations or to contract for their joint use on such terms as may be fixed by agreement between the city council of such city and the metropolitan council, without submitting the matter to the voters of such city.

The facilities and properties of a metropolitan public transportation system whose vehicles will operate primarily within the rights of way of public streets, roads or highways, may be acquired, developed and operated without the corridor and design hearings which are required by RCW 35.58.273 for mass transit facilities operating on a separate right of way.

(3) To fix rates, tolls, fares and charges for the use of such

facilities and to establish various routes and classes of service: PROVIDED, That classes of service and fares will be maintained in the several parts of the metropolitan area at such levels as will provide, insofar as reasonably practicable, that the portion of any annual transit operating deficit of the metropolitan municipal corporation attributable to the operation of all routes, taken as a whole, which are located within the central city is approximately in proportion to the portion of total taxes collected by or on behalf of the metropolitan municipal corporation for transit purposes within the central city, and that the portion of such annual transit operating deficit attributable to the operation of all routes, taken as a whole, which are located outside the central city, is approximately in proportion to the portion of such taxes collected outside the central city.

In the event any metropolitan municipal corporation shall extend its metropolitan transportation function to any area or service already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission, under RCW 81.68.040 it shall by purchase or condemnation acquire at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation.

Sec. 9. Section 1, chapter 11, Laws of 1970 ex. sess. as amended by section 13, chapter 42, Laws of 1970 ex. sess. and by section 38, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.450 are each amended and reenacted to read as follows:

Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more

propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015. Both principal of and interest on such general obligation bonds ~~((shall))~~ may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the forty mill tax limit ~~((and))~~ or may ~~((also))~~ be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy ~~((and))~~ or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall ~~((bear interest at a rate or rates as authorized by the metropolitan council))~~ be sold as provided in RCW 39.44.030 and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

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

Sec. 10. Section 16, chapter 105, Laws of 1967 and RCW 35.58.560 are each amended to read as follows:

No county or city shall have the right to impose a tax upon the gross revenues derived by a metropolitan municipal corporation from the operation of a metropolitan sewage disposal, water supply, garbage disposal or public transportation system.

A metropolitan municipal corporation may credit or offset against the amount of any tax which is levied by the state during any calendar year upon the gross revenues derived by such metropolitan municipal corporation from the performance of any authorized function, the amount of any expenditures made from such gross revenues by such metropolitan municipal corporation during the same calendar year or any year prior to the effective date of this act in planning for or performing the function of metropolitan public transportation and including interest on any moneys advanced for such purpose from other funds and to the extent of such credit a metropolitan municipal corporation may expend such revenues for such purposes.

A metropolitan municipal corporation authorized to perform the function of metropolitan public transportation and engaged in the operation of an urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax levied by the state and paid on each gallon of motor vehicle fuel used, whether such vehicle fuel 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 tax to the price of such fuel: PROVIDED, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the metropolitan municipal corporation in which said trip originated.

NEW SECTION. Sec. 11. If any provision of this 1971 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. 12. This 1971 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 May 9, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 21, 1971 with the exception of certain items in section 2 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Senate Bill 690 amends the Metropolitan Municipal Corporations Act to establish county-wide metro boundaries, enlarge the metropolitan council and strengthen its capacity to operate an area-wide transportation system.

Veto
Message

Section 2 (14) defines "metropolitan public transportation" to exclude the operation of "chartered bus", "sight seeing bus", or any other "motor vehicle" not operating on an individual fare-paying basis. This subsection is intended to protect the position of the private charter carriers. However, the subsection appears to go further than was intended since it may have the inadvertent effect, by the terms of the final proviso, of preventing the use of people-moving systems other than those using "motor vehicles".

Veto
Message

In addition, this subsection limits the municipality to providing school bus service for the transportation of the pupils between their homes and schools. Because public education involves the transportation of students in an educational context on a broader basis than merely between homes and school this limitation upon the municipality is not appropriate.

I have accordingly item vetoed these limitations from subsection 14 of section 2.

The remainder of the bill is approved."

CHAPTER 304

[Engrossed Senate Bill No. 273]

NARCOTIC DRUGS, DANGEROUS DRUGS, AND ALCOHOL--
REHABILITATION PROGRAM--
COMMUNITY EDUCATIONAL PROGRAM--
QUALIFIED DRUG TREATMENT CENTERS

AN ACT Relating to narcotic drugs, dangerous drugs, and alcohol; amending section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020; amending section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030; and creating new sections.

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

NEW SECTION. Section 1. It is the purpose of this 1971 amendatory act to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can

develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.

It is the further purpose of this 1971 amendatory act to provide for qualified drug treatment centers approved by the department of social and health services.

NEW SECTION. Sec. 2. The following words and phrases shall have the following meaning when used in this 1971 amendatory act:

(1) "Secretary" shall mean the secretary of the department of social and health services.

(2) "Department" shall mean the department of social and health services.

(3) "Drug and alcohol rehabilitation program" shall mean the program developed by the department of social and health services to aid persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol.

(4) "Drug and alcohol educational program" shall mean the program developed by the department of social and health services outside of the kindergarten through twelve programs in the schools to educate the people of this state relative to the use and abuse of narcotic drugs, dangerous drugs and alcohol, and the prevention and consequences thereof.

(5) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic drugs as defined in chapter 69.33 RCW, or dangerous drugs as defined in chapter 69.40 RCW.

NEW SECTION. Sec. 3. Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

(1) The name and address of the applicant drug treatment center;

(2) The name of the director or head of such drug treatment center;

(3) The names of the members of the board of directors or sponsors of such drug treatment center;

(4) The names and addresses of all physicians affiliated with such drug treatment center;

(5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center; and the

qualifications of staff to employ such treatment and/or rehabilitation methods.

(6) The source of funds used to finance the activities of such drug treatment center;

(7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.

NEW SECTION. Sec. 4. The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this 1971 amendatory act and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.

NEW SECTION. Sec. 5. Pursuant to the provisions of the Interlocal Cooperation Act, chapter 39.34 RCW, the department may enter into agreements as provided therein to accomplish the purposes of this 1971 amendatory act.

Sec. 6. Section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020 are each amended to read as follows:

As used in this chapter:

(1) ("~~Director~~") "Secretary" shall mean the (~~director~~) secretary of the department of (~~institutions~~) social and health services or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of this chapter.

(2) "Department" shall mean the department of (~~institutions~~) social and health services.

(3) "Mental health needs", "mental health programs" and "mental health services" as used in this chapter shall include but not be limited to all those items set forth in section 7 of this 1971 amcndatory act.

Sec. 7. Section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030 are each amended to read as follows:

The (~~director~~) 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 persons using narcotic drugs as defined in chapter 69.33 RCW or dangerous drugs as defined in chapter 69.40 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. 8. Any person fourteen years of age or older may give consent for himself to the furnishing of counseling, care, treatment or rehabilitation by an approved drug treatment center or person licensed or certified by the state related to conditions and problems caused by drug or alcohol abuse. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age shall not be necessary to authorize such care, except that such person shall not become a resident of such treatment center without parental permission. The parent, parents or legal guardian

of a person less than eighteen years of age shall not be liable for payment of care for such persons pursuant to this 1971 amendatory act, unless they have joined in the consent to such counseling, care, treatment or rehabilitation.

NEW SECTION. Sec. 9. When an individual submits himself for care, treatment, counseling, or rehabilitation to any organization, institution or corporation, public or private, approved pursuant to this 1971 amendatory act, or any person licensed or certified by the state whose principal function is the care, treatment, counseling or rehabilitation of alcohol abusers or users of narcotic or dangerous drugs, or the providing of medical, psychological or social counseling or treatment, notwithstanding any other provision of law, such individual is hereby guaranteed confidentiality. No such person, organization, institution or corporation or their agents acting in the scope and course of their duties, providing such care, treatment, counseling or rehabilitation shall divulge nor shall they be required to provide any specific information concerning individuals being cared for, treated, counseled or rehabilitated, nor shall pharmacists or their agents provide such information when or if they become aware of or receive such information when requested to or for the purpose of providing products or performing services relevant to said care, treatment, counseling or rehabilitation. Should any person, organization, institution or corporation, or their agents, breach confidentiality as provided for in this section, such information and any product thereof shall not be admissible as evidence or be considered in any criminal proceeding. The fact of an individual of authorized age being cared for, treated, counseled or rehabilitated pursuant to this 1971 amendatory act shall likewise be held confidential and shall not be admissible as evidence or be considered in any criminal proceeding..

Any confidentiality provided for by this section may be waived by the individual, provided such waiver is freely and voluntarily made, and with full prior information as to the consequences thereof.

NEW SECTION. Sec. 10. Nothing contained in this 1971 amendatory act shall prohibit or be construed to prohibit the divulging or providing of statistical or other substantive information pertaining to care, treatment, counseling or rehabilitation, pursuant to this 1971 amendatory act, so long as no individual is identified or reasonably identifiable, and individual privacy and confidentiality is retained.

NEW SECTION. Sec. 11. Nothing contained in this 1971 amendatory act shall relieve any person or firm from the requirements under federal and state drug laws and regulations for the keeping of records and the responsibility for the accountability of drugs received and dispensed. Such records, insofar as they contain

confidential information under this 1971 amendatory act, shall only be available to state and federal drug inspectors who shall not divulge such information as is contained in these records, including the identification of individuals, except (1) upon subpoena in a court or administrative proceeding to which the person to whom such prescription, orders or other records relate is a party, or (2) when the information reasonably leads to the conclusion that there has been a violation of RCW 69.33.380 or 69.40.090, then the information may be referred to other law enforcement officers.

V- NEW SECTION. Sec. 12. There shall be paid to each county on account of expenditures made for community mental health programs defined in section 7 of this 1971 amendatory act not more than fifty percent of the amount expended for such programs, exclusive of the expenditure of funds secured by a community mental health program from federal sources. Where it is determined by the secretary to be necessary for the expansion of existing mental health services or for the development of new mental health services, as described in section 7 of this 1971 amendatory act, and after consultation with the department of revenue regarding the extent to which local funds for the support of mental health services have been exhausted, the state share in any community mental health program may exceed fifty percent of the total expenditures: PROVIDED, That the state share shall be reduced to not more than fifty percent of the total expenditures within two years from the starting date of such new services. Reimbursement shall be made on a monthly basis, upon submission to the secretary of such information as he may require: PROVIDED, FURTHER, That when deemed necessary to maintain proper standards of care in the program, within the discretion of the secretary, the counties shall be required to provide up to fifty percent of the total expended for such program through fees, gifts, contributions, and volunteer services.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971 with the exception of certain items in sections 2 and 7 and all of section 12 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill enacts a comprehensive approach to drug and alcohol education and rehabilitation.

Veto
Message

There are certain inconsistencies between the present act and two other acts which passed this legislature: House

Bill No. 277 relating to Community Mental Health programs and Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act relating to dangerous and narcotic drugs. I have therefore exercised certain vetoes in this act to alleviate any problems of inconsistency.

Veto
Message

Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act repeals chapters 69.33 and 69.40 RCW. Section 2, page 2, lines 12, 13 and 14 of Senate Bill No. 273 has reference to those chapters. Reference to those same chapters are also contained in section 7, page 5, lines 5 and 6 of Senate Bill No. 273. As a consequence I have vetoed the inappropriate words in those sections, recognizing that the Uniform Controlled Substances Act relating to narcotic and dangerous drugs is a new chapter, RCW 69.50, and that the intention of the legislature is that the definitions contained in the new RCW chapter will apply to Senate Bill No. 273.

Section 12 of S.B. 273 was included in the event that H.B. 277 did not pass. Section 2 of H.B. 277 provides for funding of community mental health services as contained in sections 6 and 7 of S.B. 273.

It was understood by the legislators involved that in the event H.B. 277 did pass, section 12 would be vetoed out of S.B. 273. As a consequence, since H.B. 277 did pass, I have vetoed section 12 of S.B. 273 in order to avoid duplication, ambiguity and confusion in the funding mechanism related to community mental health services and drug treatment programs."

CHAPTER 305

[Engrossed Senate Bill No. 188]

PHYSICIAN'S TRAINED MOBILE INTENSIVE CARE PARAMEDICS--
RENDERING EMERGENCY LIFESAVING SERVICE BY PARAMEDICS--
IMMUNITY FROM CIVIL LIABILITY FOR EMERGENCY SERVICES PERFORMED
WITHOUT CONSENT

AN ACT Relating to the practice of medicine and surgery; providing for physician's trained mobile intensive care paramedics; authorizing the rendering of emergency lifesaving service by a physician's trained mobile intensive care paramedic under

certain specified circumstances; granting immunity from civil liability for good faith emergency lifesaving services rendered by physician's trained mobile intensive care paramedics; amending section 14, chapter 192, Laws of 1909 as last amended by section 18, chapter 199, Laws of 1969 ex. sess. and RCW 18.71.020; adding new sections to chapter 192, Laws of 1909 and chapter 18.71 RCW; adding a new section; adding a new section to chapter 46.61 RCW; and declaring an emergency.

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

Section 1. Section 14, chapter 192, Laws of 1909 as last amended by section 18, chapter 199, Laws of 1969 ex. sess. and RCW 18.71.020 are each amended to read as follows:

Any person who shall practice or attempt to practice or hold himself out as practicing medicine and surgery in this state, without having, at the time of so doing, a valid, unrevoked certificate as provided in this chapter, shall be guilty of a misdemeanor: PROVIDED, That nothing in this section shall be so construed as to prohibit or penalize emergency life-saving service rendered by a physician's trained mobile intensive care paramedic, as defined in section 2 of this 1971 amendatory act, if such emergency life-saving service be rendered under the responsible supervision and control of a licensed physician. In each such conviction the fine shall be paid, when collected, to the state treasurer: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The director of licenses is authorized to prosecute all persons guilty of a violation of the provisions of this chapter.

NEW SECTION. Sec. 2. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

As used in section 1 of this 1971 amendatory act, "physician's trained mobile intensive care paramedic" means a person who:

(1) has successfully completed an advanced first aid course equivalent to the advanced industrial first aid course prescribed by the Division of Safety, Department of Labor and Industries; and

(2) is trained by a licensed physician:

(a) to carry out all phases of cardio-pulmonary resuscitation;

(b) to administer drugs under written or oral authorization of a licensed physician; and

(c) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(3) has been examined and certified as a physician's trained mobile intensive care paramedic by a county health officer or by the

University of Washington's School of Medicine or by their designated representatives.

NEW SECTION. Sec. 3. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

No act or omission of any physician's trained mobile intensive care paramedic, as defined in section 2 of this 1971 amendatory act, done or omitted in good faith while rendering emergency lifesaving service under the responsible supervision and control of a licensed physician to a person who is in immediate danger of loss of life shall impose any liability upon the trained mobile intensive care paramedic, the supervising physician, any hospital, the officers, members of the staff, nurses, or other employees of a hospital or upon a federal, state, county, city or other local governmental unit or upon other employees of such a governmental unit: PROVIDED, That this section shall not relieve a physician or a hospital of any duty otherwise imposed by law upon such physician or hospital for the designation or training of a physician's trained mobile intensive care paramedic or for the provision or maintenance of equipment to be used by the physician's trained mobile intensive care paramedics.

NEW SECTION. Sec. 4. No physician or hospital licensed in this state shall be subject to civil liability, based solely upon failure to obtain consent in rendering emergency medical, surgical, hospital, or health services to any individual regardless of age where its patient is unable to give his consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care: PROVIDED, That such physician or hospital has acted in good faith and without knowledge of facts negating consent. The state board of health shall adopt rules and regulations defining situations which may be considered emergent for the purposes of this act. -V

NEW SECTION. Sec. 5. This 1971 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 May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971 with the exception of an item in section 4 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill enacts a program of emergency life-saving services and further, in section four provides for immunity from liability for physicians or hospitals

Veto
Message

rendering emergency services based solely upon failure to obtain consent where the individuals served are unable by reason of age or condition to give consent and when there is no other person reasonably available who is legally authorized to give such consent.

Veto
Message

I have vetoed the sentence in section 4 on page 3, lines 17 through 19, which provides that the state board of health shall adopt rules and regulations defining situations which may be considered emergent for the purposes of this act. Unfortunately, no one, including the state board of health has sufficient foresight to define emergency situations in a manner which would include all emergencies. Having such defined codified regulations might well at times require an additional expenditure of time by the physician or hospital personnel on the scene while they try to assure that the situation falls within rules and regulations. In such circumstances, time is of the essence and the judgment of a qualified and licensed physician and hospital personnel on the scene is the best judgment which must be relied upon. No one would be protected by rules and regulations defining emergencies, and at times someone might well be harmed thereby avoiding the very purpose of this act. The public is well protected from inappropriate judgments by the requirement of "good faith" action and the other limitations in the statute.

Since the opportunity for harm to persons in emergency situations due to delay or misunderstanding would be increased and no off-setting benefit either to the public or the individuals involved would accrue, this item has been vetoed. The remainder of the bill is approved."

CHAPTER 306

[Engrossed Senate Bill No. 179]

PUBLIC ASSISTANCE--

RECOVERY OF MEDICAL EXPENSES BY STATE

AN ACT Relating to public assistance; and amending section 74.09.180, chapter 26, Laws of 1959 as amended by section 8, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.180.

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

Section 1. Section 74.09.180, chapter 26, Laws of 1959 as

amended by section 8, chapter 173, Laws of 1969 ex. sess. and RCW 74.09.180 are each amended to read as follows:

The provisions of this chapter shall not apply to recipients whose personal injuries are occasioned by negligence or wrong of another: PROVIDED, HOWEVER, That the ~~((director))~~ secretary of the department of ~~((public assistance))~~ social and health services may, in his discretion, furnish assistance, under the provisions of this chapter, for the results of injuries to a recipient, and the department of ~~((public assistance))~~ social and health services shall thereby be subrogated to the recipient's right of recovery therefor to the extent of the value of the assistance furnished by the department of social and health services: PROVIDED FURTHER, That to the end of securing reimbursement of any assistance furnished to such a recipient, the department of social and health services may, as a nonexclusive legal remedy, assert and enforce a lien upon any claim, right of action and/or money to which such recipient is entitled (a) against any tort feisor and/or insurer of such tort feisor, or (b) any contract of insurance providing coverage to such recipient for said injuries, to the extent of the assistance furnished by said department to the recipient. If a recovery shall be made and the subrogation or lien is satisfied either in full or in part as a result of an independent action initiated by or on behalf of a recipient to recover the personal injuries against any tort feisor or insurer, then and in that event the amount repaid to the state of Washington as a result of said action, whether concluded by entry of a judgment or compromise and settlement, shall bear its proportionate share of attorney's fees and costs incurred by the injured recipient or his widow, children, or dependents, as the case may be, to the extent that such attorney's fees and costs are approved by the court in which the action is initiated, and upon notice to the department which shall have the right to be heard on the matter: PROVIDED, That if the attorney's fees conform to the applicable minimum bar fee schedule, court approval for such fees shall not be necessary.

Passed the Senate May 8, 1971.

Passed the House May 7, 1971.

Approved by the Governor May 20, 1971 with the exception of an item in section 1 which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill provides for recovery by the Department of Social and Health Services for medical expenses it has paid where a public assistance recipient has been injured by a third party. The act further provides that the department

Veto
Message

will bear its proportionate share of attorney's fees and costs where an injured party has obtained his own attorney and has recovered from the third party. Court approval of such attorney's fees is required by the act, with the proviso that if the attorney's fees conform to the applicable minimum bar fee schedule, court approval is not necessary.

Veto
Message

The Department of Labor and Industries has had similar legislation for some time which has provided for that department bearing its proportionate share of attorney's fees and costs, provided that there is court approval. There has been no exemption from court approval even where there was conformity to the applicable minimum bar fee schedule. Without that exemption the act has proven quite workable, to the public, the bar and the department. There would not appear to be any reason to deviate from the already successful statutory formula which has applied to the Department of Labor and Industries.

It would appear the present law relating to the Department of Social and Health Services should, in the absence of substantial reason for difference, be consistent with the law related to the Department of Labor and Industries. Furthermore, there may well be times when the minimum bar fee schedule may not be appropriate and the court should have the opportunity to review such situations. I have therefore vetoed the item in section one, page two, lines 9 through 11.

The remainder of Senate Bill 179 is approved."

CHAPTER 307
[Engrossed Senate Bill No. 428.]
MODEL LITTER CONTROL ACT

AN ACT Relating to the public welfare; providing for a Model Litter Control Act; creating new sections; amending section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655; repealing section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120; repealing section 2, chapter 85, Laws of 1967 and RCW 9.66.060; repealing section 3,

chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070; repealing section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650; providing penalties; levying a tax; creating an account within the general fund; and declaring an emergency.

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

NEW SECTION. Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control, there is hereby enacted this "Model Litter Control Act".

NEW SECTION. Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to the department of ecology the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

NEW SECTION. Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise:

- (1) "Department" means the department of ecology;
- (2) "Director" means the director of the department of ecology;
- (3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;
- (4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;
- (5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;
- (6) "Litter receptacle" means those containers adopted by the

department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(9) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act.

NEW SECTION. Sec. 5. The director may designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this 1971 amendatory act. In addition, state patrol officers, game protectors and deputy game protectors, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this 1971 amendatory act or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of

residence shall be deemed as personal service upon the person charged.

NEW SECTION. Sec. 6. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 7. The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines.

NEW SECTION. Sec. 8. Pertinent portions of this 1971 amendatory act shall be posted along the public highways of this state and in all campgrounds and trailer parks, at all entrances to state parks, forest lands, and recreational areas, at all public beaches, and at other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions.

NEW SECTION. Sec. 9. The department shall design and the director shall adopt by rule or regulation one or more types of litter receptacles which are reasonably uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an anti-litter symbol as designed and adopted by the department. In addition, all litter receptacles shall be designed to attract attention and to encourage the depositing of litter.

Litter receptacles of the uniform design shall be placed along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule or regulation of the director adopted pursuant to chapter 34.04 RCW. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this section to procure and place such receptacles at their own expense on the premises in accord with rules and regulations adopted by the department.

Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

NEW SECTION. Sec. 10. The department may design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this 1971 amendatory act, such litter bags may be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology may make such litter bags available to the owners of watercraft in this state and may also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this 1971 amendatory act.

NEW SECTION. Sec. 11. Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

NEW SECTION. Sec. 12. There is hereby levied and there shall

be collected by the department of revenue from every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including by-products, multiplied by one and one-half hundredths of one percent in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half hundredths of one percent in the case of sales at wholesale and/or at retail.

NEW SECTION. Sec. 13. Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering it to those industries whose products including the packages, wrappings, and containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

- (1) Food for human or pet consumption.
- (2) Groceries.
- (3) Cigarettes and tobacco products.
- (4) Soft drinks and carbonated waters.
- (5) Beer and other malt beverages.
- (6) Wine.
- (7) Newspapers and magazines.
- (8) Household paper and paper products
- (9) Glass containers
- (10) Metal containers.
- (11) Plastic or fiber containers made of synthetic material.
- (12) Cleaning agents and toiletries.
- (13) Nondrug drugstore sundry products.

NEW SECTION. Sec. 14. The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is required, define the categories (1) through (13) as set forth in section 13 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

NEW SECTION. Sec. 15. "Sold within this state" or "sales of the business within this state" as used in section 12 of this 1971 amendatory act shall mean all sales of retailers engaged in business within this state and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

NEW SECTION. Sec. 16. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

NEW SECTION. Sec. 17. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect. In all other instances, the assessment shall be applied.

NEW SECTION. Sec. 18. There is hereby created an account within the general fund to be known as the "Litter Control Account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this 1971 amendatory act shall be deposited in the litter control account and used for the administration and implementation of this 1971 amendatory act.

NEW SECTION. Sec. 19. The department shall allocate funds annually for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of public educational programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

NEW SECTION. Sec. 20. In addition to the foregoing, the department of ecology shall:

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the anti-litter effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;

(3) Cooperate with all local governments to accomplish coordination of local anti-litter efforts;

(4) Encourage, organize, and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this 1971 amendatory act.

NEW SECTION. Sec. 21. To aid in the state-wide anti-litter

campaign, the state legislature requests that the various industry organizations which are active in anti-litter efforts provide active cooperation with the department of ecology so that additional effect may be given to the anti-litter campaign of the state of Washington.

Sec. 22. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

NEW SECTION. Sec. 23. Every person convicted of a violation of this 1971 amendatory act for which no penalty is specially provided for shall be punished by a fine of not more than ten dollars for each such violation.

NEW SECTION. Sec. 24. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965 ex. sess., section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

NEW SECTION. Sec. 25. If any provision of this 1971 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. 26. This 1971 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. 27. This 1971 amendatory act constitutes an alternative to Initiative 40. The secretary of state is directed to place this 1971 amendatory act on the ballot in conjunction with Initiative 40 at the next general election.

This 1971 amendatory act shall continue in force and effect until the secretary of state certifies the election results on this 1971 amendatory act. If affirmatively approved at the general election, this 1971 amendatory act shall continue in effect thereafter.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill is a comprehensive litter control act. It established new litter control powers in the Department of Ecology, and imposes a tax upon those businesses which produce or sell items relating to the litter problem, in order to finance the administration of the act. However, by reason of the fact that the definition of "person" in section 3(7) includes state and local government, the act would by its terms impose the tax upon the State Liquor Control Board, and possibly upon certain local governmental agencies. I believe this result to be unwarranted, and accordingly have vetoed that item from section 3(7) of the act.

Veto
Message

With the exception of the above item, Engrossed Senate Bill No. 428 is approved."

CHAPTER 308

[Engrossed Second Substitute Senate Bill No. 146]

UNIFORM CONTROLLED SUBSTANCES ACT

AN ACT Relating to controlled substances; enacting the Uniform Controlled Substances Act; repealing section 2072, Code of 1881, section 418, chapter 249, Laws of 1909, section 4, chapter 205, Laws of 1963, and RCW 9.91.030; repealing section 69.33.220, chapter 27, Laws of 1959, section 7, chapter 256, Laws of 1969 ex. sess., and RCW 69.33.220; repealing sections 69.33.230 through 69.33.280, chapter 27, Laws of 1959, and RCW 69.33.230 through 69.33.280; repealing section 69.33.290, chapter 27, Laws of 1959, section 1, chapter 97, Laws of 1959, and RCW 69.33.290; repealing section 69.33.300, chapter 27, Laws of 1959, section 8, chapter 256, Laws of 1969 ex. sess.

and RCW 69.33.300; repealing sections 69.33.310 through 69.33.400, chapter 27, Laws of 1959, and RCW 69.33.310 through 69.33.400; repealing section 69.33.410, chapter 27, Laws of 1959, section 20, chapter 38, Laws of 1963, and RCW 69.33.410; repealing sections 69.33.420 through 69.33.440, 69.33.900 through 69.33.950, chapter 27, Laws of 1959, and RCW 69.33.420 through 69.33.440, 69.33.900 through 69.33.950; repealing section 255, chapter 249, Laws of 1909 and RCW 69.40.040; repealing section 1, chapter 6, Laws of 1939, section 1, chapter 29, Laws of 1939, section 1, chapter 57, Laws of 1945, section 1, chapter 24, Laws of 1955, section 1, chapter 49, Laws of 1961, section 1, chapter 71, Laws of 1967, section 9, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.060; repealing section 1, chapter 23, Laws of 1955, section 2, chapter 49, Laws of 1961, section 2, chapter 71, Laws of 1967 and RCW 69.40.061; repealing section 21, chapter 38, Laws of 1963 and RCW 69.40.063; repealing section 2, chapter 6, Laws of 1939, section 23, chapter 38, Laws of 1963, section 10, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.070; repealing section 12, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.075; repealing section 1, chapter 205, Laws of 1963, and RCW 69.40.080; repealing section 2, chapter 205, Laws of 1963 and RCW 69.40.090; repealing section 3, chapter 205, Laws of 1963 and RCW 69.40.100; repealing section 11, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.110; repealing section 1, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.120; repealing section 1, chapter 80, Laws of 1970 ex. sess.; adding new chapter 69.50 RCW to Title 69 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

"UNIFORM CONTROLLED SUBSTANCES ACT

ARTICLE I

DEFINITIONS

NEW SECTION. Section 69.50.101. Definitions. As used in this act:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or
(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does

not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 69.50.201 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the species *Papaver*

somniferum L., except its seeds.

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

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this act, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy.

ARTICLE II

STANDARDS AND SCHEDULES

NEW SECTION. Sec. 69.50.201. Authority to Control. (a) The state board of pharmacy shall administer this act and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter 34.04 RCW. In making a determination regarding a substance, the board shall consider the following:

(1) the actual or relative potential for abuse;

(2) the scientific evidence of its pharmacological effect, if known;

(3) the state of current scientific knowledge regarding the substance;

(4) the history and current pattern of abuse;

(5) the scope, duration, and significance of abuse;

(6) the risk to the public health;

(7) the potential of the substance to produce psychic or physiological dependence liability; and

(8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this act after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter 34.04 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the bureau, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

NEW SECTION. Sec. 69.50.202. Nomenclature. The controlled substances listed or to be listed in the schedules in sections 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 are included by whatever official, common, usual, chemical, or trade name designated.

NEW SECTION. Sec. 69.50.203. Schedule I Tests. The state board of pharmacy shall place a substance in Schedule I if it finds that the substance:

(1) has high potential for abuse; and

(2) has no accepted medical use in treatment in the United

States or lacks accepted safety for use in treatment under medical supervision.

NEW SECTION. Sec. 69.50.204. Schedule I. (a) The controlled substances listed in this section are included in Schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Benzethidine;
- (7) Betacetylmethadol;
- (8) Betameprodine;
- (9) Betamethadol
- (10) Betaprodine;
- (11) Clonitazene;
- (12) Dextromoramide;
- (13) Dextrorphan;
- (14) Diampromide;
- (15) Diethylthiambutene;
- (16) Dimenoxadol
- (17) Dimepheptanol
- (18) Dimethylthiambutene;
- (19) Dioxaphetyl butyrate;
- (20) Dipipanone;
- (21) Ethylmethylthiambutene;
- (22) Etonitazene;
- (23) Etoxeridine;
- (24) Furethidine;
- (25) Hydroxypethidine;
- (26) Ketobemidone;
- (27) Levomoramide;
- (28) Levophenacylmorphan;
- (29) Morpheridine;
- (30) Noracymethadol;
- (31) Norlevorphanol;
- (32) Normethadone;
- (33) Norpipanone;
- (34) Phenadoxone;
- (35) Phenampromide;
- (36) Phenomorphan;

- (37) Phenoperidine;
- (38) Piritramide;
- (39) Proheptazine;
- (40) Properidine;
- (41) Racemoramide;
- (42) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Etorphine;
- (10) Heroin;
- (11) Hydromorphinol;
- (12) Methyldesorphine;
- (13) Methyldihydromorphine;
- (14) Morphine methylbromide;
- (15) Morphine methylsulfonate;
- (16) Morphine-N-Oxide;
- (17) Myrophine;
- (18) Nicocodeine;
- (19) Niconorphine;
- (20) Normorphine;
- (21) Phoclodine;
- (22) Thebacon.

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- (3) 3,4,5-trimethoxy amphetamine;
- (4) Bufotenine;
- (5) Diethyltryptamine;
- (6) Dimethyltryptamine;
- (7) 4-methyl-2,5-dimethoxyamphetamine;
- (8) Ibogaine;

- (9) Lysergic acid diethylamide;
- (10) Marihuana;
- (11) Mescaline;
- (12) Peyote;
- (13) N-ethyl-3-piperidyl benzilate;
- (14) N-methyl-3-piperidyl benzilate;
- (15) Psilocybin;
- (16) Psilocyn;
- (17) Tetrahydrocannabinols.

NEW SECTION. Sec. 69.50.205. Schedule II Tests. The state board of pharmacy shall place a substance in Schedule II if it finds that:

- (1) the substance has high potential for abuse;
- (2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and
- (3) the abuse of the substance may lead to severe psychic or physical dependence.

NEW SECTION. Sec. 69.50.206. Schedule II. (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.
- (3) Opium poppy and poppy straw.
- (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Alphaprodine;
- (2) Anileridine;
- (3) Bezitramide;
- (4) Dihydrocodeine;

- (5) Diphenoxylate;
- (6) Fentanyl;
- (7) Isomethadone;
- (8) Levomethorphan;
- (9) Levorphanol;
- (10) Metazocine;
- (11) Methadone;
- (12) Methadone--Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (13) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
- (14) Pethidine;
- (15) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine;
- (16) Pethidine--Intermediate--B, ethyl-4-phenylpiperidine-4-carboxylate;
- (17) Pethidine--Intermediate--C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (18) Phenazocine;
- (19) Piminodine;
- (20) Racemethorphan;
- (21) Racemorphan.

NEW SECTION. Sec. 69.50.207. Schedule III Tests. The state board of pharmacy shall place a substance in Schedule III if it finds that:

- (1) the substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

NEW SECTION. Sec. 69.50.208. Schedule III. (a) The controlled substances listed in this section are included in Schedule III.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
 - (2) Phenmetrazine and its salts;
 - (3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
 - (4) Methylphenidate.
- (c) Unless listed in another schedule, any material, compound,

mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other Schedules;

- (2) Chlorhexadol;
- (3) Glutethimide;
- (4) Lysergic acid;
- (5) Lysergic acid amide;
- (6) Methyprylon;
- (7) Phencyclidine;
- (8) Sulfondiethylmethane;
- (9) Sulfonethylmethane;
- (10) Sulfonmethane.

(d) Nalorphine.

(e) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters

or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) The state board of pharmacy may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

NEW SECTION. Sec. 69.50.209. Schedule IV Tests. The state board of pharmacy shall place a substance in Schedule IV if it finds that:

(1) the substance has a low potential for abuse relative to substances in Schedule III;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

NEW SECTION. Sec. 69.50.210. Schedule IV. (a) The controlled substances listed in this section are included in Schedule IV.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Barbital;
- (2) Chloral betaine;
- (3) Chloral hydrate;
- (4) Ethchlorvynol;
- (5) Ethinamate;
- (6) Methohexital;
- (7) Meprobamate;
- (8) Methylphenobarbital;
- (9) Paraldehyde;
- (10) Petrichloral;
- (11) Phenobarbital.

(c) The state board of pharmacy may except by rule any

compound, mixture, or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

NEW SECTION. Sec. 69.50.211. Schedule V Tests. The state board of pharmacy shall place a substance in Schedule V if it finds that:

(1) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

NEW SECTION. Sec. 69.50.212. Schedule V. (a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

NEW SECTION. Sec. 69.50.213. Republishing of Schedules. The state board of pharmacy shall at least semiannually for two years from the effective date of this act and thereafter annually consider the revision of the schedules published pursuant to chapter 34.04 RCW.

ARTICLE III

REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES

NEW SECTION. Sec. 69.50.301. Rules. The state board of

pharmacy may promulgate rules and charge reasonable fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

NEW SECTION. Sec. 69.50.302. Registration Requirements. (a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, must obtain annually a registration issued by the state board of pharmacy in accordance with its rules.

(b) Persons registered by the board under this act to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this act:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners without an order;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this act unless the specific exemption is denied pursuant to section 69.50.305 for violation of any provisions of this act.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

NEW SECTION. Sec. 69.50.303. Registration. (a) The state board of pharmacy shall register an applicant to manufacture or distribute controlled substances included in sections 69.50.204,

69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this act;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under section 69.50.302(d) of this act, to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration entitles them to be registered under this act upon application and payment of the required fee.

NEW SECTION. Sec. 69.50.304. Revocation and Suspension of Registration. (a) A registration, or exemption from registration, under section 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in

any application filed under this act;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance; or

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the Bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

NEW SECTION. Sec. 69.50.305. Procedure for Denial, Suspension or Revocation of Registration. (a) Any registration, or exemption from registration, issued pursuant to the provisions of this act shall not be denied, suspended, or revoked unless the board denies, suspends, or revokes such registration, or exemption from registration, by proceedings consistent with the administrative procedure act, chapter 34.04 RCW.

(b) The board may suspend any registration simultaneously with the institution of proceedings under section 69.50.304, or where renewal of registration is refused, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

NEW SECTION. Sec. 69.50.306. Records of Registrants. Persons registered, or exempted from registration under 69.50.302(a), to manufacture, distribute, dispense, or administer controlled substances under this act shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules the state board of pharmacy issues.

NEW SECTION. Sec. 69.50.307. Order Forms. Controlled

substances in Schedule I and II shall be distributed by a registrant or person exempt from registration under 69.50.302(d) to another registrant, or person exempt from registration under 69.50.302(d), only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

NEW SECTION. Sec. 69.50.308. Prescriptions. (a) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner.

(b) In emergency situations, as defined by rule of the state board of pharmacy, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of section 69.50.306. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under RCW 69.04.560, shall not be dispensed without a written or oral prescription of a practitioner. Any oral prescription must be promptly reduced to writing. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

(d) A valid prescription or lawful order of a practitioner, in order to be effective in legalizing the possession of controlled substances, must be issued in good faith for a legitimate medical purpose by one authorized to prescribe the use of such controlled substance. An order purporting to be a prescription not in the course of professional treatment is not a valid prescription or lawful order of a practitioner within the meaning and intent of this act; and the person who knows or should know that he is filling such an order, as well as the person issuing it, can be charged with a violation of this chapter.

(e) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

NEW SECTION. Sec. 69.50.309. Containers. A person to whom or for whose use any controlled substance has been prescribed, sold, or dispensed by a practitioner, and the owner of any animal for which such controlled substance has been prescribed, sold, or dispensed may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

ARTICLE IV

OFFENSES AND PENALTIES

NEW SECTION. Sec. 69.50.401. Prohibited Acts A--Penalties.

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (d)

of this section.

(d) Except as provided for in subsection (a) (1) (ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

NEW SECTION. Sec. 69.50.402. Prohibited Acts B--Penalties.

(a) It is unlawful for any person:

(1) who is subject to Article III to distribute or dispense a controlled substance in violation of section 69.50.308;

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;

(4) to refuse an entry into any premises for any inspection authorized by this act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this act for the purpose of using these substances, or which is used for keeping or selling them in violation of this act.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both.

NEW SECTION. Sec. 69.50.403. Prohibited Acts C--Penalties.

(a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedules I or II, except pursuant to an order form as required by section 69.50.307 of this act;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To obtain or attempt to obtain a controlled substance, or procure or attempt to procure the administration of a controlled substance, (i) by fraud, deceit, misrepresentation, or subterfuge; or (ii) by forgery or alteration of a prescription or any written order; or (iii) by the concealment of material fact; or (iv) by the use of a false name or the giving of a false address.

(4) To falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

(5) To make or utter any false or forged prescription or false or forged written order.

(6) To affix any false or forged label to a package or receptacle containing controlled substances.

(7) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or

(8) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Information communicated to a practitioner in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of such substance, shall not be deemed a privileged communication.

(c) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than two years, or fined not more than two thousand dollars, or both.

NEW SECTION. Sec. 69.50.404. Penalties Under Other Laws. Any penalty imposed for violation of this act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

NEW SECTION. Sec. 69.50.405. Bar to Prosecution. If a violation of this act is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

NEW SECTION. Sec. 69.50.406. Distribution to Persons Under Age 18. Any person eighteen years of age or over who violates section 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by section 69.50.401(a) (1) (i), by a term of imprisonment of up to twice that authorized by section 69.50.401(a) (1) (i), or by both. Any person eighteen years of age or over who violates section 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by section 69.50.401(a) (1) (ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by section 69.50.401(a) (1) (ii), (iii), or (iv), or both.

NEW SECTION. Sec. 69.50.407. Conspiracy. Any person who attempts or conspires to commit any offense defined in this chapter

is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

NEW SECTION. Sec. 69.50.408. Second or Subsequent Offenses.

(a) Any person convicted of a second or subsequent offense under this act may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(c) This section does not apply to offenses under section 69.50.401(c).

ARTICLE V

ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

NEW SECTION. Sec. 69.50.500. Powers of Enforcement Personnel.

(a) It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this act.

(b) Employees of the Washington state board of pharmacy, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this act.

NEW SECTION. Sec. 69.50.501. Administrative Inspections. The state board of pharmacy may make administrative inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this section only, "controlled premises" means:

(a) places where persons registered or exempted from registration requirements under this act are required to keep records; and

(b) places including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When authorized by an administrative inspection warrant issued pursuant to section 69.50.502 of this act an officer or employee designated by the board, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When authorized by an administrative inspection warrant, an officer or employee designated by the board may:

(a) inspect and copy records required by this act to be kept;

(b) inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (5) of this section, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this act; and

(c) inventory any stock of any controlled substance therein and obtain samples thereof;

(4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with chapter 34.04 RCW, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(a) if the owner, operator, or agent in charge of the controlled premises consents;

(b) in situations presenting imminent danger to health or safety;

(c) in situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; or,

(e) in all other situations in which a warrant is not constitutionally required;

(5) An inspection authorized by this section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

NEW SECTION. Sec. 69.50.502. Warrants for Administrative Inspections. Issuance and execution of administrative inspection warrants shall be as follows:

(1) A judge of a superior court, or a judge of a district court within his jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this act or rules hereunder, and seizures of property appropriate to the inspections.

For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this act or rules hereunder, sufficient to justify administrative inspection of the area, premises, building or conveyance in the circumstances specified in the application for the warrant;

(2) A warrant shall issue only upon an affidavit of a designated officer or employee having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant shall:

(a) state the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;

(b) be directed to a person authorized by section 69.50.500 to execute it;

(c) command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;

(d) identify the item or types of property to be seized, if any;

(e) direct that it be served during normal business hours and designate the judge to whom it shall be returned;

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant;

(4) The judge who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court in which the inspection was made.

NEW SECTION. Sec. 69.50.503. Injunctions. (a) The superior courts of this state have jurisdiction to restrain or enjoin violations of this act.

(b) The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.

NEW SECTION. Sec. 69.50.504. Cooperative Arrangements. The state board of pharmacy shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

NEW SECTION. Sec. 69.50.505. Forfeitures. (a) The following are subject to forfeiture:

(1) all controlled substances which have been manufactured, distributed, dispensed or acquired in violation of this act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this act;

(3) all property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act;

(ii) no conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) a conveyance is not subject to forfeiture for a violation of section 69.50.401(c); and,

(iv) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.

(5) all books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this act.

(b) Property subject to forfeiture under this act may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a

search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this act;

(3) a board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this act.

(c) In the event of seizure pursuant to subsection (b), proceedings under subsection (d) shall be instituted promptly.

(d) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the board or seizing law enforcement agency subject only to the orders and decrees of the superior court having jurisdiction over the forfeiture proceedings. When property is seized under this act, the board or seizing law enforcement agency may:

(1) place the property under seal;

(2) remove the property to a place designated by it; or

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) When property is forfeited under this act the board or seizing law enforcement agency may:

(1) retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this act;

(2) sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau for disposition.

(f) Controlled substances listed in Schedule I, II, III, IV and V that are possessed, transferred, sold, or offered for sale in violation of this act are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(g) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(h) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

NEW SECTION. Sec. 69.50.506. Burden of Proof; Liabilities.

(a) It is not necessary for the state to negate any exemption or exception in this act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this act. The burden of proof of any exemption or exception is upon the person claiming it.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this act, he is presumed not to be the holder of the registration or form. The burden of proof is upon him to rebut the presumption.

(c) No liability is imposed by this act upon any authorized state, county or municipal officer, engaged in the lawful performance of his duties.

NEW SECTION. Sec. 69.50.507. Judicial Review. All final determinations, findings and conclusions of the state board of pharmacy under this act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the superior court wherein he resides or in the superior court of Thurston county, such review to be in conformity with the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 69.50.508. Education and Research. (a) The state board of pharmacy may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs it may:

(1) promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(2) assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects, techniques, and controls

conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(5) disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and

(6) assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.

(b) The board may encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this act, it may:

(1) establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this act;

(ii) determine patterns of misuse and abuse of controlled substances and the social effects thereof; and,

(iii) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and,

(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

(c) The board may enter into contracts for educational and research activities without performance bonds.

(d) The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

(e) The board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

NEW SECTION. Sec. 69.50.509. Search and Seizure of Controlled Substances. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, justice of the peace, district court judge or municipal judge that there is probable cause to believe that any controlled substance is

being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this act, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering, distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this act.

NEW SECTION. Sec. 69.50.510. Recording. The provisions of chapter 9.73 RCW shall not be applicable to the transmitting or recording of any private conversation or communication by any means by law enforcement authorities when a violation of any of the provisions of this chapter is involved and the authorities have the consent of one of the parties to said conversation or communication.

NEW SECTION. Sec. 69.50.511. Immunity. Whenever, in the judgment of a prosecuting attorney, evidence is available from any person relative to an offense described in this chapter, a prosecuting attorney may apply to a superior court for a grant of immunity concerning the testimony given or expected to be given by such person. If the court grants immunity, the person thereafter shall not be prosecuted or subjected to any penalty or forfeiture concerning any matter revealed upon which he was granted immunity, except for perjury or contempt upon his failure to testify concerning said matter.

ARTICLE VI
MISCELLANEOUS

NEW SECTION. Sec. 69.50.601. Pending Proceedings. (a) Prosecution for any violation of law occurring prior to the effective date of this act is not affected or abated by this act. If the offense being prosecuted is similar to one set out in Article IV of this act, then the penalties under Article IV apply if they are less than those under prior law.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of this act are not affected by this act.

(c) All administrative proceedings pending under prior laws which are superseded by this act shall be continued and brought to a final determination in accord with the laws and rules in effect prior to the effective date of the act. Any substance controlled under prior law which is not listed within Schedules I through V, is automatically controlled without further proceedings and shall be listed in the appropriate schedule.

(d) The state board of pharmacy shall initially permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled substance prior to the effective date of this act and who are registered or licensed by the state.

(e) This act applies to violations of law, seizures and forfeiture, injunctive proceedings, administrative proceedings and investigations which occur following its effective date.

NEW SECTION. Sec. 69.50.602. Continuation of Rules. Any orders and rules promulgated under any law affected by this act and in effect on the effective date of this act and not in conflict with it continue in effect until modified, superseded or repealed.

NEW SECTION. Sec. 69.50.603. Uniformity of Interpretation. 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. 69.50.604. Short Title. This act may be cited as the Uniform Controlled Substances Act.

NEW SECTION. Sec. 69.50.605. 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. 69.50.606. Repealers. The laws specified below are repealed except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this act:

(1) Section 2072, Code of 1881, section 418, chapter 249, Laws of 1909, section 4, chapter 205, Laws of 1963 and RCW 9.91.030;

(2) Section 69.33.220, chapter 27, Laws of 1959, section 7, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.220;

(3) Sections 69.33.230 through 69.33.280, chapter 27, Laws of 1959 and RCW 69.33.230 through 69.33.280;

(4) Section 69.33.290, chapter 27, Laws of 1959, section 1,

chapter 97, Laws of 1959 and RCW 69.33.290;

(5) Section 69.33.300, chapter 27, Laws of 1959, section 8, chapter 256, Laws of 1969 ex. sess. and RCW 69.33.300;

(6) Sections 69.33.310 through 69.33.400, chapter 27, Laws of 1959 and RCW 69.33.310 through 69.33.400;

(7) Section 69.33.410, chapter 27, Laws of 1959, section 20, chapter 38, Laws of 1963 and RCW 69.33.410;

(8) Sections 69.33.420 through 69.33.440, 69.33.900 through 69.33.950, chapter 27, Laws of 1959 and RCW 69.33.420 through 69.33.440, 69.33.900 through 69.33.950;

(9) Section 255, chapter 249, Laws of 1909 and RCW 69.40.040;

(10) Section 1, chapter 6, Laws of 1939, section 1, chapter 29, Laws of 1939, section 1, chapter 57, Laws of 1945, section 1, chapter 24, Laws of 1955, section 1, chapter 49, Laws of 1961, section 1, chapter 71, Laws of 1967, section 9, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.060;

(11) Section 1, chapter 23, Laws of 1955, section 2, chapter 49, Laws of 1961, section 2, chapter 71, Laws of 1967 and RCW 69.40.061;

(12) Section 21, chapter 38, Laws of 1963 and RCW 69.40.063;

(13) Section 2, chapter 6, Laws of 1939, section 23, chapter 38, Laws of 1963, section 10, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.070;

(14) Section 12, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.075;

(15) Section 1, chapter 205, Laws of 1963 and RCW 69.40.080;

(16) Section 2, chapter 205, Laws of 1963 and RCW 69.40.090;

(17) Section 3, chapter 205, Laws of 1963 and RCW 69.40.100;

(18) Section 11, chapter 256, Laws of 1969 ex. sess. and RCW 69.40.110;

(19) Section 1, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.120; and

(20) Section 1, chapter 80, Laws of 1970 ex. sess.

NEW SECTION. Sec. 69.50.607. Effective Date. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 69.50.608. This act shall constitute a new chapter 69.50 RCW in Title 69 RCW.

Passed the Senate May 9, 1971.

Passed the House May 8, 1971.

Approved by the Governor May 21, 1971 with the exception of two sections which are vetoed.

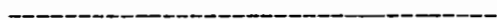
Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...I am vetoing section 69.50.510 which pertains to recording of private communications and conversations. While a change in the law of this state with regard to wiretapping and the use of recording devices by law enforcement officers may be necessary, I am of the opinion that such changes must, in the interest of safeguarding the citizens right to privacy, be taken in the context of comprehensive revision with provisions for proper judicial supervision. The partial revision represented by this section can only delay and frustrate such efforts while opening the door to possible abuse.

Veto
Message

I have also vetoed section 69.50.511 which provides for immunity from prosecution for witnesses when such immunity is necessary in the enforcement of the Controlled Substances Act. Enactment of the new grand jury bill with its immunity provisions and its provision for inquiry judges will insure availability of immunity as a law enforcement tool in combating drug abuse. It would be unwise to jeopardize this tool through possible conflict of two bills dealing with the same subject."



CHAPTER 309
[Engrossed Substitute House Bill No. 915]
SOCIAL AND HEALTH SERVICES--
USE OF NONAPPROPRIATED FUNDS--
PURCHASE OF SERVICES

AN ACT Relating to social and health services; providing for the use of nonappropriated funds to improve such services; and adding new sections to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW.

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

NEW SECTION. Section 1. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

Notwithstanding any other provisions of law, the secretary of the department of social and health services is authorized to utilize nonappropriated funds made available to the department, in order to complement the social and health services programs of the department by purchase of services from public or nonprofit agencies. The

purpose of this authorization is to augment the services presently offered and to achieve pooling of public and nonprofit resources.

NEW SECTION. Sec. 2. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

After obtaining the review and advice of the governor's advisory committee on vendor rates, the secretary shall establish rates of payment for services which are to be purchased: PROVIDED, That the secretary shall afford all interested persons reasonable opportunity to submit data, views, or arguments, and shall consider fully all submissions respecting the proposed rates. Prior to the establishment of such rates, the secretary shall give at least twenty days notice of such intended action by mail to such persons or agencies as have made timely request of the secretary for advance notice of establishment of such vendor rates. Such rates shall not exceed the amounts reasonable and necessary to assure quality services and shall not exceed the costs reasonably assignable to such services pursuant to cost finding and monitoring procedures to be established by the secretary. Information to support such rates of payment shall be maintained in a form accessible to the public.

NEW SECTION. Sec. 3. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

In determining whether services should be purchased from other public or nonprofit agencies, the secretary shall consider:

- (1) Whether the particular service or services is available or might be developed.
- (2) The probability that program and workload performance standards will be met, by means of the services purchased.
- (3) The availability of reasonably adequate cost finding and performance evaluation criteria.

Nothing in this act is to be construed to authorize reduction in state employment in service component areas presently rendering such services.

NEW SECTION. Sec. 4. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

When, pursuant to this act, the secretary elects to purchase a service or services, he shall retain continuing basic responsibility for:

- (1) Determining the eligibility of individuals for services;
- (2) The selection, quality, effectiveness, and execution of a plan or program of services suited to the need of an individual or of a group of individuals; and
- (3) Measuring the cost effectiveness of purchase of services.

NEW SECTION. Sec. 5. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

The secretary shall work with the suppliers of purchased services by:

- (1) Providing consultation and technical assistance;
- (2) Monitoring and periodically reviewing services in order to assure satisfactory performance including adherence to state prescribed workload and quality standards; and
- (3) Developing new and more effective and efficient approaches to and methods of delivering services.

NEW SECTION. Sec. 6. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

The secretary shall assure that sources from which services are purchased are: (1) Licensed, or (2) meet applicable accrediting standards, or (3) in the absence of licensing or accrediting standards, meet standards or criteria established by the secretary to assure quality of service: PROVIDED, That this section shall not be deemed to dispense with any licensing or accrediting requirement imposed by any other provision of law, by any county or municipal ordinance, or by rule or regulation of any public agency.

NEW SECTION. Sec. 7. There is added to chapter 18, Laws of 1970 ex. sess. and to chapter 43.20A RCW a new section to read as follows:

The secretary shall, if not otherwise prohibited by law, pursuant to agreement between the department and the agency in each contract, retain from such nonappropriated funds sufficient sums to pay for the department's administrative costs, monitoring and evaluating delivery of services, and such other costs as may be necessary to administer the department's responsibilities under this act.

Passed the House March 30, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

STATE MEASURES

History of State Measures.....	1826a
Text, Proposed Constitutional Amendments.....	1827
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**HISTORY OF STATE MEASURES FILED WITH THE
SECRETARY OF STATE**

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INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 246—Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.
- INITIATIVE MEASURE NO. 247 (**Increasing Maximum Retail Service Charges**)—Filed January 20, 1970 by the Washington Citizens for Competitive Credit—A. F. Carey of Seattle, Secretary-Treasurer. No signatures presented for checking.
- INITIATIVE MEASURE NO. 248 (**Property Tax Millage Rate Reallocation**)—Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE NO. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.
- INITIATIVE MEASURE NO. 250 (**Certain Salary Increases—Voter Approval**)—Filed February 17, 1970 by the Committee for Voter Approved Salary Increases—Albert C. Navone of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 251 (**State Taxation—To regulate Imposition**)—Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For—504,779 Against—527,263.**
- INITIATIVE MEASURE NO. 252 (**Property Taxation—Fixing Maximum Rate**)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.
- INITIATIVE MEASURE NO. 253 (**Open Land—Special Taxation Basis**)—Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.
- INITIATIVE MEASURE NO. 254 (**Certain Gambling Activities—Criminal Exemptions**)—Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.

INITIATIVE MEASURE NO. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refined April 23, 1970 as Initiative Measure No. 256.

INITIATIVE MEASURE NO. 256 (**Prohibiting Certain Nonrefundable Beverage Receptacles**)—Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For**—511,248 **Against**—538,118.

INITIATIVE MEASURE NO. 257 (**Licensing Dog Racing—Parimutuel Betting**)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.

INITIATIVES TO THE LEGISLATURE

INITIATIVE TO THE LEGISLATURE NO. 35 (**State Citizens—War and Taxes**)—Filed April 28, 1970 by the Seattle Liberation Front—William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 36 (**Licensing Dog Racing—Parimutuel Betting**)—Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.

INITIATIVE TO THE LEGISLATURE NO. 37 (**Transportation Revenues—Use and Distribution**)—Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 38 (**Certain Cities—Greyhound Racing Franchises**)—Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.

INITIATIVE TO THE LEGISLATURE NO. 39 (**Licensing Dog Racing—Parimutuel Betting**)—Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.

INITIATIVE TO THE LEGISLATURE NO. 40 (**Litter Control Act**)—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irvig E. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative No. 40 but did pass an alternative measure (S.B. No. 428) now identified as Chapter 307, Laws 1971, 1st Ex. Session which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures must be submitted to the voters for final decision at the November 7, 1972 state general election. If both are approved, the measure receiving the most favorable votes will become law.

INITIATIVE TO THE LEGISLATURE NO. 41 (**Public Schools—Certain Courses Curtailed**)—Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington—Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42—Filed September 21, 1970 by the Washington Environmental Council. Re filed September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (**Regulating Shoreline Use and Development**)—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative No. 43 but did pass an alternative measure (Sub. H.B. No. 584) now identified as Chapter 286, Laws 1971, 1st Ex. Session which became effective law as of June 1, 1971. However, as provided by the state constitution, both measures must be submitted to the voters for final decision at the November 7, 1972 state general election. If both are approved, the measure receiving the most favorable votes will become law.

INITIATIVE TO THE LEGISLATURE NO. 44 (**Statutory Tax Limitation—20 Mills**)—Filed October 15, 1970 by the 40-Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative will be submitted to the voters for final decision at the November 7, 1972 state general election.

REFERENDUM BILLS

(measures passed by the Legislature and referred to the voters)

*REFERENDUM BILL NO. 20 (**Chapter 3, Laws of 1970—Changes in Abortion Law**)—Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For—599,959 Against—462,174.**

*REFERENDUM BILL NO. 21 (**Chapter 40, Laws of 1970—Outdoor Recreation Bonds—Sales; Interest**)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For—520,162 Against—474,548.**

REFERENDUM BILL NO. 22 (**Chapter 66, Laws of 1970—State Building Bonds—Sales; Interest**)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: **For—399,608 Against—574,887.**

*REFERENDUM BILL NO. 23 (**Chapter 67, Laws of 1970—Pollution Control Bonds—Sales; Interest**)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For—581,819 Against—414,976.**

*Indicates measure became law.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
REGULAR SESSION FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1972

ENGROSSED SENATE JOINT RESOLUTION NO. 1

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 electors of the state for
their approval and ratification, or rejection, an amendment to
Article VII of the Constitution of the State of Washington by
amending section 2, (Amendment 17) to read as follows:

Article VII, section 2. Except as hereinafter provided and
notwithstanding any other provision of this Constitution, the
aggregate of all tax levies upon real and personal property by the
state and all taxing districts now existing or hereafter created,
shall not in any year exceed (~~forty mills on the dollar of assessed
valuation, which assessed valuation shall be fifty~~) one per centum
of the true and fair value of such property in money: PROVIDED,
HOWEVER, That nothing herein shall prevent levies at the rates now
provided by law by or for any port or public utility district. The
term "taxing district" for the purposes of this section shall mean
any political subdivision, municipal corporation, district, or other
governmental agency authorized by law to levy, or have levied for it,
ad valorem taxes on property, other than a port or public utility
district. Such aggregate limitation or any specific limitation
imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to
do by a majority of at least three-fifths of the electors thereof
voting on the proposition to levy such additional tax submitted not
more than twelve months prior to the date on which the proposed levy
is to be made and not oftener than twice in such twelve month period,
either at a special election or at the regular election of such
taxing district, at which election the number of persons voting on
the proposition shall constitute not less than forty per centum of
the total number of votes cast in such taxing district at the last
preceding general election;

(b) By any taxing district otherwise authorized by law to
issue general obligation bonds for capital purposes, for the sole
purpose of making the required payments of principal and interest on
general obligation bonds issued solely for capital purposes, other
than the replacement of equipment, when authorized so to do by
majority of at least three-fifths of the electors thereof voting on
the proposition to issue such bonds and to pay the principal and

interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

AND 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 Senate January 14, 1971.

Passed the House February 26, 1971.

Filed in Office of Secretary of State March 1, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
REGULAR SESSION FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1972

SENATE JOINT RESOLUTION NO. 5

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 Article II of the Constitution of the state of Washington by amending section 24 thereof to read as follows:

Article II, section 24. The legislature shall never ((authorize any lottery or)) grant any divorce. Lotteries shall be

prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon.

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 Senate March 3, 1971.

Passed the House February 27, 1971.

Filed in Office of Secretary of State March 5, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
FIRST EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1972

SENATE JOINT RESOLUTION NO. 38

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 Article XI of the state Constitution by amending section 5 (Amendment 12) and section 8 thereof to read as follows:

Article XI, section 5. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: PROVIDED, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population; PROVIDED, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to

them, or officially come into their possession.

Article XI, section 8. ((The legislature shall fix the compensation by salaries of all county officers; and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may ~~or~~ may not be salaried officers.)) The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

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 Senate May 10, 1971.

Passed the House May 10, 1971.

Filed in Office of Secretary of State May 17, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
FIRST EXTRADORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1972

REENGROSSED HOUSE JOINT RESOLUTION NO. 1

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 Article VII of the Constitution of the state of Washington by adding a new section to read as follows:

NEW SECTION. Article VII, section 12. All statutes and every part or provision of this Constitution which grant to any person, individual, firm, corporation or other business organization, or any public or private body, agency or institution, any exemption, deduction, or exclusion from state or locally imposed taxes or credit for payment of any such taxes against other state tax liability (other than a statute or part thereof granting an exemption from taxes imposed upon property owned or used by a religious organization, corporation, or corporation sole, solely for religious or educational purposes) shall be reviewed by the legislature commencing before March 1, 1977, and before March 1st of every ten years thereafter. Any such statute on such part thereof which is not

amended or reenacted without amendment, and any such constitutional provision which is not reapproved by the people, before March 1, 1977 and before the first day of March ending each ten year period thereafter shall be null and void effective upon such March 1st date. This section shall not apply to the removal or repeal of any tax exemption, deduction, exclusion or credit, if such removal or repeal would be in violation of the laws or Constitution of the United States.

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 April 21, 1971.

Passed the Senate May 10, 1971.

Filed in Office of Secretary of State May 14, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
FIRST EXTRADORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1972

ENGROSSED HOUSE JOINT RESOLUTION NO. 21

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 Article XI of the Constitution of the State of Washington by amending section 16 (Amendment 23) thereof as follows:

Article XI, section 16. ((The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand {300,000} inhabitants.)) Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county." Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article

with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such ((city and county)) "city-county" shall be formed except by a majority vote of the qualified electors ((of)) voting thereon in the ((area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 40 of this article: PROVIDED, HOWEVER, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations:)) county ((PROVIDED FURTHER, That every such)). The charter shall designate the respective officers of such ((city and county)) city-county who shall perform the duties imposed by law upon county officers. Every such ((city and county)) city-county shall have and enjoy all rights, powers and privileges asserted in its charter, ((not inconsistent with general laws;)) and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties ((possessed and enjoyed by cities and counties of like population separately organized)). In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

((No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county

and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: PROVIDED, That) The provisions of sections 2, 3, ((47)) 5, 6, ((77)) and 8 and of the first paragraph of section 4 of this article shall not apply to any such ((city and county: PROVIDED FURTHER, That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed)) city-county. ((In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city; the method of determining such just proportion to be prescribed by general law; but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, terms of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provision-))

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three percentum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten percentum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or other municipal purposes: PROVIDED FURTHER, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such municipal corporation

without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five percentum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: PROVIDED FURTHER, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution.

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 May 10, 1971.

Passed the Senate May 10, 1971.

Filed in Office of Secretary of State May 14, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
FIRST EXTRADORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1972

HOUSE JOINT RESOLUTION NO. 47

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 Article VII of the Constitution of the state of Washington by amending section 2 (Amendment 17) thereof to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the

state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting ~~((on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election))~~ "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general

election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: PROVIDED, That if both proposed amendments are approved and ratified, both shall become part of the Constitution.

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 May 1, 1971.

Passed the Senate May 10, 1971.

Filed in Office of Secretary of State May 14, 1971.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1971
FIRST EXTRADORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1972

HOUSE JOINT RESOLUTION NO. 52

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 Article VIII, section 1, and Article VIII, section 3 (Amendment 48), of the Constitution of the State of Washington, by amending said sections to read as follows:

Article VIII, section 1. (a) The state may ((to meet casual

deficits or failure in revenues; or for expenses not provided for, contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.) contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall

not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: PROVIDED, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The

legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

Article VIII, section 3. Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein ((which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof)). No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election ((and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: PROVIDED, That failure of any newspaper to publish this notice shall not be interpreted as

affecting the outcome of the election)).

BE IT FURTHER RESOLVED, That the foregoing amendment constitutes a single integrated plan for the balanced revision of the debt structure of the state government and shall be construed as a single amendment within the meaning of Article XXIII, section one (Amendment 37) of this Constitution.

AND 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 March 25, 1971.

Passed the Senate May 8, 1971.

Filed in Office of Secretary of State May 12, 1971.

HOUSE JOINT MEMORIAL NO. 15

BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

WHEREAS, Both Houses of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States, which is in words and figures as follows, to-wit:

"JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

"RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE ...

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"The Congress shall have power to enforce this article by appropriate legislation."

THEREFORE BE IT RESOLVED, That said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the legislature of the State of Washington.

AND BE IT FURTHER RESOLVED, That certified copies of this joint resolution be forwarded by the Governor of the state to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Passed the House March 23, 1971.

Passed the Senate March 23, 1971.

Filed in Office of Secretary of State March 26, 1971.

SENATE JOINT RESOLUTION NO. 36

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

WHEREAS, Both Houses of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States, which is in words and figures as follows, to-wit:

"JOINT RESOLUTION

"RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA in Congress Assembled: (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE--

"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

NOW, THEREFORE, BE IT RESOLVED, That said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the legislature of the State of Washington.

AND BE IT FURTHER RESOLVED, That certified copies of this joint resolution be forwarded by the Secretary of State of the State of Washington to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States."

Passed the Senate March 23, 1971.

Passed the House March 23, 1971.

Filed in Office of Secretary of State March 24, 1971.

INDEX AND TABLES

(For both sessions, regular and extraordinary, 1971)

Tables

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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 1971 regular session and the 1971 1st extraordinary session (42nd Legislature) 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 fifteenth day of July, 1971.



Richard O. White

RICHARD O. WHITE
Code Reviser

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1971 Regular and Extraordinary Sessions

Bill Number	Chapter Number Laws of 1971	Bill Number	Chapter Number Laws of 1971	Bill Number	Chapter Number Laws of 1971
SB 8	19	SB 176	242*	SB 449	107*
SB 10	28	SB 177	38	SB 450	249*
SB 17	259*	SB 179	306*	SB 454	99*
SB 18	265*	SB 182	30*	SB 465	297*
SB 35	28*	SB 183	94*	SB 467	270*
SB 37	48*	SB 185	243*	SB 469	57*
SB 40	29	SB 188	305*	SB 472	274*
SB 42	233*	SB 195	39	SB 485	250*
SB 47	22*	SB 196	31*	SB 486	262*
SB 49	7*	SB 203	52*	SB 496	12*
SB 51	266*	SB 208	40*	SB 512	237*
SB 52	293*	SB 209	244*	SB 514	46*
SB 56	8*	SB 214	104*	SB 515	18*
SB 58	1	SB 216	245*	SB 522	271*
SB 59	267*	SB 219	16*	SB 525	108*
SB 71	68*	SB 228	72	SB 531	100*
SB 79	30	SB 231	235*	SB 542	272*
SB 82	241*	SB 233	236*	SB 545	109*
SB 85	95*	SB 241	40	SB 559	263*
SB 88	31	SB 244	73	SB 564	38*
SB 90	102*	SB 249	17*	SB 567	254*
SB 91	69*	SB 257	87*	SB 579	61*
SB 95	32*	SB 261	55*	SB 594	273*
SB 97	71	SB 262	70*	SB 605	110*
SB 98	268*	SB 266	26	SB 606	111*
SB 103	32	SB 269	105*	SB 612	112*
SB 107	33	SB 273	304*	SB 619	255*
SB 108	295*	SB 277	60*	SB 626	72*
SB 109	238*	SB 288	246*	SB 629	89*
SB 122	81	SB 291	73*	SB 635	62*
SB 124	91*	SB 295	247*	SB 648	71*
SB 125	58*	SB 298	269*	SB 658	113*
SB 126	53*	SB 302	10*	SB 659	264*
SB 130	45*	SB 312	4	SB 678	251*
SB 131	27	SB 314	234*	SB 690	303*
SB 136	92*	SB 335	106*	SB 691	296*
SB 137	54*	SB 352	11*	SB 701	256*
SB 139	96*	SB 354	257*	SB 720	114*
SB 141	34	SB 363	39*	SB 735	101*
SB 142	35	SB 368	261*	SB 737	1*
SB 143	36	SB 369	97*	SB 738	2*
SB 144	260*	SB 372	47*	SB 739	3*
SB 146	308*	SB 373	258*	SB 755	252*
SB 150	37	SB 380	13*	SB 770	240*
SB 151	4*	SB 390	41	SB 796	253*
SB 153	86*	SB 394	34*	SB 849	294*
SB 156	29*	SB 401	248*	SB 857	19*
SB 157	82	SB 408	298*	SB 858	90*
SB 163	15*	SB 410	33*	SB 861	115*
SB 164	103*	SB 419	56*	SB 862	88*
SB 168	93*	SB 428	307*	SB 863	116*
SB 170	239*	SB 441	302*	SB 865	117*
SB 171	2	SB 446	98*	SB 866	118*
SB 172	9*	SB 447	42	SB 879	14*

*Denotes extraordinary session

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1971 Regular and Extraordinary Sessions

Bill Number	Chapter Number Laws of 1971	Bill Number	Chapter Number Laws of 1971	Bill Number	Chapter Number Laws of 1971
SB 883	119*	HB 118	67	HB 300	49*
SB 884	300*	HB 125	76*	HB 303	134*
SB 897	299*	HB 130	5	HB 305	167*
SB 906	21*	HB 133	127*	HB 309	292*
SE 918	23*	HB 134	55	HB 311	188*
SB 925	42*	HB 140	174*	HB 313	277*
SB 926	301*	HB 142	139*	HB 320	66
		HB 143	57	HB 321	284*
		HB 151	275*	HB 322	78
HB 10	43	HB 152	276*	HB 335	215*
HB 12	44	HB 157	56	HB 337	125*
HB 15	45	HB 158	75	HB 346	203*
HB 16	46	HB 166	27*	HB 351	144*
HB 17	47	HB 171	121*	HB 353	36*
HB 18	48	HB 172	281*	HB 357	77*
HB 27	14	HB 175	67*	HB 362	229*
HB 28	15	HB 181	131*	HB 364	145*
HB 29	16	HB 199	3	HB 372	202*
HB 30	17	HB 200	158*	HB 373	278*
HB 38	64*	HB 206	23	HB 379	227*
HB 40	217*	HB 209	163*	HB 391	228*
HB 41	49	HB 210	216*	HB 394	225*
HB 44	120*	HB 211	76	HB 397	78*
HB 47	162*	HB 212	140*	HB 403	176*
HB 50	50	HB 213	132*	HB 405	68
HB 52	230*	HB 214	205*	HB 411	201*
HB 53	126*	HB 215	6*	HB 414	168*
HB 54	51	HB 216	58	HB 415	41*
HB 55	21	HB 217	59	HB 416	169*
HB 56	156*	HB 218	141*	HB 417	189*
HB 57	52	HB 220	22	HB 429	159*
HB 66	74	HB 221	122*	HB 430	177*
HB 69	231*	HB 222	128*	HB 433	178*
HB 71	20	HB 225	142*	HB 434	63
HB 75	24	HB 228	60	HB 437	79*
HB 77	74*	HB 229	143*	HB 438	214*
HB 82	75*	HB 234	61	HB 451	213*
HB 84	226*	HB 237	123*	HB 461	179*
HB 86	282*	HB 242	124*	HB 464	200*
HB 88	157*	HB 245	18	HB 477	224*
HB 90	66*	HB 247	175*	HB 486	80*
HB 92	6	HB 248	25*	HB 491	285*
HB 93	7	HB 250	69	HB 493	43*
HB 94	8	HB 251	35*	HB 495	212*
HB 95	9	HB 254	133*	HB 509	64
HB 96	10	HB 257	164*	HB 510	290*
HB 97	11	HB 266	62	HB 523	79
HB 98	12	HB 267	70	HB 540	190*
HB 99	13	HB 270	59*	HB 543	199*
HB 106	166*	HB 273	24*	HB 545	170*
HB 108	53	HB 277	204*	HB 553	198*
HB 109	54	HB 283	288*	HB 558	65
HB 113	173*	HB 291	280*	HB 561	171*
HB 115	138*	HB 298	77	HB 562	129*

*Denotes extraordinary session

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1971 Regular and Extraordinary Sessions

<u>Bill Number</u>	<u>Chapter Number Laws of 1971</u>	<u>Bill Number</u>	<u>Chapter Number of Laws of 1971</u>	<u>Bill Number</u>	<u>Chapter Number Laws of 1971</u>
HB 567	146*	HB 863	161*		
HB 575	165*	HB 865	287*		
HB 584	286*	HB 876	208*		
HB 594	81*	HB 878	5*		
HB 595	160*	HB 888	186*		
HB 597	82*	HB 892	195*		
HB 620	147*	HB 915	309*		
HB 622	223*	HB 992	194*		
HB 636	191*	HB 1034	207*		
HB 642	222*	HB 1037	51*		
HB 643	83*	HB 1041	155*		
HB 644	148*	HB 1046	218*		
HB 645	26*	HB 1060	130*		
HB 655	180*	HB 1072	193*		
HB 659	149*	HB 1075	187*		
HB 660	37*	HB 1123	206*		
HB 672	150*				
HB 675	25				
HB 676	181*				
HB 684	197*				
HB 686	211*				
HB 687	283*				
HB 688	50*				
HB 694	151*				
HB 697	152*				
HB 705	192*				
HB 706	182*				
HB 707	84*				
HB 720	80				
HB 721	210*				
HB 727	135*				
HB 728	44*				
HB 735	289*				
HB 738	85*				
HB 739	196*				
HB 740	279*				
HB 743	209*				
HB 759	291*				
HB 762	172*				
HB 765	136*				
HB 766	153*				
HB 768	63*				
HB 772	232*				
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HB 800	221*				
HB 803	184*				
HB 813	220*				
HB 817	154*				
HB 832	20*				
HB 841	219*				
HB 853	185*				
HB 860	137*				

*Denotes extraordinary session

TABLE OF RCW SECTIONS AFFECTED BY 1971 Reg. and Extra Sessions

RCW	Ch.	Sec.	RCW	Ch.	Sec.		
02.04.030	AMD	107*	1	03.54.020	AMD	73	7
02.04.060	REP	81	183	03.62.020	AMD	73	8
02.04.071	AMD	81	1	04.16	ADD	80	1
02.04.080	AMD	81	2	04.16.170	AMD	131*	1
02.04.100	AMD	81	3	04.16.190	AMD	292*	74
02.04.110	AMD	81	4	04.24	ADD	144*	1
02.04.120	REP	81	183	04.24	ADD	144*	2
02.04.130	REP	81	183	04.24.030	AMD	292*	60
02.04.140	REP	81	183	04.28.010	AMD	131*	2
02.06	ADD	81	182	04.28.070	AMD	292*	4
02.06	ADD	107*	6	04.56.190	AMD	81	16
02.06.040	AMD	41	1	04.56.200	AMD	81	17
02.08.030	AMD	60*	1	04.56.225	AMD	81	18
02.08.061	AMD	83*	5	04.76.030	AMD	81	19
02.08.062	AMD	83*	4	04.80.050	AMD	81	20
02.08.063	AMD	83*	1	04.80.140	AMD	81	21
02.08.064	AMD	83*	3	04.84.170	AMD	81	22
02.08.065	AMD	83*	2	04.84.180	AMD	81	23
02.08.080	AMD	81	5	04.88.260	AMD	107*	3
02.08.180	AMD	81	6	04.92.030	AMD	81	24
02.12	ADD	30	8	05.48.020	AMD	81	25
02.12.010	AMD	30	1	06.04.010	AMD	81	26
02.12.012	AMD	30	2	06.08.010	AMD	81	27
02.12.015	AMD	30	3	06.12.050	AMD	12*	1
02.12.020	AMD	30	4	06.12.290	AMD	291*	5
02.12.030	AMD	30	5	06.16.010	AMD	292*	6
02.12.035	AMD	81	7	06.24.090	AMD	81	28
02.12.060	AMD	30	6	06.32.010	AMD	211*	1
	AMD	81	8	07.16.330	AMD	81	29
02.20.020	AMD	81	9	07.16.350	AMD	81	30
02.24.050	AMD	81	10	07.28.090	AMD	292*	7
02.28.030	AMD	81	11	07.33.130	AMD	292*	8
02.32.010	REP	81	183	07.33.280	AMD	6	1
02.32.020	REP	81	183	07.36.040	AMD	81	31
02.32.030	REP	81	183	07.36.140	AMD	81	32
02.32.040	REP	81	183	08.04.020	AMD	292*	10
02.32.050	AMD	81	12	08.04.070	AMD	81	33
02.32.070	AMD	107*	2	08.04.098	AMD	81	34
02.32.080	REP	81	183	08.04.130	AMD	81	35
02.32.100	REP	81	183	08.04.150	AMD	81	36
02.32.150	REP	81	183	08.08.040	AMD	81	37
02.32.160	AMD	42	1	08.08.080	AMD	81	38
02.32.340	REP	81	183	08.12.200	AMD	81	39
02.32.350	REP	81	183	08.12.530	AMD	81	40
02.36.030	REP	67*	20	08.16.130	AMD	81	41
02.36.031	REP	67*	20	08.20.020	AMD	292*	9
02.36.033	REP	67*	20	08.20.100	AMD	81	42
02.36.040	REP	67*	20	08.20.120	AMD	81	43
02.36.070	AMD	292*	3	08.25	ADD	39*	2
02.48.200	AMD	81	13	08.25	ADD	240*	21
02.52.010	AMD	40	1	08.25.030	REP	240*	22
02.56.080	AMD	81	14	08.25.040	REP	240*	22
03.30.030	AMD	73	1	08.25.050	REP	240*	22
03.30.050	AMD	73	2	08.25.060	REP	240*	22
03.30.070	AMD	73	3	08.25.070	AMD	39*	3
03.30.090	AMD	73	4	08.25.080	REP	240*	22
03.34.010	AMD	147*	1	08.25.090	REP	240*	22
03.34.040	AMD	147*	2	08.25.100	REP	240*	22
03.34.090	AMD	73	5	08.25.110	REP	240*	22
03.50.410	AMD	81	15	08.25.130	REP	240*	22
03.54.010	AMD	73	6	08.25.140	REP	240*	22

*Denotes extraordinary session

TABLE OF RCW SECTIONS AFFECTED BY 1971 Reg. and Extra Sessions

RCW	Ch.	Sec.	RCW	Ch.	Sec.		
08.25.150	REP	240*	22	10	ADD	17*	4
08.25.160	REP	240*	22	10	ADD	17*	5
08.25.170	AMD	9*	1	10	ADD	17*	6
	REP	240*	22	10	ADD	17*	7
08.25.180	REP	240*	22	10	ADD	17*	8
08.25.190	REP	240*	22	10	ADD	17*	9
08.25.900	REP	240*	22	10.28.010	REP	67*	20
08.25.910	REP	240*	22	10.28.020	REP	67*	20
08.25.920	REP	240*	22	10.28.030	REP	67*	20
08.25.930	REP	240*	22	10.28.040	REP	67*	20
09.04.030	AMD	185*	1	10.28.050	REP	67*	20
09.40.110	AMD	302*	3	10.28.060	REP	67*	20
09.40.120	AMD	302*	4	10.28.070	REP	67*	20
09.40.130	AMD	302*	5	10.28.075	REP	67*	20
09.41.010	AMD	302*	1	10.28.080	REP	67*	20
09.41.070	AMD	302*	2	10.28.085	REP	67*	20
09.41.240	AMD	34	1	10.28.090	REP	67*	20
09.45	ADD	61	2	10.28.100	REP	67*	20
09.45.060	AMD	61	1	10.28.110	REP	67*	20
09.47	ADD	280*	1	10.28.120	REP	67*	20
09.47	ADD	280*	2	10.28.130	REP	67*	20
09.47.010	REP	280*	23	10.28.140	REP	67*	20
09.47.020	REP	280*	23	10.28.150	REP	67*	20
09.47.030	REP	280*	23	10.28.160	REP	67*	20
09.47.040	REP	280*	23	10.28.170	REP	67*	20
09.47.050	REP	280*	23	10.28.180	REP	67*	20
09.47.060	REP	280*	23	10.28.190	REP	67*	20
09.47.070	REP	280*	23	10.28.195	REP	67*	20
09.47.110	REP	280*	23	10.28.200	REP	67*	20
09.47.130	REP	280*	23	10.28.210	REP	67*	20
09.47.140	REP	280*	23	10.28.215	REP	67*	20
09.61.010	AMD	152*	2	10.28.220	REP	67*	20
09.61.020	AMD	152*	3	10.31.060	AMD	81	48
09.61.030	AMD	152*	4	10.76.050	AMD	81	49
09.61.040	AMD	152*	5	10.76.060	AMD	81	50
09.61.050	AMD	152*	6	10.76.070	AMD	81	51
09.61.070	AMD	152*	1	10.76.080	AMD	81	52
09.61.090	AMD	152*	7	10.88	ADD	46*	1
09.61.120	REP	307*	24	10.88	ADD	46*	2
09.66.010	AMD	280*	22	10.88	ADD	46*	3
09.66.060	REP	307*	24	10.88	ADD	46*	4
09.66.070	REP	307*	24	10.88	ADD	46*	5
09.68.030	AMD	185*	2	10.88	ADD	46*	6
09.81.090	AMD	81	44	10.88	ADD	46*	7
09.82.030	AMD	81	45	10.88	ADD	46*	8
09.91	ADD	302*	18	10.88	ADD	46*	9
09.91.030	REP	308*	69.50.606	10.88	ADD	46*	10
09.92.080	AMD	295*	1	10.88	ADD	46*	11
09.95	ADD	31*	8	10.88	ADD	46*	12
09.95.060	AMD	81	46	10.88	ADD	46*	13
09.95.063	AMD	81	47	10.88	ADD	46*	14
	AMD	86*	1	10.88	ADD	46*	15
09.95.310	AMD	31*	1	10.88	ADD	46*	16
09.95.320	AMD	31*	2	10.88	ADD	46*	17
09.95.330	AMD	31*	3	10.88	ADD	46*	18
09.95.340	AMD	31*	4	10.88	ADD	46*	19
09.95.350	AMD	31*	5	10.88	ADD	46*	20
09.95.360	AMD	31*	6	10.88	ADD	46*	21
09.95.370	AMD	31*	7	10.88	ADD	46*	22
10	ADD	17*	2	10.88	ADD	46*	23
10	ADD	17*	3	10.88	ADD	46*	24

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
10.88	ADD	46*	25	15.13.050	REP	33*	30
10.88	ADD	46*	26	15.13.060	REP	33*	30
10.88	ADD	46*	27	15.13.070	REP	33*	30
10.88	ADD	46*	28	15.13.080	REP	33*	30
10.88	ADD	46*	32	15.13.090	REP	33*	30
10.88.010	REP	46*	31	15.13.095	REP	33*	30
10.88.020	REP	46*	31	15.13.100	REP	33*	30
10.88.030	REP	46*	31	15.13.110	REP	33*	30
10.88.040	REP	46*	31	15.13.120	REP	33*	30
10.88.050	REP	46*	31	15.13.130	REP	33*	30
10.88.060	REP	46*	31	15.13.140	REP	33*	30
11	ADD	74	1	15.13.150	REP	33*	30
11	ADD	74	2	15.13.160	REP	33*	30
11	ADD	74	3	15.13.170	REP	33*	30
11	ADD	74	4	15.13.180	REP	33*	30
11	ADD	74	5	15.13.190	REP	33*	30
11	ADD	74	6	15.13.200	REP	33*	30
11	ADD	74	7	15.13.210	REP	33*	30
11	ADD	74	8	15.13.900	REP	33*	30
11	ADD	74	9	15.13.910	REP	33*	30
11	ADD	74	10	15.57.010	REP	190*	47
11	ADD	74	11	15.57.020	REP	190*	47
11	ADD	74	12	15.57.030	REP	190*	47
11	ADD	74	13	15.57.040	REP	190*	47
11	ADD	74	14	15.57.050	REP	190*	47
11.24.010	AMD	7	1	15.57.060	REP	190*	47
11.52.010	AMD	12*	2	15.57.070	REP	190*	47
11.52.020	AMD	12*	3	15.57.080	REP	190*	47
11.52.022	AMD	12*	4	15.57.090	REP	190*	47
11.76.080	AMD	28	1	15.57.100	REP	190*	47
11.76.090	AMD	28	2	15.57.110	REP	190*	47
11.76.095	AMD	28	3	15.57.120	REP	190*	47
11.88.020	AMD	28	4	15.57.130	REP	190*	47
11.92.010	AMD	28	5	15.57.140	REP	190*	47
11.96.010	AMD	81	53	15.57.150	REP	190*	47
11.98.050	AMD	229*	1	15.57.160	REP	190*	47
12.04.050	AMD	292*	11	15.57.170	REP	190*	47
12.04.080	AMD	292*	12	15.57.180	REP	190*	47
12.04.140	AMD	292*	75	15.57.190	REP	190*	47
12.04.150	AMD	292*	76	15.57.200	REP	190*	47
13.04.220	AMD	81	54	15.57.210	REP	190*	47
13.06.050	AMD	165*	1	15.57.220	REP	190*	47
13.12.010	REP	44	1	15.57.230	REP	190*	47
13.12.020	REP	44	1	15.57.240	REP	190*	47
13.12.030	REP	44	1	15.57.250	REP	190*	47
13.12.040	REP	44	1	15.57.260	REP	190*	47
13.12.050	REP	44	1	15.57.270	REP	190*	47
13.12.060	REP	44	1	15.57.280	REP	190*	47
13.12.070	REP	44	1	15.57.290	REP	190*	47
13.12.080	REP	44	1	15.57.300	REP	190*	47
13.12.090	REP	44	1	15.57.310	REP	190*	47
13.12.100	REP	44	1	15.57.320	REP	190*	47
13.12.110	REP	44	1	15.57.330	REP	190*	47
14.08	ADD	176*	1	15.57.340	REP	190*	47
15	ADD	190*	1-47	15.57.350	REP	190*	47
15.13.010	REP	33*	30	15.57.360	REP	190*	47
15.13.020	REP	33*	30	15.57.370	REP	190*	47
15.13.030	REP	33*	30	15.57.900	REP	190*	47
15.13.040	REP	33*	30	15.57.910	REP	190*	47
15.13.045	REP	33*	30	15.57.920	REP	190*	47

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
15.57.930	REP	190*	47	17.21.210	REP	191*	11
15.63.240	AMD	81	55	17.21.220	AMD	191*	7
15.65	ADD	25	1	17.21.230	AMD	191*	8
15.68.140	AMD	292*	13	18	ADD	212*	1
15.80.460	AMD	292*	14	18	ADD	212*	2
16	ADD	181*	1	18	ADD	212*	3
16	ADD	181*	2	18	ADD	212*	4
16	ADD	181*	3	18	ADD	212*	5
16	ADD	181*	4	18	ADD	212*	6
16	ADD	181*	5	18	ADD	212*	7
16	ADD	181*	6	18	ADD	212*	8
16	ADD	181*	7	18	ADD	212*	9
16	ADD	181*	8	18	ADD	212*	10
16	ADD	181*	9	18	ADD	212*	11
16	ADD	181*	10	18	ADD	212*	12
16	ADD	181*	11	18	ADD	212*	13
16	ADD	181*	12	18	ADD	212*	14
16	ADD	181*	13	18	ADD	212*	15
16	ADD	181*	14	18	ADD	212*	16
16	ADD	181*	15	18	ADD	212*	17
16	ADD	181*	16	18	ADD	212*	18
16	ADD	181*	17	18	ADD	212*	19
16	ADD	181*	18	18.04.120	AMD	292*	17
16.49A.370	AMD	98*	1	18.08.140	AMD	292*	18
16.49A.560	AMD	108*	1	18.08.190	AMD	266*	1
16.49A.570	AMD	108*	2	18.08.210	AMD	81	58
16.49A.600	AMD	108*	3	18.15.060	AMD	266*	2
16.57	ADD	135*	6	18.18.140	AMD	266*	3
16.57.020	AMD	135*	1	18.20.050	AMD	247*	1
16.57.080	AMD	135*	2	18.20.080	REP	189*	17
16.57.100	AMD	135*	3	18.20.090	AMD	189*	3
16.57.160	AMD	135*	4	18.22.040	AMD	292*	19
16.57.190	REP	135*	7	18.22.120	AMD	266*	4
16.57.220	AMD	135*	5	18.25	ADD	227*	5
16.57.250	REP	135*	7	18.25.040	AMD	227*	6
16.65.030	AMD	192*	1	18.25.070	AMD	266*	5
16.65.070	REP	192*	8	18.25.090	AMD	227*	7
16.65.080	AMD	192*	2	18.28.030	AMD	266*	6
16.65.090	AMD	192*	3	18.28.060	AMD	292*	20
16.65.140	AMD	192*	4	18.29.020	AMD	292*	21
16.65.200	AMD	192*	5	18.29.050	AMD	235*	1
16.65.210	AMD	192*	6	18.32.030	AMD	236*	1
16.65.220	AMD	192*	7	18.32.280	AMD	81	59
16.67	ADD	64	1	18.34.070	AMD	292*	22
16.67	ADD	64	2	18.36.115	AMD	266*	7
16.74	ADD	108*	5	18.39.030	AMD	292*	23
16.74.610	AMD	108*	4	18.39.040	AMD	292*	24
17.04.070	AMD	292*	15	18.39.050	AMD	266*	8
17.04.180	AMD	119*	1	18.44	ADD	245*	6
17.04.230	AMD	81	56	18.44	ADD	245*	7
17.06.050	AMD	292*	16	18.44	ADD	245*	8
17.16.110	AMD	81	57	18.44	ADD	245*	9
17.21	ADD	191*	9	18.44	ADD	245*	10
17.21	ADD	191*	10	18.44	ADD	245*	11
17.21.020	AMD	191*	1	18.44	ADD	245*	12
17.21.090	AMD	191*	2	18.44	ADD	245*	13
17.21.100	AMD	191*	3	18.44	ADD	245*	14
17.21.150	AMD	191*	4	18.44.010	AMD	245*	1
17.21.200	AMD	191*	5	18.44.020	AMD	245*	2
17.21.205	AMD	191*	6	18.44.040	AMD	245*	3

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
18.44.050	AMD	245*	4	19.28.210	AMD	129*	2
18.44.080	AMD	245*	5	19.60.063	AMD	292*	29
18.45.130	AMD	189*	4	19.77.100	AMD	81	65
18.45.520	REP	189*	17	20.01	ADD	182*	14
18.45.530	REP	189*	17	20.01	ADD	182*	15
18.45.540	REP	189*	17	20.01	ADD	182*	16
18.51.050	AMD	247*	2	20.01	ADD	182*	17
18.51.100	AMD	85*	1	20.01	ADD	182*	18
18.52.110	AMD	266*	9	20.01	ADD	182*	19
18.53.050	AMD	266*	10	20.01	ADD	182*	20
18.57	ADD	227*	3	20.01	ADD	182*	21
18.57.050	AMD	266*	11	20.01.010	AMD	182*	1
18.64.040	AMD	201*	1	20.01.030	AMD	182*	2
18.64.043	AMD	201*	2	20.01.040	AMD	182*	3
18.64.045	AMD	201*	3	20.01.060	AMD	182*	4
18.64.047	AMD	201*	4	20.01.080	AMD	182*	5
18.64.080	AMD	201*	5	20.01.125	AMD	182*	6
	AMD	292*	25	20.01.130	AMD	182*	7
18.64.140	AMD	201*	6	20.01.200	AMD	81	66
18.64.246	AMD	99*	1	20.01.210	AMD	182*	8
18.71	ADD	227*	4	20.01.212	AMD	182*	9
18.71	ADD	305*	2	20.01.214	AMD	182*	10
18.71	ADD	305*	3	20.01.330	AMD	182*	11
18.71.020	AMD	305*	1	20.01.410	AMD	182*	12
18.71.080	AMD	266*	12	20.01.475	AMD	182*	13
18.74.070	AMD	266*	13	21.24.010	AMD	292*	30
18.78.060	AMD	292*	26	21.24.040	AMD	292*	31
18.78.090	AMD	266*	14	21.24.070	AMD	292*	32
18.78.100	AMD	68	1	21.25.010	AMD	292*	33
18.78.140	AMD	81	60	21.25.040	AMD	292*	34
18.78.182	AMD	68	2	21.25.070	AMD	292*	35
18.81	ADD	185*	3	22.09.010	AMD	65	1
18.81.030	REP	185*	4	22.20.100	AMD	81	67
18.81.040	AMD	201*	7	23.74.010	REP	74	17
18.83.030	AMD	292*	27	23.74.020	REP	74	17
18.83.072	AMD	266*	15	23A.08	ADD	38*	5
18.83.090	AMD	266*	16	23A.08.030	AMD	38*	1
18.83.160	AMD	81	61	23A.08.480	AMD	38*	6
18.85.200	AMD	266*	17		AMD	133*	1
18.85.290	AMD	81	62	23A.12.010	AMD	292*	36
18.88.190	AMD	266*	18	23A.20.010	AMD	38*	2
18.90.040	AMD	266*	19	23A.20.020	AMD	38*	3
18.92.070	AMD	292*	28	23A.20.050	AMD	38*	4
18.92.145	AMD	266*	20	23A.32.050	AMD	22	1
18.92.210	AMD	81	63	23A.32.060	AMD	22	2
18.100	ADD	57	1	23A.32.080	AMD	22	3
19.10	ADD	226*	4	23A.36.050	AMD	133*	2
19.10	ADD	226*	5	23A.40.020	AMD	133*	3
19.10	ADD	226*	6	23A.40.030	AMD	133*	4
19.10.020	AMD	226*	1	23A.40.075	AMD	142*	1
19.10.030	REP	226*	7	24	ADD	59	2
19.10.060	AMD	226*	2	24	ADD	59	3
19.10.070	AMD	226*	3	24	ADD	59	4
19.10.110	AMD	81	64	24	ADD	59	5
19.16.010	REP	253*	43	24	ADD	59	6
19.16.020	REP	253*	43	24	ADD	59	7
19.16.030	REP	253*	43	24	ADD	59	8
19.16.040	REP	253*	43	24.03	ADD	53*	2
19.16.050	REP	253*	43	24.03.010	AMD	53*	1
19.28.120	AMD	129*	1	24.03.302	AMD	128*	1

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
24.32.360	AMD	81	68	28A.13.010	AMD	66*	2
26	ADD	168*	1	28A.13.020	AMD	48	3
26	ADD	168*	2		AMD	66*	3
26	ADD	168*	3	28A.13.030	AMD	66*	4
26	ADD	168*	4	28A.13.040	AMD	66*	5
26	ADD	168*	5	28A.13.050	AMD	66*	7
26	ADD	168*	6	28A.14.020	AMD	48	4
26	ADD	168*	7	28A.14.050	AMD	48	5
26	ADD	168*	8	28A.21	ADD	282*	4
26.04.050	AMD	81	69	28A.21	ADD	282*	5
26.08.090	AMD	81	70	28A.21	ADD	282*	11
26.12.140	AMD	151*	1	28A.21	ADD	282*	12
26.12.170	AMD	151*	2	28A.21	ADD	282*	14
26.21.050	AMD	46*	30	28A.21	ADD	282*	15
26.28.010	AMD	292*	1	28A.21	ADD	282*	20
26.28.080	AMD	292*	37	28A.21	ADD	282*	25
26.32	ADD	172*	2	28A.21.010	AMD	282*	1
26.32	ADD	172*	3	28A.21.020	AMD	282*	2
26.32	ADD	172*	4	28A.21.030	AMD	282*	3
26.32	ADD	172*	5	28A.21.040	AMD	282*	6
26.32	ADD	172*	6	28A.21.050	AMD	282*	7
26.32	ADD	172*	7	28A.21.060	AMD	282*	8
26.32	ADD	172*	8	28A.21.070	AMD	282*	9
26.32	ADD	172*	9	28A.21.073	AMD	282*	44
26.32	ADD	172*	10	28A.21.080	AMD	282*	10
26.32	ADD	63*	12	28A.21.090	AMD	53	1
26.32.090	AMD	172*	1		AMD	282*	13
26.32.110	AMD	292*	38	28A.21.100	AMD	282*	16
26.44	ADD	167*	3	28A.21.105	AMD	48	6
26.44.030	AMD	167*	1	28A.21.106	AMD	48	7
26.44.040	AMD	167*	2	28A.21.110	AMD	282*	17
26.44.050	AMD	302*	15	28A.21.120	AMD	282*	18
27.24.062	AMD	141*	1	28A.21.130	AMD	282*	19
27.24.063	AMD	141*	2	28A.21.140	AMD	282*	22
27.24.070	AMD	141*	3	28A.21.150	REP	282*	44
27.48.020	REP	39	1	28A.21.160	AMD	282*	23
28.47.801	REP	8	6	28A.21.170	AMD	282*	21
28.51.010	REP	8	6	28A.21.180	AMD	282*	24
28.51.020	REP	8	6	28A.21.190	AMD	282*	27
28.58.550	REP	8	6	28A.21.220	AMD	282*	28
28A.01.010	AMD	161*	1	28A.21.230	REP	282*	44
28A.02	ADD	215*	3	28A.24.055	AMD	24	3
28A.02	ADD	215*	4	28A.24.080	AMD	282*	32
28A.02	ADD	215*	5	28A.24.100	AMD	66*	10
28A.02	ADD	215*	6	28A.24.150	AMD	48	8
28A.02	ADD	215*	7	28A.27.010	AMD	51*	1
28A.03	ADD	282*	29		AMD	215*	2
28A.03.030	AMD	100*	1	28A.27.040	AMD	48	9
28A.04	ADD	238*	1	28A.28.010	AMD	48	10
28A.04	ADD	238*	2	28A.28.030	AMD	48	11
28A.04	ADD	282*	30	28A.31.010	AMD	32	1
28A.04.040	AMD	48	1	28A.31.030	AMD	32	2
28A.04.120	AMD	48	2	28A.31.040	AMD	32	3
	AMD	215*	1	28A.31.050	AMD	32	4
28A.04.130	AMD	54	1		AMD	48	12
28A.09	ADD	285*	3	28A.35.030	AMD	48	13
28A.09	ADD	285*	4	28A.41	ADD	66*	11
28A.09.100	AMD	285*	1	28A.41.130	AMD	294*	19
28A.13	ADD	66*	6	28A.41.160	AMD	48	14
28A.13	ADD	66*	9	28A.41.170	AMD	46	1

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28A.44.050	AMD	48 15	28A.60.210	AMD	48 37
	AMD	282* 33	28A.65	ADD	93* 1
28A.44.060	AMD	48 16	28A.65.080	AMD	48 38
	AMD	282* 34		AMD	93* 2
28A.44.070	AMD	48 17	28A.65.100	AMD	48 39
	AMD	282* 35	28A.65.110	AMD	48 40
28A.44.080	AMD	48 18	28A.65.120	AMD	48 41
	AMD	282* 36	28A.65.150	AMD	48 42
28A.44.090	AMD	48 19	28A.65.153	AMD	48 43
	AMD	282* 37	28A.65.170	AMD	93* 3
28A.44.100	AMD	48 20	28A.65.180	AMD	48 44
	AMD	282* 38	28A.66.050	AMD	48 45
28A.47.440	AMD	70* 1	28A.66.060	AMD	48 46
28A.47.792	AMD	4* 1	28A.66.100	AMD	48 47
28A.47.795	AMD	4* 2	28A.67.040	AMD	48 48
28A.47.796	AMD	4* 3	28A.67.060	AMD	48 49
28A.48.060	REP	47 1	28A.70.130	AMD	48 50
28A.48.110	AMD	100* 2	28A.70.160	AMD	48 51
28A.56.030	AMD	48 21	28A.70.170	AMD	48 52
28A.56.040	AMD	48 22	28A.71.100	AMD	282* 31
28A.56.050	AMD	48 23	28A.72.040	REP	196* 11
28A.56.060	AMD	48 24	28A.87	ADD	45 3
28A.57	ADD	53 4	28A.87	ADD	45 4
28A.57	ADD	67 3	28A.87	ADD	45 5
28A.57	ADD	67 4	28A.87	ADD	45 6
28A.57	ADD	67 5	28A.87	ADD	45 7
28A.57	ADD	282* 26	28A.88	ADD	282* 41
28A.57.020	AMD	48 25	28A.88	ADD	282* 42
28A.57.080	AMD	48 26	28A.88.010	AMD	282* 40
28A.57.260	AMD	53 3	28A.88.020	REP	282* 44
28A.57.326	AMD	53 2	28A.88.040	REP	282* 44
28A.57.328	AMD	67 1	28A.88.050	REP	282* 44
28A.57.332	AMD	67 7	28A.88.060	REP	282* 44
28A.57.340	REP	67 9	28A.88.070	AMD	48 53
28A.57.342	AMD	67 2		REP	282* 44
28A.57.344	AMD	67 8	28A.88.080	REP	282* 44
28A.57.350	REP	67 9	28A.96.040	AMD	48 54
28A.57.370	REP	67 9	28B	ADD	57* 1
28A.57.380	REP	67 9	28B	ADD	57* 2
28A.57.415	AMD	48 27	28B	ADD	57* 3
28A.58	ADD	69 3	28B	ADD	57* 4
28A.58	ADD	238* 3	28B	ADD	57* 5
28A.58.100	AMD	48 28	28B	ADD	57* 6
	AMD	203* 1	28B	ADD	57* 7
28A.58.101	AMD	268* 1	28B	ADD	57* 8
28A.58.103	AMD	48 29	28B	ADD	57* 9
28A.58.107	AMD	26 1	28B	ADD	57* 10
28A.58.150	AMD	48 30	28B	ADD	57* 11
28A.58.420	REEN	8 3	28B	ADD	57* 12
	AMD	269* 2	28B	ADD	57* 13
28A.58.500	AMD	81 71	28B	ADD	57* 14
28A.58.530	AMD	93* 4	28B	ADD	57* 15
28A.58.560	AMD	48 31	28B	ADD	57* 16
28A.58.603	AMD	48 32	28B	ADD	57* 20
28A.59.080	AMD	48 33	28B	ADD	57* 21
28A.59.130	REP	53 5	28B	ADD	196* 1
28A.59.150	AMD	48 34	28B	ADD	196* 2
28A.60.070	AMD	48 35	28B	ADD	196* 3
28A.60.186	AMD	48 36	28B	ADD	196* 4
	AMD	282* 39	28B	ADD	196* 5

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
28B	ADD	196*	6	29.04.080	AMD	202*	2
28B	ADD	196*	7	29.04.100	AMD	202*	3
28B	ADD	196*	8	29.07	ADD	202*	23
28B.10	ADD	76	1	29.07.010	AMD	202*	4
28B.10	ADD	28*	2	29.07.020	AMD	202*	5
28B.10	ADD	28*	3	29.07.040	AMD	202*	6
28B.10	ADD	40*	1	29.07.050	AMD	202*	7
28B.10	ADD	57*	21	29.07.060	AMD	202*	8
28B.10	ADD	258*	1	29.07.070	AMD	202*	9
28B.10	ADD	261*	5	29.07.080	AMD	202*	10
28B.10.400	AMD	261*	1	29.07.090	AMD	202*	11
28B.10.405	AMD	261*	2	29.07.095	AMD	202*	12
28B.10.410	AMD	261*	3	29.07.100	AMD	202*	13
28B.10.415	AMD	261*	4	29.07.105	AMD	202*	14
28B.10.450	REP	261*	6	29.07.110	AMD	202*	15
28B.10.455	REP	261*	6	29.07.120	AMD	202*	16
28B.10.460	REP	261*	6	29.07.130	AMD	202*	17
28B.10.465	REEN	8	1	29.07.140	AMD	202*	18
	REP	261*	6	29.07.150	AMD	202*	19
28B.10.570	AMD	45	1	29.07.160	AMD	202*	20
28B.10.571	AMD	45	2	29.07.170	AMD	202*	21
28B.10.660	AMD	269*	3	29.07.180	AMD	202*	22
28B.15	ADD	273*	1	29.10.010	REP	202*	45
28B.15	ADD	273*	2	29.10.020	AMD	202*	24
28B.15	ADD	273*	3	29.10.030	AMD	202*	25
28B.15	ADD	273*	4	29.10.040	AMD	202*	26
28B.15	ADD	279*	1	29.10.060	AMD	202*	27
28B.15	ADD	279*	2	29.10.070	REP	202*	46
28B.15	ADD	279*	3	29.10.080	AMD	202*	28
28B.15	ADD	279*	11	29.10.090	AMD	202*	29
28B.15.010	REP	273*	5	29.10.095	AMD	202*	30
28B.15.030	REP	279*	24	29.10.100	AMD	202*	31
28B.15.040	REP	279*	24	29.10.110	AMD	202*	32
28B.15.050	REP	279*	24	29.10.120	AMD	202*	33
28B.15.100	AMD	279*	5	29.10.140	AMD	202*	34
28B.15.200	AMD	279*	6	29.10.150	AMD	202*	35
28B.15.300	AMD	279*	7	29.10.160	AMD	202*	36
28B.15.380	AMD	279*	8	29.18.120	AMD	112*	1
28B.15.400	AMD	279*	9	29.21.070	AMD	81	75
28B.15.410	REP	279*	24	29.30.020	AMD	81	76
28B.15.500	AMD	279*	10	29.30.080	AMD	18	1
28B.15.520	AMD	279*	12	29.33.220	AMD	124*	1
28B.15.523	AMD	279*	13	29.34.080	AMD	6*	1
28B.15.525	AMD	279*	14	29.34.180	AMD	6*	2
28B.15.600	AMD	279*	15	29.36.010	AMD	202*	37
28B.16.100	AMD	19*	1	29.36.020	AMD	202*	38
28B.16.160	AMD	81	72	29.36.095	AMD	202*	39
28B.40	ADD	28*	1	29.39.120	AMD	178*	2
28B.40.361	AMD	279*	16	29.45.120	AMD	124*	2
28B.50.300	AMD	81	73	29.48.030	AMD	202*	40
28B.50.320	AMD	279*	17	29.51.060	AMD	202*	41
28B.50.340	AMD	279*	18	29.51.070	AMD	202*	42
28B.50.350	REEN	8	2	29.51.110	AMD	202*	43
	AMD	279*	19	29.62.150	AMD	202*	44
28B.50.360	AMD	279*	20	29.65.130	AMD	81	77
28B.50.370	AMD	279*	21	29.72	ADD	178*	5
28B.50.580	REP	196*	11	29.72	ADD	178*	8
29.01.140	AMD	178*	1	29.72.010	AMD	178*	3
29.04.020	AMD	202*	1	29.72.020	AMD	178*	4
29.04.030	AMD	81	74	29.72.030	AMD	178*	6

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
29.72.040	AMD	178*	7	35.22.280	AMD	16*	1
29.72.050	AMD	178*	9	35.22.560	AMD	81	89
29.72.060	AMD	178*	10	35.24.370	AMD	292*	61
29.72.070	AMD	178*	11	35.27.500	AMD	292*	62
29.72.080	AMD	178*	12	35.41.010	AMD	223*	1
29.80.020	AMD	81	78	35.41.030	AMD	223*	2
	AMD	145*	1	35.41.080	AMD	223*	3
29.80.040	AMD	145*	2	35.41.090	AMD	223*	4
29.80.050	AMD	145*	3	35.43.030	AMD	116*	4
29.81.040	AMD	145*	4	35.43.160	REP	116*	12
29.81.100	AMD	145*	5	35.43.170	REP	116*	12
29.81.120	AMD	145*	6	35.43.190	AMD	116*	6
29.81.140	AMD	145*	7	35.44.020	AMD	116*	8
29.82	ADD	205*	2	35.44.140	AMD	116*	9
29.82.020	AMD	205*	1	35.44.220	AMD	116*	3
29.82.030	AMD	205*	4	35.44.230	AMD	81	90
29.82.100	AMD	205*	5	35.44.260	AMD	81	91
30.04.040	AMD	81	79	35.44.270	AMD	81	92
30.30.090	AMD	81	30	35.45.020	AMD	116*	10
31.08.220	AMD	37*	1	35.45.050	AMD	116*	11
31.08.260	AMD	81	81	35.49.030	AMD	116*	5
31.12.050	AMD	81	82	35.50.260	AMD	81	93
31.12.360	AMD	81	83	35.54.010	AMD	116*	7
32.04	ADD	222*	1	35.55.080	AMD	81	94
32.16	ADD	222*	2	35.56.090	AMD	81	95
32.20	ADD	222*	3	35.58.020	AMD	303*	2
32.20	ADD	222*	4	35.58.040	AMD	303*	3
32.20	ADD	222*	7	35.58.118	AMD	303*	4
32.20.255	AMD	222*	8	35.58.120	AMD	303*	5
32.20.270	AMD	222*	5	35.58.140	AMD	303*	6
32.20.330	AMD	222*	6	35.58.200	AMD	303*	7
33.04.060	AMD	81	84	35.58.240	AMD	303*	8
33.08.070	AMD	81	85	35.58.276	AMD	199*	1
33.40.120	AMD	81	86	35.58.450	AMD	303*	9
34.04.025	AMD	250*	17	35.58.560	AMD	303*	10
34.04.140	AMD	81	87	35.81.010	AMD	177*	6
34.04.150	AMD	21	1	35.82	ADD	300*	2
	AMD	57*	17	35.92	ADD	220*	1
35	ADD	95*	1	35A.02.050	AMD	251*	1
35	ADD	95*	2	35A.02.080	AMD	251*	2
35	ADD	95*	3	35A.02.090	AMD	251*	3
35	ADD	95*	4	35A.03.150	REP	251*	15
35	ADD	95*	5	35A.06.030	AMD	251*	13
35	ADD	95*	6	35A.11	ADD	177*	4
35	ADD	95*	7	35A.12.070	AMD	251*	5
35	ADD	95*	8	35A.14.015	AMD	251*	10
35	ADD	95*	9	35A.14.030	AMD	251*	6
35	ADD	95*	12	35A.14.050	AMD	251*	7
35.13.125	AMD	69	1	35A.14.160	AMD	251*	8
35.13.130	AMD	69	2	35A.14.200	AMD	251*	11
35.13.220	REP	95*	10	35A.14.210	AMD	251*	12
35.13.243	REP	95*	10	35A.14.350	REP	95*	10
35.13.246	REP	95*	10	35A.14.360	REP	95*	10
35.13.250	REP	95*	10	35A.14.365	REP	95*	10
35.13.255	REP	95*	10	35A.14.370	REP	95*	10
35.20.070	AMD	81	88	35A.14.600	REP	95*	10
35.21	ADD	61*	2	35A.14.800	REP	251*	15
35.21	ADD	177*	3	35A.58.030	AMD	251*	9
35.21	ADD	177*	7	36	ADD	79	1
35.21.660	AMD	177*	5	36	ADD	117*	1

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
36.05.060	AMD	81	96	37.16	ADD	10	2
36.16.050	AMD	71	1	37.16.010	REP	76	6
36.17.020	AMD	237*	1	37.16.020	REEN	10	1
36.21	ADD	27*	1		REP	76	6
36.21.011	AMD	85*	2	37.16.030	REP	76	6
36.22.100	AMD	120*	1	37.16.040	REP	76	6
36.23.065	AMD	29	1	37.16.042	REP	76	6
36.27.060	AMD	237*	2	37.16.045	REP	76	6
36.32	ADD	61*	1	37.16.050	REP	76	6
36.32	ADD	117*	2	37.16.060	REP	76	6
36.32	ADD	293*	2	37.16.070	REP	76	6
36.32	ADD	293*	3	37.16.080	REP	76	6
36.32	ADD	293*	4	37.16.090	REP	76	6
36.32	ADD	293*	6	37.16.100	REP	76	6
36.32.320	REP	237*	3	37.16.110	REP	76	6
36.32.350	AMD	85*	3	37.16.120	REP	76	6
36.32.410	AMD	177*	1	37.16.130	REP	76	6
36.33	ADD	214*	2		AMD	81	99
36.33.060	AMD	214*	1	37.16.140	REP	76	6
36.40	ADD	136*	1	37.16.150	REP	76	6
36.40.040	AMD	85*	4	37.16.160	REP	76	6
36.59.310	AMD	292*	39	37.16.170	REP	76	6
36.62	ADD	277*	3	37.16.190	REP	76	6
36.62.252	AMD	277*	1	38.12.060	AMD	292*	41
36.62.270	AMD	277*	2	38.52	ADD	8*	4
36.62.280	REP	277*	4	38.52	ADD	8*	5
36.67.010	AMD	76	1	38.52	ADD	8*	6
36.67.020	REP	76	6	38.52	ADD	8*	7
36.76.010	REEN	9	1	38.52.110	AMD	8*	1
	REP	76	6	38.52.180	AMD	8*	2
36.76.020	REP	76	6	38.52.220	AMD	8*	3
36.76.030	REP	76	6	38.52.290	AMD	289*	71
36.76.040	REP	76	6	38.52.330	AMD	289*	72
36.76.050	REP	76	6	39.28.010	AMD	76	4
36.76.060	REP	76	6	39.28.040	AMD	76	5
36.76.070	REP	76	6	39.34.020	AMD	33	1
36.76.080	AMD	76	2	39.36.020	AMD	38	1
36.76.140	AMD	76	3		AMD	218*	1
36.78.030	AMD	85*	5	39.44.130	AMD	79*	1
36.82.040	AMD	25*	2	39.56.010	AMD	88*	1
36.82.240	REP	25*	3	40.04.030	AMD	42	2
36.82.245	REP	25*	3	40.04.100	AMD	42	3
36.88.410	AMD	103*	1	40.04.110	AMD	42	4
36.88.430	AMD	103*	2	40.14.010	AMD	102*	1
36.88.440	AMD	103*	3	40.14.070	AMD	10*	1
36.93	ADD	127*	2	41.04	ADD	43	1
36.93.090	AMD	127*	1	41.06.070	AMD	81	100
36.93.160	AMD	81	97		AMD	59*	1
36.94.010	AMD	96*	1		AMD	209*	1
36.94.050	AMD	96*	2	41.06.150	AMD	19*	2
36.94.060	AMD	96*	3	41.06.210	AMD	81	101
36.94.070	AMD	96*	4	41.14.120	AMD	81	102
36.94.100	AMD	96*	5	41.14.210	AMD	214*	3
36.94.120	AMD	96*	6	41.16	ADD	257*	17
36.94.170	AMD	96*	7	41.18	ADD	257*	18
36.94.180	AMD	96*	8	41.26	ADD	216*	3
36.94.220	AMD	96*	9	41.26	ADD	257*	2
36.94.230	AMD	96*	10	41.26	ADD	257*	3
36.94.240	AMD	96*	11	41.26	ADD	257*	4
36.94.290	AMD	81	98	41.26	ADD	257*	5

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
41.26	ADD	257*	14	43.19.190	AMD	81	110
41.26	ADD	257*	15	43.19.200	AMD	81	111
41.26	ADD	257*	16	43.20A	ADD	309*	1
41.26.030	AMD	257*	6	43.20A	ADD	309*	2
41.26.050	AMD	257*	7	43.20A	ADD	309*	3
41.26.060	AMD	216*	1	43.20A	ADD	309*	4
41.26.070	AMD	216*	2	43.20A	ADD	309*	5
41.26.090	AMD	257*	8	43.20A	ADD	309*	6
41.26.100	AMD	257*	9	43.20A	ADD	309*	7
41.26.150	AMD	257*	10	43.20A.230	REP	189*	17
41.26.160	AMD	257*	11	43.22.010	AMD	66	2
41.26.180	AMD	257*	12	43.22.050	AMD	239*	9
41.26.200	AMD	257*	13	43.22.060	REP	239*	13
41.26.230	AMD	81	103	43.22.070	REP	239*	13
41.32.260	AMD	271*	1	43.22.080	REP	239*	13
41.32.590	AMD	63	1	43.22.090	REP	239*	13
41.32.650	AMD	81	104	43.22.100	REP	239*	13
41.40	ADD	75	1	43.22.110	REP	239*	13
41.40	ADD	75	2	43.22.420	AMD	82*	1
41.40	ADD	75	3	43.24	ADD	52	1
41.40.010	AMD	271*	2	43.24	ADD	266*	21
41.40.030	AMD	271*	3	43.24.120	AMD	81	112
41.40.120	AMD	271*	4	43.32.010	AMD	85*	6
41.40.128	REP	271*	16	43.43.260	AMD	278*	1
41.40.180	AMD	271*	7	43.51	ADD	210*	1
41.40.190	AMD	271*	5	43.51.210	AMD	246*	1
41.40.195	AMD	271*	6	43.52.430	AMD	81	113
41.40.220	AMD	271*	8	43.52.460	AMD	75*	1
41.40.260	AMD	271*	9	43.59.030	AMD	85*	7
41.40.330	AMD	271*	10	43.59.130	AMD	195*	5
41.40.361	AMD	271*	11	43.61.010	REP	189*	17
41.40.410	AMD	271*	12	43.61.020	REP	189*	17
41.40.440	AMD	81	105	43.61.030	AMD	189*	5
41.44	ADD	75	4	43.61.040	AMD	189*	6
41.44.050	AMD	271*	13	43.61.060	AMD	189*	7
41.44.110	AMD	271*	14	43.74	ADD	227*	1
41.44.120	AMD	271*	15	43.74	ADD	227*	2
41.48.030	AMD	257*	19	43.75.030	AMD	31	1
41.48.050	AMD	257*	20		AMD	23*	1
41.56	ADD	187*	1	43.75.040	AMD	31	2
42.21.020	AMD	81	106	43.78.030	AMD	81	114
42.23.030	AMD	242*	1	43.80.030	REP	163*	1
42.32.010	REP	250*	15	43.84	ADD	16	2
42.32.020	REP	250*	15	43.84.080	AMD	16	1
43.01.090	AMD	159*	1	43.84.120	AMD	88*	4
43.06.110	AMD	177*	2	43.85.060	AMD	72*	1
43.07	ADD	122*	1	43.85.240	REP	72*	3
43.07.120	AMD	81	107	43.88	ADD	263*	1
43.08	ADD	5	1	43.88.160	AMD	170*	160
43.08.020	AMD	14	1	43.99.080	AMD	140*	1
	AMD	81	108	43.99.090	AMD	140*	2
43.08.066	AMD	54*	1	43.99.110	AMD	60	1
43.08.070	AMD	88*	2	43.99.140	REP	140*	3
43.08.080	AMD	88*	3	43.99.160	REP	140*	3
43.08.120	AMD	15	1	43.99A.060	AMD	37	1
43.09.050	AMD	170*	1	44.28	ADD	170*	3
43.09.310	AMD	170*	2	44.40	ADD	195*	2
43.10.030	AMD	81	109	44.40.010	AMD	195*	1
43.17.010	REEN	11	1	44.40.030	AMD	195*	3
43.17.020	REEN	11	2	44.40.040	AMD	195*	4

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
45.80.070	AMD	19	3	46.37.187	AMD	92*	2
45.80.080	AMD	19	4	46.37.190	AMD	92*	1
46	ADD	110*	1	46.37.420	AMD	32*	1
46	ADD	110*	2	46.37.440	AMD	97*	1
46	ADD	110*	3	46.37.520	AMD	91*	4
46	ADD	110*	4	46.37.530	AMD	150*	1
46	ADD	110*	5	46.44.020	AMD	248*	1
46	ADD	110*	6	46.44.030	AMD	248*	2
46	ADD	110*	7	46.44.040	AMD	244*	1
46	ADD	110*	8	46.44.045	AMD	17	1
46	ADD	110*	9	46.44.047	AMD	249*	2
46	ADD	110*	10	46.44.0941	AMD	248*	3
46	ADD	110*	11	46.44.096	AMD	248*	4
46	ADD	284*	3	46.44.097	AMD	249*	1
46	ADD	284*	4	46.44.100	AMD	148*	2
46	ADD	284*	5	46.44.120	AMD	148*	1
46	ADD	284*	6	46.52	ADD	270*	1
46	ADD	284*	7	46.52.085	AMD	91*	5
46	ADD	284*	8	46.61.515	AMD	284*	1
46	ADD	284*	9	46.61.650	REP	307*	24
46	ADD	284*	10	46.61.655	AMD	307*	22
46	ADD	284*	11	46.64.040	AMD	69*	1
46	ADD	284*	12		AMD	91*	1
46	ADD	284*	13	46.68.030	AMD	231*	11
46	ADD	284*	14	46.68.041	AMD	91*	2
46.01	ADD	231*	12	46.68.130	AMD	91*	6
46.01.130	AMD	91*	3	46.68.140	AMD	91*	7
	AMD	231*	8	46.70	ADD	231*	23
46.01.140	AMD	231*	9	46.70.041	AMD	74*	1
46.01.260	AMD	22*	1	46.70.051	AMD	74*	2
46.04	ADD	231*	2	46.70.060	AMD	74*	3
46.04	ADD	231*	3	46.70.070	AMD	74*	4
46.04	ADD	231*	4	46.70.082	AMD	74*	5
46.04	ADD	231*	5	46.70.083	AMD	74*	6
46.12	ADD	231*	6	46.70.090	AMD	74*	7
46.12	ADD	231*	13	46.70.140	AMD	74*	8
46.12	ADD	231*	14	46.70.280	AMD	74*	9
46.16	ADD	114*	4	46.80.020	AMD	7*	1
46.16	ADD	231*	7	46.80.030	AMD	7*	2
46.16	ADD	231*	15	46.80.040	AMD	7*	3
46.16	ADD	231*	16	46.80.050	AMD	7*	4
46.16	ADD	231*	17	46.80.070	AMD	7*	5
46.16	ADD	231*	18	46.80.080	AMD	7*	6
46.16	ADD	231*	19	46.80.090	AMD	7*	7
46.16.100	AMD	231*	10	46.80.110	AMD	7*	8
46.16.111	AMD	231*	1	46.80.130	AMD	7*	9
46.16.310	AMD	114*	1	46.80.150	AMD	7*	10
46.20.011	AMD	292*	42	46.81.030	AMD	26*	1
46.20.045	AMD	292*	43	46.85	ADD	51	5
46.20.104	AMD	292*	44	46.85	ADD	51	6
46.20.117	AMD	65*	1	46.85	ADD	51	7
46.20.293	AMD	292*	45	46.85.120	AMD	51	1
46.20.390	REP	284*	16	46.85.160	AMD	51	2
46.20.440	AMD	126*	1	46.85.170	AMD	51	3
46.20.460	AMD	126*	2	46.85.190	AMD	51	4
46.29.060	AMD	22*	2	46.86	ADD	143*	7
46.37	ADD	77	1	47.01.145	AMD	195*	6
46.37	ADD	77	2	47.01.160	AMD	115*	1
46.37	ADD	77	3	47.17.045	AMD	73*	1
46.37.185	AMD	92*	3	47.17.140	AMD	73*	2

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TABLE OF RCW SECTIONS AFFECTED BY 1971 Reg. and Extra Sessions

RCW		Ch.	Sec.	RCW		Ch.	Sec.
47.17.160	AMD	73*	3	47.52.050	AMD	39*	1
47.17.205	AMD	73*	4	47.57.230	REP	76	6
47.17.210	REP	73*	30	47.57.240	REP	76	6
47.17.215	AMD	73*	5	47.57.250	REP	76	6
47.17.310	AMD	73*	6	47.57.260	REP	76	6
47.17.315	AMD	73*	7	47.57.270	REP	76	6
47.17.340	AMD	73*	8	47.57.280	REP	76	6
47.17.370	AMD	73*	9	47.57.290	REP	76	6
47.17.420	AMD	73*	11	47.57.300	REP	76	6
47.17.480	AMD	73*	12	47.57.310	REP	76	6
47.17.505	AMD	73*	13	47.57.320	REP	76	6
47.17.550	AMD	73*	14	47.57.330	REP	76	6
47.17.585	REP	73*	30	47.57.340	REP	76	6
47.17.695	AMD	73*	16	47.57.350	REP	76	6
47.17.700	AMD	73*	17	47.57.360	REP	76	6
47.17.750	AMD	73*	18	47.57.370	REP	76	6
47.17.755	AMD	73*	20	47.57.380	REP	76	6
47.17.790	AMD	73*	21	47.57.390	REP	76	6
47.17.830	AMD	73*	24	47.57.400	REP	76	6
47.17.845	AMD	73*	25	47.57.410	REP	76	6
47.17.850	AMD	73*	26	47.57.420	REP	76	6
47.20.370	REP	73*	30	47.57.430	REP	76	6
47.26.120	AMD	85*	8	47.57.440	REP	76	6
47.26.160	AMD	291*	1	47.57.450	REP	76	6
47.26.170	AMD	291*	2	47.57.460	REP	76	6
47.26.190	AMD	291*	3	47.57.470	REP	76	6
47.28	ADD	4	1	47.57.480	REP	76	6
47.28	ADD	89*	1	47.57.490	REP	76	6
47.28.030	AMD	78*	1	47.57.500	REP	76	6
47.28.060	AMD	36	1	47.57.510	REP	76	6
47.28.090	AMD	21*	2	47.57.520	REP	76	6
47.32.020	AMD	292*	46	47.57.530	REP	76	6
47.32.070	AMD	81	115	47.57.540	REP	76	6
47.39.020	AMD	73*	29	47.57.550	REP	76	6
47.42	ADD	62*	2	47.57.560	REP	76	6
47.42	ADD	62*	5	47.57.570	REP	76	6
47.42	ADD	62*	7	47.57.580	REP	76	6
47.42	ADD	62*	8	47.57.590	REP	76	6
47.42	ADD	62*	9	47.57.600	REP	76	6
47.42	ADD	62*	12	47.57.610	REP	76	6
47.42	ADD	62*	13	47.57.620	REP	76	6
47.42	ADD	62*	14	47.57.630	REP	76	6
47.42	ADD	62*	15	47.57.640	REP	76	6
47.42.020	AMD	62*	1	47.57.650	REP	76	6
47.42.030	AMD	62*	3	47.57.660	REP	76	6
47.42.040	AMD	62*	4	47.57.670	REP	76	6
47.42.060	AMD	62*	6	47.57.680	REP	76	6
47.42.080	AMD	62*	10	47.57.690	REP	76	6
47.42.100	AMD	62*	11	47.57.700	REP	76	6
47.42.110	AMD	62*	16	47.60.045	AMD	195*	17
47.42.120	AMD	62*	17	48	ADD	13*	3
47.42.140	AMD	62*	18	48	ADD	13*	4
		AMD	73*	48	ADD	13*	5
47.44	ADD	262*	1	48	ADD	13*	6
47.44	ADD	262*	2	48	ADD	13*	7
47.44	ADD	262*	3	48	ADD	13*	8
47.44	ADD	262*	4	48	ADD	13*	9
47.44	ADD	262*	5	48	ADD	13*	10
47.44	ADD	262*	6	48	ADD	13*	11
47.44	ADD	262*	7	48	ADD	13*	12

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
48	ADD	13*	13	50	ADD	1	2
48	ADD	13*	14	50	ADD	1	3
48	ADD	13*	15	50	ADD	1	4
48	ADD	13*	17	50	ADD	1	5
48	ADD	174*	1	50	ADD	1	6
48	ADD	259*	1	50	ADD	1	7
48	ADD	259*	2	50	ADD	1	8
48	ADD	259*	3	50	ADD	1	9
48	ADD	259*	4	50	ADD	1	10
48	ADD	259*	5	50	ADD	1	11
48	ADD	259*	6	50	ADD	3	2
48	ADD	259*	7	50	ADD	3	4
48	ADD	259*	8	50	ADD	3	7
48	ADD	259*	9	50	ADD	3	12
48	ADD	259*	10	50	ADD	3	15
48	ADD	259*	11	50	ADD	3	18
48	ADD	259*	12	50	ADD	3	19
48	ADD	259*	13	50	ADD	3	20
48	ADD	259*	14	50	ADD	3	21
48	ADD	265*	1	50	ADD	3	22
48	ADD	265*	2	50	ADD	3	23
48	ADD	265*	3	50	ADD	3	24
48	ADD	265*	4	50	ADD	3	25
48	ADD	265*	5	50.04.070	AMD	3	1
48	ADD	265*	6	50.04.072	AMD	3	3
48	ADD	265*	7	50.04.080	AMD	3	5
48	ADD	265*	8	50.04.110	AMD	3	6
48	ADD	265*	9	50.04.115	AMD	3	8
48	ADD	265*	10	50.04.190	REP	3	26
48	ADD	265*	11	50.04.200	AMD	3	9
48	ADD	265*	12	50.04.300	AMD	3	10
48	ADD	265*	13	50.12.050	AMD	3	11
48	ADD	265*	14	50.12.110	AMD	255*	1
48	ADD	265*	15	50.20.127	REP	1	10
48	ADD	265*	16	50.24.010	AMD	3	13
48	ADD	265*	17	50.24.160	AMD	3	14
48	ADD	265*	18	50.29.010	AMD	3	16
48	ADD	265*	19	50.32.120	AMD	81	119
48.13.260	AMD	13*	16	50.32.130	AMD	81	120
48.17.150	AMD	292*	47	50.32.160	AMD	81	121
48.17.380	AMD	292*	48	51	ADD	289*	26
48.20	ADD	13*	1	51	ADD	289*	27
48.20	ADD	197*	1	51	ADD	289*	28
48.21	ADD	13*	2	51	ADD	289*	29
48.21	ADD	197*	2	51	ADD	289*	30
49.32.080	AMD	81	116	51	ADD	289*	31
49.46.080	AMD	81	117	51	ADD	289*	32
49.48.010	AMD	55*	1	51	ADD	289*	33
49.48.020	AMD	55*	2	51	ADD	289*	34
49.48.030	AMD	55*	3	51	ADD	289*	35
49.48.060	AMD	55*	4	51	ADD	289*	36
49.48.110	REP	55*	5	51.04	ADD	289*	67
49.60	ADD	52*	2	51.04.030	AMD	289*	74
49.60.120	AMD	81*	1	51.08	ADD	289*	14
49.60.130	AMD	81*	2	51.08	ADD	289*	15
49.60.180	AMD	81*	3	51.08	ADD	289*	75
49.60.190	AMD	81*	4	51.08	ADD	289*	80
49.60.200	AMD	81*	5	51.08.070	AMD	289*	1
49.60.260	AMD	81	118	51.12	ADD	1	1
49.60.300	REP	52*	1	51.12	ADD	20	1

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
51.12	ADD	289*	82	51.48.020	AMD	289*	63
51.12.010	AMD	289*	2	51.48.030	AMD	289*	64
51.12.020	AMD	289*	3	51.48.060	AMD	289*	20
51.12.070	AMD	289*	81	51.52.010	AMD	289*	68
51.12.110	AMD	289*	85	51.52.080	AMD	289*	69
51.16	ADD	289*	16	51.52.090	AMD	289*	70
51.16	ADD	289*	87	51.52.104	AMD	289*	22
51.16.010	REP	289*	89	51.52.106	AMD	289*	23
51.16.020	REP	289*	89	51.52.110	AMD	81	122
51.16.030	REP	289*	89		AMD	289*	24
51.16.040	AMD	289*	83	51.98	ADD	289*	91
51.16.042	AMD	289*	84	52.12	ADD	242*	3
51.16.050	AMD	274*	1	52.12.010	AMD	242*	2
51.16.060	AMD	289*	76	52.12.050	AMD	153*	1
51.16.080	REP	289*	89	52.16.130	AMD	105*	1
51.16.105	AMD	289*	86	52.24	ADD	55	1
51.16.110	AMD	289*	4	52.36.060	AMD	256*	2
51.16.140	AMD	20	2	53.04.020	AMD	157*	1
	AMD	289*	77	53.04.050	REP	157*	3
51.16.160	AMD	289*	78	53.08.130	AMD	258*	2
51.16.180	AMD	289*	79	54.04	ADD	220*	2
51.24.010	AMD	289*	37	54.04.070	AMD	220*	4
51.28	ADD	289*	39	54.04.080	AMD	220*	3
51.28.010	AMD	289*	5	54.16.160	AMD	81	123
51.28.020	AMD	289*	38	54.16.165	AMD	81	124
51.28.030	AMD	289*	6	54.24	ADD	12	12
51.32	ADD	289*	12	54.24.018	REEN	12	1
51.32	ADD	289*	17	55.04.010	REP	293*	8
51.32	ADD	289*	46	55.04.020	REP	293*	8
51.32	ADD	289*	47	55.04.030	REP	293*	8
51.32	ADD	289*	48	55.08.010	REP	293*	8
51.32.010	AMD	289*	40	55.08.020	REP	293*	8
51.32.015	AMD	289*	41	55.12.010	REP	293*	8
51.32.020	AMD	289*	42	55.12.020	REP	293*	8
51.32.040	AMD	289*	43	56.02	ADD	139*	1
51.32.050	AMD	289*	7	56.04.020	AMD	272*	1
51.32.060	AMD	289*	8	56.08.020	AMD	272*	2
51.32.070	AMD	289*	9	56.08.070	AMD	272*	3
51.32.080	AMD	289*	10	56.16.060	AMD	272*	4
51.32.090	AMD	289*	11	56.16.100	AMD	272*	5
51.32.100	AMD	289*	44	56.16.110	AMD	272*	6
51.32.110	AMD	289*	13	56.16.140	AMD	272*	7
51.32.140	AMD	289*	45	56.20.010	AMD	272*	8
51.32.180	AMD	289*	49	56.20.030	AMD	272*	9
51.36	ADD	289*	52	56.20.070	AMD	272*	10
51.36	ADD	289*	53	56.20.080	AMD	81	125
51.36	ADD	289*	54		AMD	272*	11
51.36	ADD	289*	55	56.36.030	AMD	146*	7
51.36.010	AMD	289*	50	57.02	ADD	139*	2
51.36.020	AMD	289*	51	57.08	ADD	243*	8
51.44	ADD	289*	18	57.16.090	AMD	81	126
51.44	ADD	289*	19	57.40	ADD	146*	1
51.44	ADD	289*	59	57.40	ADD	146*	2
51.44	ADD	289*	60	57.40	ADD	146*	3
51.44.070	AMD	289*	56	57.40	ADD	146*	4
51.44.080	AMD	289*	57	57.40	ADD	146*	5
51.48	ADD	289*	62	57.40	ADD	146*	6
51.48	ADD	289*	65	57.90	ADD	125*	1
51.48	ADD	289*	66	58.17.260	AMD	85*	9
51.48.010	AMD	289*	61	58.28.490	AMD	81	127

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
59.12.200	AMD	81	128	69.33.430	REP	308*	69.50.606
60.04.010	AMD	94*	2	69.33.440	REP	308*	69.50.606
60.04.040	AMD	94*	3	69.33.900	REP	308*	69.50.606
60.04.060	AMD	94*	1	69.33.910	REP	308*	69.50.606
60.04.130	AMD	81	129	69.33.920	REP	308*	69.50.606
60.28.040	AMD	299*	1	69.33.930	REP	308*	69.50.606
60.76.040	AMD	81	130	69.33.940	REP	308*	69.50.606
62A.06.105	AMD	23	1	69.33.950	REP	308*	69.50.606
64.08.010	AMD	81	131	69.40.040	REP	308*	69.50.606
65.12.175	AMD	81	132	69.40.060	REP	308*	69.50.606
65.12.710	AMD	292*	49	69.40.061	REP	308*	69.50.606
66.04	AMD	208*	3	69.40.063	REP	308*	69.50.606
66.08.030	AMD	62	1	69.40.070	REP	308*	69.50.606
66.16.040	AMD	15*	1	69.40.075	REP	308*	69.50.606
66.20.160	AMD	15*	2	69.40.080	REP	308*	69.50.606
66.20.170	AMD	15*	3	69.40.090	REP	308*	69.50.606
66.20.180	AMD	15*	4	69.40.100	REP	308*	69.50.606
66.20.190	AMD	15*	5	69.40.110	REP	308*	69.50.606
66.20.200	AMD	15*	6	69.40.120	REP	308*	69.50.606
66.20.210	AMD	15*	7	69.50	ADD	308*	69.50.101
66.24.010	AMD	70	1			-	69.50.605
66.24.025	AMD	70	2	69.50	ADD	308*	69.50.607
66.24.110	REP	70	3	70	ADD	198*	2
66.24.310	AMD	138*	1	70	ADD	198*	3
66.24.400	AMD	208*	1	70	ADD	198*	4
66.24.420	AMD	208*	2	70	ADD	198*	5
66.44.260	REP	112*	3	70	ADD	198*	6
67.32	ADD	47*	4	70	ADD	198*	7
67.32	ADD	47*	5	70	ADD	198*	8
67.32.050	AMD	47*	1	70	ADD	198*	9
67.32.080	AMD	47*	2	70	ADD	198*	10
67.32.100	AMD	47*	3	70	ADD	198*	11
68.16.010	AMD	19	1	70	ADD	198*	12
68.16.130	AMD	19	2	70	ADD	198*	13
69.04	ADD	49	1	70	ADD	198*	14
69.04	ADD	49	2	70	ADD	198*	15
69.04	ADD	49	3	70	ADD	198*	16
69.08.010	AMD	27	1	70	ADD	198*	17
69.30.040	REP	189*	17	70	ADD	198*	18
69.33.220	REP	308*	69.50.606	70	ADD	198*	19
69.33.230	REP	308*	69.50.606	70	ADD	198*	20
69.33.240	REP	308*	69.50.606	70	ADD	198*	21
69.33.250	REP	308*	69.50.606	70	ADD	198*	22
69.33.260	REP	308*	69.50.606	70	ADD	198*	23
69.33.270	REP	308*	69.50.606	70	ADD	198*	24
69.33.280	REP	308*	69.50.606	70	ADD	198*	25
69.33.290	REP	308*	69.50.606	70	ADD	198*	26
69.33.300	REP	308*	69.50.606	70	ADD	198*	27
69.33.310	REP	308*	69.50.606	70	ADD	198*	28
69.33.320	REP	308*	69.50.606	70	ADD	302*	19
69.33.330	REP	308*	69.50.606	70	ADD	302*	20
69.33.340	REP	308*	69.50.606	70	ADD	302*	21
69.33.350	REP	308*	69.50.606	70	ADD	302*	22
69.33.360	REP	308*	69.50.606	70	ADD	302*	23
69.33.370	REP	308*	69.50.606	70	ADD	302*	24
69.33.380	REP	308*	69.50.606	70	ADD	302*	25
69.33.390	REP	308*	69.50.606	70	ADD	302*	26
69.33.400	REP	308*	69.50.606	70	ADD	302*	27
69.33.410	REP	308*	69.50.606	70	ADD	302*	28
69.33.420	REP	308*	69.50.606	70	ADD	302*	29

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RCW	Ch.	Sec.	RCW	Ch.	Sec.		
70	ADD	302*	30	71.20.110	AMD	84*	1
70	ADD	302*	31	71.24.020	AMD	304*	6
70	ADD	302*	32	71.24.030	AMD	304*	7
70.32.010	AMD	277*	21	71.24.060	AMD	204*	1
70.32.050	AMD	277*	22	71.24.150	AMD	204*	2
70.32.060	AMD	277*	23	71.24.180	REP	204*	3
70.32.090	AMD	277*	24	72.01.250	REP	189*	17
70.40.050	REP	189*	17	72.02	ADD	171*	1
70.41.020	AMD	189*	8	72.02	ADD	171&	2
70.41.030	AMD	189*	9	72.05.180	REP	189*	17
70.41.050	REP	189*	17	72.05.190	REP	189*	17
70.41.060	REP	189*	17	72.08.343	REP	171*	3
70.41.070	REP	189*	17	72.12.122	REP	171*	3
70.41.110	AMD	247*	3	72.15.060	AMD	81	134
70.44.060	AMD	218*	2	72.23.070	AMD	292*	50
70.44.130	AMD	218*	3	72.23.090	AMD	292*	51
70.46.080	AMD	85*	10	72.23.200	AMD	292*	52
70.54	ADD	56	1	72.23.210	AMD	292*	53
70.62.010	REP	239*	13	72.23.230	AMD	82	1
70.62.020	REP	239*	13	72.33.180	AMD	118*	1
70.62.030	REP	239*	13	72.33.240	AMD	81	135
70.62.040	REP	239*	13	72.33.655	AMD	118*	2
70.62.050	REP	239*	13	72.33.665	AMD	118*	3
70.62.060	REP	239*	13	72.60.270	AMD	189*	11
70.62.070	REP	239*	13	72.60.280	AMD	189*	12
70.62.080	REP	239*	13	72.65.130	AMD	58*	1
70.62.090	REP	239*	13	73.04.110	AMD	193*	1
70.62.100	REP	239*	13	73.32.130	AMD	299*	2
70.62.110	REP	239*	13	74.04.150	AMD	281*	17
70.62.120	REP	239*	13	74.08.025	AMD	169*	1
70.62.130	REP	239*	13	74.08.030	AMD	169*	2
70.74.135	AMD	302*	7	74.08.050	AMD	169*	3
70.74.270	AMD	302*	8	74.08.080	AMD	81	136
70.74.280	AMD	302*	9	74.08.100	AMD	81	137
70.84.040	AMD	77*	1	74.09.180	AMD	306*	1
70.87.030	AMD	66	1	74.09.510	AMD	169*	4
70.94	ADD	194*	1	74.10.020	AMD	169*	5
70.94	ADD	194*	2	74.12.030	AMD	169*	6
70.94	ADD	194*	3	74.13	ADD	63*	1
70.94	ADD	194*	4	74.13	ADD	63*	2
70.94	ADD	194*	5	74.13	ADD	63*	3
70.94	ADD	232*	1	74.13	ADD	63*	4
70.94	ADD	232*	2	74.13	ADD	63*	5
70.94	ADD	232*	3	74.13	ADD	63*	6
70.94	ADD	232*	4	74.13	ADD	63*	7
70.94	ADD	232*	5	74.13	ADD	63*	8
70.94	ADD	232*	6	74.13	ADD	63*	9
70.94.250	REP	232*	7	74.13	ADD	63*	10
70.94.415	REP	194*	7	74.13	ADD	63*	11
70.95.090	AMD	293*	1	74.13	ADD	63*	13
70.96	ADD	104*	1	74.13	ADD	63*	14
70.96	ADD	104*	2	74.13	ADD	63*	15
70.98.050	AMD	189*	10	74.13	ADD	169*	7
70.98.060	REP	189*	17	74.13	ADD	169*	8
71.02.230	AMD	292*	63	74.13.020	AMD	292*	66
71.02.411	AMD	292*	64	74.16.030	AMD	169*	9
71.02.413	AMD	81	133	74.20.040	AMD	213*	1
71.06.010	AMD	292*	65	74.20.292	REP	164*	28
71.12.490	AMD	247*	4	74.32	ADD	298*	1
71.20.110	AMD	84*	1	74.32	ADD	298*	2

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
74.32	ADD	298*	3	76.04.390	AMD	207*	6
74.32	ADD	298*	4	76.04.510	AMD	207*	7
74.32	ADD	298*	5	76.08.010	AMD	207*	10
74.32.010	REP	189*	17	76.08.050	AMD	207*	11
74.32.020	REP	189*	17	76.08.060	AMD	207*	12
74.32.030	REP	189*	17	76.12.030	AMD	224*	1
74.32.040	REP	189*	17	76.12.120	AMD	123*	4
74.32.051	REP	189*	17	77	ADD	183*	1
74.32.053	REP	189*	17	77.08	ADD	121*	1
74.32.055	REP	189*	17	77.08	ADD	166*	1
74.32.060	REP	189*	17	77.08	ADD	166*	2
74.32.070	REP	189*	17	77.08	ADD	166*	5
74.32.080	REP	189*	17	77.12	ADD	166*	6
74.32.090	REP	189*	17	77.12.070	AMD	173*	1
74.32.100	AMD	87*	1	77.12.080	AMD	173*	2
74.32.130	AMD	87*	2	77.16	ADD	166*	3
74.32.900	REP	189*	17	77.16.040	AMD	166*	4
74.36	ADD	169*	10	77.32	ADD	166*	7
74.36	ADD	169*	11	78.40.293	AMD	292*	68
74.36	ADD	169*	12	78.52	ADD	180*	8
74.36.010	REP	189*	17	78.52.020	AMD	180*	7
74.36.020	REP	189*	17	78.52.500	AMD	81	138
74.36.030	REP	189*	17	79.01	ADD	200*	2
74.36.040	REP	189*	17	79.01	ADD	200*	5
75.08.206	AMD	289*	73	79.01	ADD	217*	2
75.12	ADD	106*	1	79.01.096	AMD	200*	1
75.12.010	AMD	283*	13	79.01.128	AMD	234*	11
75.16	ADD	35	2	79.01.132	AMD	123*	1
75.16	ADD	35	3	79.01.184	AMD	123*	2
75.16	ADD	35	4	79.01.200	AMD	123*	3
75.16.010	AMD	35	1	79.01.448	AMD	217*	1
75.18.080	AMD	283*	1	79.01.500	AMD	81	139
75.28	ADD	283*	14	79.01.704	AMD	292*	54
75.28.012	AMD	283*	2	79.44.003	AMD	234*	14
75.28.013	AMD	283*	3	79.44.060	AMD	116*	2
75.28.060	AMD	283*	4	79.48.130	AMD	292*	55
75.28.085	AMD	283*	5	79.56.010	REP	234*	17
75.28.087	AMD	283*	6	79.56.020	REP	234*	17
75.28.095	AMD	283*	15	79.64.040	AMD	224*	2
75.28.130	AMD	283*	7	80.04.190	AMD	107*	4
75.28.140	AMD	283*	8	80.04.260	AMD	81	140
75.28.190	AMD	283*	9	80.20.060	AMD	143*	8
75.28.220	AMD	283*	10	80.28.190	AMD	81	141
76.01.060	AMD	49*	1	80.36.240	AMD	81	142
76.04	ADD	134*	2	81.04.190	AMD	107*	5
76.04	ADD	134*	3	81.04.260	AMD	81	143
76.04	ADD	207*	5	81.48.030	AMD	143*	1
76.04	ADD	207*	8	81.48.040	AMD	143*	2
76.04	ADD	207*	9	81.53.130	AMD	81	144
76.04.010	AMD	207*	1	81.53.170	AMD	81	145
76.04.040	REP	207*	15	81.68.070	AMD	81	146
76.04.150	AMD	233*	1	81.77.080	AMD	143*	3
76.04.170	AMD	233*	2	81.80	ADD	143*	6
76.04.180	AMD	207*	13	81.80.300	AMD	143*	4
76.04.230	REP	207*	15	81.80.320	AMD	143*	5
76.04.251	AMD	134*	1	81.80.340	AMD	81	147
76.04.310	AMD	207*	2	82.04	ADD	294*	7
76.04.360	AMD	207*	14	82.04.050	AMD	281*	1
76.04.370	AMD	207*	3	82.04.050	AMD	299*	3
76.04.380	AMD	207*	4	82.04.110	AMD	186*	1

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
82.04.190	AMD	299*	4	82.30.290	REP	281*	18
82.04.230	AMD	281*	2	82.31.010	REP	281*	18
82.04.240	AMD	281*	3	82.31.020	REP	281*	18
82.04.250	AMD	186*	2	82.31.030	REP	281*	18
	AMD	281*	4	82.31.040	REP	281*	18
82.04.260	AMD	186*	3	82.31.050	REP	281*	18
	AMD	281*	5	82.31.060	REP	281*	18
82.04.270	AMD	186*	4	82.31.070	REP	281*	18
	AMD	281*	6	82.31.080	REP	281*	18
82.04.280	AMD	281*	7	82.31.090	REP	281*	18
	AMD	299*	5	82.31.100	REP	281*	18
82.04.290	AMD	281*	8	82.31.110	REP	281*	18
82.04.292	REP	281*	18	82.31.120	REP	281*	18
82.04.430	AMD	13	1	82.31.130	REP	281*	18
82.04.435	AMD	299*	6	82.31.140	REP	281*	18
82.04.437	REP	281*	18	82.31.150	REP	281*	18
82.08.020	AMD	281*	9	82.31.160	REP	281*	18
82.08.030	AMD	11*	1	82.31.170	REP	281*	18
82.08.050	AMD	299*	7	82.32	ADD	179*	2
82.08.070	AMD	299*	8	82.32.040	AMD	299*	15
82.08.150	AMD	299*	9	82.32.050	AMD	299*	16
82.12.020	AMD	281*	10	82.32.060	AMD	299*	17
82.12.030	AMD	11*	2	82.32.080	AMD	299*	18
	AMD	299*	10	82.32.090	AMD	179*	1
82.12.040	AMD	299*	11	82.32.100	AMD	299*	20
82.14	ADD	296*	2	82.32.180	AMD	81	148
82.14.050	AMD	296*	3	82.32.190	AMD	299*	21
82.14.060	AMD	296*	4	82.32.235	AMD	299*	22
82.16.020	AMD	299*	12	82.32.350	AMD	299*	23
82.24.020	AMD	299*	13	82.36.010	AMD	156*	1
82.24.070	AMD	299*	14	82.36.230	AMD	156*	2
82.26.020	AMD	299*	77	82.36.235	REP	180*	11
82.30.010	REP	281*	18	82.36.280	AMD	36*	1
82.30.020	REP	281*	18	82.36.330	AMD	180*	9
82.30.030	REP	281*	18	82.36.400	AMD	156*	3
82.30.040	REP	281*	18	82.40.010	REP	175*	33
82.30.050	REP	281*	18	82.40.020	REP	175*	33
82.30.060	REP	281*	18	82.40.030	REP	175*	33
82.30.070	REP	281*	18	82.40.040	REP	175*	33
82.30.080	REP	281*	18	82.40.045	REP	175*	33
82.30.090	REP	281*	18	82.40.046	REP	175*	33
82.30.100	REP	281*	18	82.40.047	REP	175*	33
82.30.110	REP	281*	18	82.40.050	REP	175*	33
82.30.120	REP	281*	18	82.40.060	REP	175*	33
82.30.130	REP	281*	18	82.40.070	REP	175*	33
82.30.140	REP	281*	18	82.40.080	REP	175*	33
82.30.150	REP	281*	18	82.40.090	REP	175*	33
82.30.160	REP	281*	18	82.40.100	REP	175*	33
82.30.170	REP	281*	18	82.40.110	REP	175*	33
82.30.180	REP	281*	18	82.40.115	REP	175*	33
82.30.190	REP	281*	18	82.40.120	REP	175*	33
82.30.200	REP	281*	18	82.40.130	REP	175*	33
82.30.210	REP	281*	18	82.40.140	REP	175*	33
82.30.220	REP	281*	18	82.40.150	REP	175*	33
82.30.230	REP	281*	18	82.40.160	REP	175*	33
82.30.240	REP	281*	18	82.40.170	REP	175*	33
82.30.250	REP	281*	18	82.40.180	REP	175*	33
82.30.260	REP	281*	18	82.40.190	REP	175*	33
82.30.270	REP	281*	18	82.40.200	REP	175*	33
82.30.280	REP	281*	18	82.40.210	REP	175*	33

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82.40.220	REP	175*	33	82.50.190	AMD	299*	49
82.40.230	REP	175*	33		REP	299*	76
82.40.240	REP	175*	33	82.50.200	AMD	299*	50
82.40.250	REP	175*	33		REP	299*	76
82.40.260	REP	175*	33	83.24.020	AMD	81	149
82.40.270	REP	175*	33	83.32.050	AMD	81	150
82.40.280	REP	175*	33	83.40.020	AMD	132*	2
82.40.290	REP	175*	33	83.44	ADD	132*	3
82.40.900	REP	175*	33	83.44.010	AMD	132*	1
82.42	ADD	156*	5	83.56.050	AMD	292*	69
82.42.070	AMD	156*	4	83.56.160	AMD	81	151
82.44	ADD	299*	52	84	ADD	243*	1
82.44.010	AMD	299*	54	84	ADD	243*	2
82.44.030	AMD	299*	51	84	ADD	243*	3
82.44.150	AMD	80*	1	84	ADD	243*	4
	AMD	199*	2	84	ADD	243*	5
82.50	ADD	299*	55	84	ADD	288*	20
82.50	ADD	299*	56	84	ADD	288*	21
82.50	ADD	299*	57	84	ADD	288*	22
82.50	ADD	299*	58	84	ADD	288*	23
82.50	ADD	299*	59	84	ADD	288*	24
82.50	ADD	299*	60	84	ADD	294*	1
82.50	ADD	299*	61	84	ADD	294*	2
82.50	ADD	299*	62	84	ADD	294*	3
82.50	ADD	299*	63	84	ADD	294*	4
82.50	ADD	299*	64	84	ADD	294*	5
82.50	ADD	299*	65	84	ADD	294*	6
82.50	ADD	299*	66	84	ADD	294*	8
82.50	ADD	299*	67	84	ADD	294*	9
82.50	ADD	299*	68	84	ADD	294*	10
82.50	ADD	299*	69	84	ADD	294*	11
82.50	ADD	299*	73	84	ADD	294*	12
82.50.010	AMD	299*	35	84	ADD	294*	13
82.50.020	AMD	299*	36	84	ADD	294*	14
	REP	299*	76	84	ADD	294*	15
82.50.030	AMD	299*	37	84	ADD	294*	16
	REP	299*	76	84	ADD	294*	17
82.50.040	AMD	299*	38	84	ADD	294*	18
	REP	299*	76	84.04	ADD	288*	13
82.50.050	AMD	299*	39	84.04.090	AMD	299*	70
	REP	299*	76	84.28.080	AMD	81	152
82.50.070	AMD	299*	40	84.28.090	AMD	299*	33
	REP	299*	76	84.28.110	AMD	81	153
82.50.101	AMD	299*	41	84.36	ADD	206*	1
	REP	299*	76	84.36	ADD	288*	4
82.50.105	AMD	299*	42	84.36	ADD	288*	5
	REP	299*	76	84.36.010	AMD	260*	1
82.50.110	AMD	299*	43	84.36.020	AMD	64*	3
	REP	299*	76		AMD	292*	70
82.50.120	AMD	299*	44	84.36.030	AMD	64*	1
	REP	299*	76		AMD	292*	70
82.50.130	AMD	299*	45	84.36.050	AMD	206*	2
	REP	299*	76	84.36.110	AMD	299*	71
82.50.140	AMD	299*	46	84.36.120	AMD	299*	72
	REP	299*	76	84.36.125	AMD	281*	11
82.50.160	AMD	299*	47	84.36.127	AMD	281*	12
	REP	299*	76	84.36.128	REP	288*	27
82.50.180	AMD	299*	48	84.36.129	REP	288*	27
	REP	299*	76	84.36.160	AMD	137*	1
82.50.185	REP	299*	76	84.40	ADD	44*	2

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RCW		Ch.	Sec.	RCW		Ch.	Sec.
84.40	ADD	44*	3	87.60.040	REP	76	6
84.40	ADD	44*	4	87.60.050	REP	76	6
84.40	ADD	44*	5	87.60.060	REP	76	6
84.40	ADD	44*	6	87.60.070	REP	76	6
84.40	ADD	288*	2	87.60.080	REP	76	6
84.40	ADD	299*	74	87.60.090	REP	76	6
84.40	ADD	299*	75	87.60.100	REP	76	6
84.40.030	AMD	43*	1	87.60.110	REP	76	6
	AMD	288*	1	87.60.120	REP	76	6
84.40.034	REP	294*	20	87.60.130	REP	76	6
84.40.035	REP	294*	20	87.60.140	REP	76	6
84.40.045	AMD	288*	16	87.60.150	REP	76	6
84.40.220	AMD	18*	1		AMD	292*	73
84.41.030	AMD	288*	6	87.60.160	REP	76	6
84.41.040	AMD	288*	7	87.60.170	REP	76	6
84.48	ADD	288*	8	87.60.180	REP	76	6
84.48	ADD	288*	11	87.60.900	REP	76	6
84.48.080	AMD	288*	9	87.60.910	REP	76	6
84.52.010	AMD	243*	6	88.16.010	AMD	292*	58
84.52.050	AMD	299*	24	88.16.030	AMD	297*	1
84.52.052	AMD	288*	26	88.16.050	AMD	297*	2
84.52.065	AMD	281*	25	88.16.070	AMD	297*	3
84.54.010	REP	288*	27	88.16.100	AMD	297*	4
84.56.020	AMD	288*	3	88.32.090	AMD	81	175
84.56.060	AMD	35*	1	90	ADD	286*	1-37
84.56.340	AMD	48*	1	90.03.200	AMD	81	176
84.60.050	AMD	260*	2	90.03.410	AMD	152*	8
84.60.060	REP	260*	4	90.24.070	AMD	81	177
84.60.070	AMD	260*	3	90.48	ADD	180*	2
84.64.120	AMD	81	154	90.48	ADD	180*	3
84.64.400	AMD	81	155	90.48	ADD	180*	4
84.68	ADD	42*	1	90.48	ADD	180*	5
84.69.020	AMD	288*	14	90.48	ADD	180*	6
85.05.079	AMD	81	156	90.48	ADD	180*	10
85.05.110	AMD	292*	56	90.48.315	AMD	180*	1
85.05.130	AMD	81	157	91.04.010	REP	76	6
85.05.470	AMD	81	158	91.04.020	REP	76	6
85.06.110	AMD	292*	57	91.04.021	REP	76	6
85.06.130	AMD	81	159	91.04.022	REP	76	6
85.06.660	AMD	81	160	91.04.023	REP	76	6
85.06.750	AMD	81	161	91.04.024	REP	76	6
85.08.440	AMD	81	162	91.04.025	REP	76	6
85.15.130	AMD	81	163	91.04.026	REP	76	6
85.16.190	AMD	81	164	91.04.027	REP	76	6
85.16.210	AMD	81	165	91.04.030	REP	76	6
85.18.140	AMD	81	166	91.04.040	REP	76	6
85.24.130	AMD	81	167	91.04.050	REP	76	6
85.24.140	AMD	81	168	91.04.060	REP	76	6
85.32.200	AMD	81	169	91.04.070	REP	76	6
86.09.364	AMD	292*	71	91.04.080	REP	76	6
87.03	ADD	125*	2	91.04.090	REP	76	6
87.03.045	AMD	292*	72	91.04.100	REP	76	6
87.03.410	AMD	81	170	91.04.110	REP	76	6
87.03.760	AMD	81	171	91.04.120	REP	76	6
87.03.765	AMD	81	172	91.04.130	REP	76	6
87.22.090	AMD	81	173	91.04.140	REP	76	6
87.56.225	AMD	81	174	91.04.150	REP	76	6
87.60.010	REP	76	6	91.04.170	REP	76	6
87.60.020	REP	76	6	91.04.180	REP	76	6
87.60.030	REP	76	6	91.04.190	REP	76	6

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91.04.200	REP	76	6			
91.04.210	REP	76	6			
91.04.220	REP	76	6			
91.04.225	REP	76	6			
91.04.230	REP	76	6			
91.04.240	REP	76	6			
91.04.250	REP	76	6			
91.04.260	REP	76	6			
91.04.270	REP	76	6			
91.04.280	REP	76	6			
91.04.290	REP	76	6			
91.04.300	REP	76	6			
91.04.310	REP	76	6			
91.04.320	REP	76	6			
91.04.325	REP	76	6			
	AMD	81	178			
91.04.330	REP	76	6			
91.04.340	REP	76	6			
91.04.350	REP	76	6			
91.04.360	REP	76	6			
	AMD	81	179			
91.04.370	REP	76	6			
91.04.380	REP	76	6			
91.04.390	REP	76	6			
91.04.400	REP	76	6			
91.04.410	REP	76	6			
91.04.420	REP	76	6			
91.04.425	REP	76	6			
91.04.430	REP	76	6			
91.04.440	REP	76	6			
91.04.450	REP	76	6			
91.04.460	REP	76	6			
91.04.470	REP	76	6			
91.04.475	REP	76	6			
91.04.480	REP	76	6			
91.04.490	REP	76	6			
91.04.495	REP	76	6			
91.04.500	REP	76	6			
91.04.510	REP	76	6			
91.04.520	REP	76	6			
91.04.530	REP	76	6			
91.04.540	REP	76	6			
91.04.543	REP	76	6			
91.04.545	REP	76	6			
91.04.547	REP	76	6			
91.04.550	REP	76	6			
91.04.555	REP	76	6			
91.04.560	REP	76	6			
91.04.565	REP	76	6			
91.04.900	REP	76	6			
91.08.250	AMD	81	180			
91.08.580	AMD	81	181			

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		1971 Stats.		1971 Stats.		
		Ch.	Sec.	Ch.	Sec.	
<u>LAWS 1854</u>						
Pg. 93, \$	99	REP	280*	23	Pg. 219, §§ 161,162 REP 46* 31	
Pg. 93, \$	100	REP	280*	23	Pg. 220, §§ 163-167 REP 67* 20	
Pg. 102, \$	6	REP	43*	31	Pg. 221, §§ 168-172 REP 67* 20	
Pg. 102, \$	6	REP	46*	31	Pg. 222, \$ 173 REP 67* 20	
Pg. 102, \$	7	REP	46*	31	Pg. 222, §§ 175-177 REP 67* 20	
Pg. 103, \$	8	REP	46*	31	Pg. 223, \$ 178 REP 67* 20	
Pg. 103, \$	9	REP	46*	31	Pg. 223, §§ 180-182 REP 67* 20	
Pg. 103, \$	10	REP	46*	31	Pg. 224, §§ 183,184 REP 67* 20	
Pg. 110, §§	45-52	REP	67*	20	Pg. 337, \$ 23 AMD 292* 11	
Pg. 111, §§	53-59	REP	67*	20	Pg. 337, \$ 25 AMD 292* 12	
Pg. 182, \$	265	AMD	81	28	<u>LAWS 1877</u>	
Pg. 203, \$	384	AMD	81	22	Pg. 9, \$ 39	AMD 292* 74
Pg. 204, \$	385	AMD	81	23	<u>LAWS 1879</u>	
Pg. 212, \$	436	AMD	81	31	Pg. 98, §§ 5,6	REP 280* 23
Pg. 220, \$	497	AMD	292*	60	<u>CODE 1881</u>	
Pg. 230, \$	40	AMD	292*	75	\$ 11	AMD 292* 60
Pg. 230, \$	41	AMD	292*	76	\$ 335	AMD 81 27
Pg. 364, \$	11	AMD	292*	74	\$ 366	AMD 81 28
Pg. 366, \$	2	REP	81	183	\$ 523	AMD 81 23
Pg. 366, \$	3	REP	81	183	§§907,908	REP 112* 3
Pg. 377, \$	1	AMD	81	27	\$ 972	REP 46* 31
Pg. 404, \$	4	AMD	81	69	\$ 972 part	REP 46* 31
Pg. 407, \$	1	AMD	292*	1	§§973-976	REP 46* 31
<u>LAWS 1862</u>						
Pg. 30, \$	1	AMD	152*	5	§§977-994	REP 67* 20
<u>LAWS 1863</u>						
Pg. 417, \$	2	REP	81	183	§§996-1001	REP 67* 20
<u>LAWS 1864</u>						
Pg. 19, \$	1	REP	67*	20	\$1246	AMD 280* 22
Pg. 20, \$	2	REP	67*	20	\$1253	REP 280* 23
<u>LAWS 1865</u>						
Pg. 19, \$	1	REP	67*	20	\$1257	REP 280* 23
Pg. 75, \$	16	AMD	81	48	\$1258	REP 280* 23
<u>LAWS 1869</u>						
Pg. 222, \$	104	REP	280*	23	\$1753	AMD 292* 75
Pg. 222, \$	105	REP	280*	23	\$1754	AMD 292* 76
Pg. 238, \$	173	REP	67*	20	\$2072	REP 308* 69.50.60
Pg. 239, \$	175	REP	67*	20	\$2104	REP 67* 20
Pg. 239, \$	176	REP	67*	20	\$2174	REP 81 183
Pg. 239, \$	177	REP	67*	20	\$2175	REP 81 183
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<u>LAWS 1873</u>						
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Pg. 218, §§	159,160	REP	46*	31	Ch. 128, \$ 2	AMD 55* 2
<u>LAWS 1890</u>						
Pg. 295, \$	2	AMD	292*	9	Ch. 128, \$ 3	AMD 55* 3
Pg. 299, \$	7	AMD	81	42	<u>LAWS 1890</u>	
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Ch. 249, §	415	AMD	152*	1	Ch. 5, §	10	AMD	266*	5
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Ch. 255, §	46	AMD	123*	2	Ch. 172, §	1	AMD	302*	1
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Ch. 60, §	8	AMD	81	18	Ch. 229, §	2	AMD	30	4
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Ch. 114, §	13	AMD	81	126	Ch. 229, §	6	AMD	30	6
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Ch. 125, §	14	AMD	81	56	Ch. 28, §	2	AMD	99*	1
Ch. 207, §	2	REP	207*	15	Ch. 29, §	1	REP	308*	69.50.606
Ch. 207, §	3	AMD	207*	13	Ch. 34, §	22	AMD	242*	2
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Ch. 35, \$	128	AMD	81	119	Ch. 79,		ADD	13*	7			
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Ch. 35,		ADD	3	21	Ch. 274, \$	3	AMD	271*	3			
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Ch. 35,		ADD	3	24	Ch. 274, \$	20	AMD	271*	5			
Ch. 35,		ADD	3	25	Ch. 274, \$	23	AMD	271*	8			
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Ch. 125, §	5	AMD	83*	1	Ch. 12, §75.28.140	AMD	283*	8	
Ch. 125, §	6	AMD	83*	3	Ch. 12, §75.28.190	AMD	283*	9	
Ch. 125, §	7	AMD	83*	2	Ch. 12, §75.28.220	AMD	283*	10	
Ch. 130, §	1	AMD	236*	1	Ch. 12,	ADD	35	2	
Ch. 146,		ADD	180*	8	Ch. 12,	ADD	35	3	
Ch. 146, §	4	AMD	180*	7	Ch. 12,	ADD	35	4	
Ch. 146, §	53	AMD	81	138	Ch. 13,	ADD	222*	1	
Ch. 177, §	4	AMD	81	35	Ch. 13,	ADD	222*	2	
Ch. 178, §	11	AMD	9*	2	Ch. 13,	ADD	222*	3	
Ch. 178, §	13	AMD	8*	1	Ch. 13,	ADD	222*	4	
Ch. 178,		ADD	8*	4	Ch. 13, §32.20.270	AMD	222*	5	
Ch. 178,		ADD	8*	5	Ch. 13,	ADD	222*	7	
Ch. 178,		ADD	8*	6	Ch. 23, §	1	REP	308*	69.50.606
Ch. 178,		ADD	8*	7	Ch. 24, §	1	REP	308*	69.50.606
Ch. 180, §	7	AMD	266*	3	Ch. 29, §	1	AMD	12*	1
Ch. 183, §	41	AMD	189*	4	Ch. 33, §30.04.040	AMD	81	79	
Ch. 183, §§	52-54	REP	189*	17	Ch. 33, §30.30.090	AMD	81	80	
Ch. 184, §	3	AMD	257*	19	Ch. 36, §77.12.070	AMD	173*	1	
Ch. 184, §	5	AMD	257*	20	Ch. 36, §77.12.080	AMD	173*	2	
Ch. 196, §	6	AMD	46*	30	Ch. 36, §77.16.040	AMD	166*	4	
Ch. 206, §	1	AMD	193*	1	Ch. 38, §	2	AMD	81	3
Ch. 215, §	1	AMD	3	1	Ch. 42, §	4	AMD	81	47
Ch. 215, §	3	AMD	255*	1	Ch. 43, §	3	AMD	131*	1
Ch. 222, §	17	AMD	81	62	Ch. 52, §	2	AMD	292*	23
Ch. 235, §	1	AMD	207*	3	Ch. 57, §	4	AMD	292*	72
Ch. 254, §	15	AMD	81	44	Ch. 80, §	6	AMD	222*	6
					Ch. 116, §	1	AMD	123*	4
					Ch. 124, §	2	AMD	220*	4

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		Ch.	Sec.			Ch.	Sec.	
Ch. 124, §	3	AMD	220*	3	Ch. 79, §	3	AMD 207*	11
Ch. 133, §	7	AMD	81	46	Ch. 99, §	1	AMD 19	1
Ch. 142, §	1	AMD	233*	2	Ch. 154, §	1	REP 207*	15
Ch. 142, §	8	REP	207*	15	Ch. 171, §	1	AMD 283*	2
Ch. 144, §	4	REP	189*	17	Ch. 171, §	2	AMD 283*	3
Ch. 149, §	2	AMD	292*	19	Ch. 232,		ADD 194*	1
Ch. 149, §	6	AMD	266*	4	Ch. 232,		ADD 194*	2
Ch. 156, §	2	AMD	81	34	Ch. 232,		ADD 194*	3
Ch. 202, §	36	AMD	266*	12	Ch. 232,		ADD 194*	4
Ch. 210, §	1	AMD	8*	1	Ch. 232,		ADD 194*	5
Ch. 211, §	10	AMD	81	65	Ch. 232, §	25	REP 232*	7
Ch. 213, §	2	AMD	81	33	Ch. 232,		ADD 232*	1
Ch. 236, §	4	AMD	299*	1	Ch. 232,		ADD 232*	2
Ch. 267, §	2	AMD	189*	8	Ch. 232,		ADD 232*	3
Ch. 267, §	3	AMD	189*	9	Ch. 232,		ADD 232*	4
Ch. 267, §§	5-7	REP	189*	17	Ch. 232,		ADD 232*	5
Ch. 267, §	11	AMD	247*	3	Ch. 232,		ADD 232*	6
Ch. 270,		ADD	52*	2	Ch. 243, §	2	AMD 30	6
Ch. 270, §	8	AMD	81*	1	Ch. 243, §	2	AMD 81	8
Ch. 270, §	9	AMD	81*	2	Ch. 246, §	1	AMD 102*	1
Ch. 275, §	1	AMD	266*	10	Ch. 246, §	7	AMD 10*	1
Ch. 291, §	9	AMD	172*	1	Ch. 253, §	5	AMD 247*	1
Ch. 291, §	11	AMD	292*	38	Ch. 253, §	8	REP 189*	17
Ch. 291,		ADD	172*	2	Ch. 253, §	9	AMD 189*	3
Ch. 291,		ADD	172*	3	Ch. 259, §	8	AMD 81	14
Ch. 291,		ADD	172*	4				
Ch. 291,		ADD	172*	5				
Ch. 291,		ADD	172*	6				
Ch. 291,		ADD	172*	7				
Ch. 291,		ADD	172*	8				
Ch. 291,		ADD	172*	9				
Ch. 291,		ADD	172*	10				
Ch. 291,		ADD	63*	12				
Ch. 301, §	1	REP	234*	17				
Ch. 305, §	3	AMD	292*	27				
Ch. 305, §	9	AMD	266*	16				
Ch. 305, §	16	AMD	81	61				
Ch. 342, §	6	AMD	81	158				
Ch. 348, §	3	AMD	258*	2				
Ch. 390, §	17	AMD	81	123				
<u>LAWS EX. SESS. 1955</u>								
Ch. 4, §	5	AMD	257*	20				
<u>LAWS 1957</u>								
Ch. 8, §	7	AMD	211*	1				
Ch. 9, §	10	AMD	81	31				
Ch. 37, §	7	AMD	81*	1				
Ch. 37, §	9	AMD	81*	3				
Ch. 37, §	10	AMD	81*	4				
Ch. 37, §	11	AMD	81*	5				
Ch. 37, §	21	AMD	81	118				
Ch. 37, §	25	REP	52*	1				
Ch. 43, §	7	AMD	292*	22				
Ch. 47, §	2	REP	39	1				
Ch. 52, §	36	AMD	81	59				
Ch. 52, §	43	AMD	266*	17				
Ch. 52, §	46	AMD	81	62				
Ch. 79, §	1	AMD	207*	10				
Ch. 1, §	12	AMD	81	102				
Ch. 1, §	21	AMD	214*	3				
Ch. 23, §	2	AMD	19	2				
Ch. 25, §71.02.230		AMD	292*	63				
Ch. 25, §71.06.010		AMD	292*	65				
Ch. 25, §71.12.490		AMD	247*	4				
Ch. 26, §74.04.150		AMD	281*	17				
Ch. 26, §74.08.025		AMD	169*	1				
Ch. 26, §74.08.030		AMD	169*	2				
Ch. 26, §74.08.050		AMD	169*	3				
Ch. 26, §74.08.080		AMD	81	136				
Ch. 26, §74.08.100		AMD	81	137				
Ch. 26, §74.09.180		AMD	306*	1				
Ch. 26, §74.10.020		AMD	169*	5				
Ch. 26, §74.12.030		AMD	169*	6				
Ch. 26, §74.16.030		AMD	169*	9				
Ch. 27, §69.33.220		REP	308*	69.50.606				
Ch. 27, §69.33.230		REP	308*	69.50.606				
Ch. 27, §69.33.240		REP	308*	69.50.606				
Ch. 27, §69.33.250		REP	308*	69.50.606				
Ch. 27, §69.33.260		REP	308*	69.50.606				
Ch. 27, §69.33.270		REP	308*	69.50.606				
Ch. 27, §69.33.280		REP	308*	69.50.606				
Ch. 27, §69.33.290		REP	308*	69.50.606				
Ch. 27, §69.33.300		REP	308*	69.50.606				
Ch. 27, §69.33.310		REP	308*	69.50.606				
Ch. 27, §69.33.320		REP	308*	69.50.606				
Ch. 27, §69.33.330		REP	308*	69.50.606				
Ch. 27, §69.33.340		REP	308*	69.50.606				
Ch. 27, §69.33.350		REP	308*	69.50.606				
Ch. 27, §69.33.360		REP	308*	69.50.606				
Ch. 27, §69.33.370		REP	308*	69.50.606				
Ch. 27, §69.33.380		REP	308*	69.50.606				

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Ch. 12,	\$46.44.096 AMD	248*	4	Ch. 15,	ADD	288*	13
Ch. 12,	\$46.44.097 AMD	249*	1	Ch. 15,	ADD	288*	20
Ch. 12,	\$46.44.100 AMD	148*	2	Ch. 15,	ADD	288*	21
Ch. 12,	\$46.56.135 AMD	307*	22	Ch. 15,	ADD	288*	22
Ch. 12,	\$46.64.040 AMD	69*	1	Ch. 15,	ADD	288*	23
Ch. 12,	\$46.68.030 AMD	91*	1	Ch. 15,	ADD	288*	24
Ch. 12,	\$46.68.030 AMD	231*	11	Ch. 15,	ADD	294*	1
Ch. 12,	\$46.08.090 AMD	231*	8	Ch. 15,	ADD	294*	2
Ch. 12,	\$46.16.100 AMD	231*	10	Ch. 15,	ADD	294*	3
Ch. 12,	\$46.08.100 AMD	231*	9	Ch. 15,	ADD	294*	4
Ch. 12,	\$46.68.130 AMD	91*	6	Ch. 15,	ADD	294*	5
Ch. 12,	\$46.68.140 REP	91*	7	Ch. 15,	ADD	294*	6
Ch. 12,	\$46.70.060 AMD	74*	3	Ch. 15,	ADD	294*	7
Ch. 12,	\$46.70.070 AMD	74*	4	Ch. 15,	ADD	294*	8
Ch. 12,	\$46.70.090 AMD	74*	7	Ch. 15,	ADD	294*	9
Ch. 12,	\$46.70.140 AMD	74*	8	Ch. 15,	ADD	294*	10
Ch. 12,	\$46.80.020 AMD	7*	1	Ch. 15,	ADD	294*	11
Ch. 12,	\$46.80.030 AMD	7*	2	Ch. 15,	ADD	294*	12
Ch. 12,	\$46.80.040 AMD	7*	3	Ch. 15,	ADD	294*	13
Ch. 12,	\$46.80.050 AMD	7*	4	Ch. 15,	ADD	294*	14
Ch. 12,	\$46.80.070 AMD	7*	5	Ch. 15,	ADD	294*	15
Ch. 12,	\$46.80.080 AMD	7*	6	Ch. 15,	ADD	294*	16
Ch. 12,	\$46.80.090 AMD	7*	7	Ch. 15,	ADD	294*	17
Ch. 12,	\$46.80.110 AMD	7*	8	Ch. 15,	ADD	294*	18
Ch. 12,	\$46.80.130 AMD	7*	9	Ch. 15,	\$82.04.050 AMD	281*	1
Ch. 12,	\$46.80.150 AMD	7*	10	Ch. 15,	\$82.04.050 AMD	299*	3
Ch. 13,	\$47.01.160 AMD	115*	1	Ch. 15,	\$82.04.190 AMD	299*	4
Ch. 13,	\$47.20.370 REP	73*	30	Ch. 15,	\$82.04.280 AMD	299*	5
Ch. 13,	\$47.28.030 AMD	78*	1	Ch. 15,	\$82.04.430 AMD		
Ch. 13,	\$47.28.060 AMD	36	1		&		
Ch. 13,	\$47.28.090 AMD	21*	2		REEN	13	1
Ch. 13,	\$47.32.020 AMD	292*	46	Ch. 15,	\$82.04.110 AMD	186*	1
Ch. 13,	\$47.32.070 AMD	81	115	Ch. 15,	\$82.04.230 AMD	291*	2
Ch. 13,	\$47.52.050 AMD	39*	1	Ch. 15,	\$82.04.240 AMD	281*	3
Ch. 14,	ADD	143*	6	Ch. 15,	\$82.04.250 AMD	186*	2
Ch. 14,	\$80.04.190 AMD	107*	4	Ch. 15,	\$82.04.250 AMD	281*	4
Ch. 14,	\$80.04.260 AMD	81	140	Ch. 15,	\$82.04.260 AMD	186*	3
Ch. 14,	\$80.20.060 AMD	143*	8	Ch. 15,	\$82.04.260 AMD	281*	5
Ch. 14,	\$80.28.190 AMD	81	141	Ch. 15,	\$82.04.270 AMD	186*	4
Ch. 14,	\$80.36.240 AMD	81	142	Ch. 15,	\$82.04.270 AMD	281*	6
Ch. 14,	\$81.04.190 AMD	107*	5	Ch. 15,	\$82.04.280 AMD	281*	7
Ch. 14,	\$81.04.260 AMD	81	143	Ch. 15,	\$82.04.290 AMD	281*	8
Ch. 14,	\$81.48.030 AMD	143*	1	Ch. 15,	\$82.08.020 AMD	281*	9
Ch. 14,	\$81.48.040 AMD	143*	2	Ch. 15,	\$82.08.030 AMD	11*	1
Ch. 14,	\$81.53.130 AMD	81	144	Ch. 15,	\$82.08.050 AMD	299*	7
Ch. 14,	\$81.53.170 AMD	81	145	Ch. 15,	\$82.08.070 AMD	299*	8
Ch. 14,	\$81.68.070 AMD	81	146	Ch. 15,	\$82.08.150 AMD	299*	9
Ch. 14,	\$81.80.300 AMD	143*	4	Ch. 15,	\$82.12.020 AMD	281*	10
Ch. 14,	\$81.80.320 AMD	143*	5	Ch. 15,	\$82.12.030 AMD	11*	2
Ch. 14,	\$81.80.340 AMD	81	147	Ch. 15,	\$82.12.030 AMD	299*	10
Ch. 15,	ADD	42*	1	Ch. 15,	\$82.12.040 AMD	299*	11
Ch. 15,	ADD	44*	2	Ch. 15,	\$82.16.020 AMD	299*	12
Ch. 15,	ADD	44*	3	Ch. 15,	\$82.24.020 AMD	299*	13
Ch. 15,	ADD	44*	4	Ch. 15,	\$82.24.070 AMD	299*	14
Ch. 15,	ADD	44*	5	Ch. 15,	\$82.26.020 AMD	299*	77
Ch. 15,	ADD	44*	6	Ch. 15,	\$82.32.040 AMD	299*	15
Ch. 15,	ADD	179*	2	Ch. 15,	\$82.32.050 AMD	299*	16
Ch. 15,	ADD	288*	2	Ch. 15,	\$82.32.060 AMD	299*	17
Ch. 15,	ADD	288*	4	Ch. 15,	\$82.32.080 AMD	299*	18
Ch. 15,	ADD	288*	5	Ch. 15,	\$82.32.090 AMD	179*	1
Ch. 15,	ADD	288*	8	Ch. 15,	\$82.32.100 AMD	299*	20
Ch. 15,	ADD	288*	11	Ch. 15,	\$82.32.180 AMD	81	148

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			Ch.	Sec.				Ch.	Sec.
Ch.	15,	\$82.32.190 AMD	299*	21	Ch.	15,	\$82.50.010 AMD	299*	35
Ch.	15,	\$82.32.350 AMD	299*	23	Ch.	15,	\$82.50.020 AMD	299*	36
Ch.	15,	\$82.36.010 AMD	156*	1	Ch.	15,	\$82.50.030 AMD	299*	37
Ch.	15,	\$82.36.230 AMD	156*	2	Ch.	15,	\$82.50.040 AMD	299*	38
Ch.	15,	\$82.36.235 REP	180*	11	Ch.	15,	\$82.50.050 AMD	299*	39
Ch.	15,	\$82.36.280 AMD	36*	1	Ch.	15,	\$82.50.070 AMD	299*	40
Ch.	15,	\$82.36.330 AMD	180*	9	Ch.	15,	\$82.50.101 AMD	299*	41
Ch.	15,	\$82.36.400 AMD	156*	3	Ch.	15,	\$82.50.105 AMD	299*	42
Ch.	15,	\$82.44.150 AMD	80*	1	Ch.	15,	\$82.50.110 AMD	299*	43
Ch.	15,	\$82.44.150 AMD	199*	2	Ch.	15,	\$82.50.120 AMD	299*	44
Ch.	15,	\$82.50.020 REP	299*	76	Ch.	15,	\$82.50.130 AMD	299*	45
Ch.	15,	\$82.50.030 REP	299*	76	Ch.	15,	\$82.50.140 AMD	299*	46
Ch.	15,	\$82.50.040 REP	299*	76	Ch.	15,	\$82.50.160 AMD	299*	47
Ch.	15,	\$82.50.050 REP	299*	76	Ch.	15,	\$82.50.180 AMD	299*	48
Ch.	15,	\$82.50.070 REP	299*	76	Ch.	15,	\$82.50.190 AMD	299*	49
Ch.	15,	\$82.50.101 REP	299*	76	Ch.	15,	\$82.50.200 AMD	299*	50
Ch.	15,	\$82.50.105 REP	299*	76	Ch.	15,	\$83.32.050 AMD	81	150
Ch.	15,	\$82.50.110 REP	299*	76	Ch.	15,	\$83.44.010 AMD	132*	1
Ch.	15,	\$82.50.120 REP	299*	76	Ch.	15,	\$83.56.050 AMD	292*	69
Ch.	15,	\$82.50.130 REP	299*	76	Ch.	15,	\$83.56.160 AMD	81	151
Ch.	15,	\$82.50.140 REP	299*	76	Ch.	15,	\$84.04.090 AMD	299*	70
Ch.	15,	\$82.50.160 REP	299*	76	Ch.	15,	\$84.28.080 AMD	81	152
Ch.	15,	\$82.50.180 REP	299*	76	Ch.	15,	\$84.28.090 AMD	299*	33
Ch.	15,	\$82.50.190 REP	299*	76	Ch.	15,	\$84.28.110 AMD	81	153
Ch.	15,	\$82.50.200 REP	299*	76	Ch.	15,	\$84.36.020 AMD	64*	3
Ch.	15,	\$82.40.010 REP	175*	33	Ch.	15,	\$84.36.030 AMD	64*	1
Ch.	15,	\$82.40.020 REP	175*	33	Ch.	15,	\$84.36.030 AMD	292*	70
Ch.	15,	\$82.40.030 REP	175*	33	Ch.	15,	\$84.36.050 AMD	206*	2
Ch.	15,	\$82.40.040 REP	175*	33	Ch.	15,	\$84.36.110 AMD	299*	71
Ch.	15,	\$82.40.045 REP	175*	33	Ch.	15,	\$84.36.120 AMD	299*	72
Ch.	15,	\$82.40.046 REP	175*	33	Ch.	15,	\$84.36.160 AMD	137*	1
Ch.	15,	\$82.40.047 REP	175*	33	Ch.	15,	\$84.40.030 AMD	43*	1
Ch.	15,	\$82.40.050 REP	175*	33	Ch.	15,	\$84.40.030 AMD	288*	1
Ch.	15,	\$82.40.060 REP	175*	33	Ch.	15,	\$84.40.220 AMD	18*	1
Ch.	15,	\$82.40.070 REP	175*	33	Ch.	15,	\$84.41.030 AMD	288*	6
Ch.	15,	\$82.40.080 REP	175*	33	Ch.	15,	\$84.41.040 AMD	288*	7
Ch.	15,	\$82.40.090 REP	175*	33	Ch.	15,	\$84.48.080 AMD	238*	9
Ch.	15,	\$82.40.100 REP	175*	33	Ch.	15,	\$84.52.010 AMD	243*	6
Ch.	15,	\$82.40.110 REP	175*	33	Ch.	15,	\$84.52.050 AMD	299*	24
Ch.	15,	\$82.40.115 REP	175*	33	Ch.	15,	\$84.52.052 AMD	288*	26
Ch.	15,	\$82.40.120 REP	175*	33	Ch.	15,	\$84.56.020 AMD	288*	3
Ch.	15,	\$82.40.130 REP	175*	33	Ch.	15,	\$84.56.060 AMD	35*	1
Ch.	15,	\$82.40.140 REP	175*	33	Ch.	15,	\$84.56.340 AMD	48*	1
Ch.	15,	\$82.40.150 REP	175*	33	Ch.	15,	\$84.60.050 AMD	260*	2
Ch.	15,	\$82.40.160 REP	175*	33	Ch.	15,	\$84.60.060 REP	260*	4
Ch.	15,	\$82.40.170 REP	175*	33	Ch.	15,	\$84.60.070 AMD	260*	3
Ch.	15,	\$82.40.180 REP	175*	33	Ch.	15,	\$84.64.120 AMD	81	154
Ch.	15,	\$82.40.190 REP	175*	33	Ch.	15,	\$84.64.400 AMD	81	155
Ch.	15,	\$82.40.200 REP	175*	33	Ch.	15,	\$84.69.020 AMD	288*	14
Ch.	15,	\$82.40.210 REP	175*	33	Ch.	23,	ADD	20	1
Ch.	15,	\$82.40.220 REP	175*	33	Ch.	23,	\$51.04.030 AMD	289*	74
Ch.	15,	\$82.40.230 REP	175*	33	Ch.	23,	\$51.08.070 AMD	289*	1
Ch.	15,	\$82.40.240 REP	175*	33	Ch.	23,	\$51.12.010 AMD	289*	2
Ch.	15,	\$82.40.250 REP	175*	33	Ch.	23,	\$51.12.020 AMD	289*	3
Ch.	15,	\$82.40.260 REP	175*	33	Ch.	23,	\$51.12.070 AMD	289*	81
Ch.	15,	\$82.40.270 REP	175*	33	Ch.	23,	\$51.12.110 AMD	289*	85
Ch.	15,	\$82.40.280 REP	175*	33	Ch.	23,	\$51.16.010 REP	289*	89
Ch.	15,	\$82.40.290 REP	175*	33	Ch.	23,	\$51.16.020 REP	289*	89
Ch.	15,	\$82.40.900 REP	175*	33	Ch.	23,	\$51.16.030 REP	289*	89
Ch.	15,	\$82.44.010 AMD	299*	54	Ch.	23,	\$51.16.040 AMD	289*	83
Ch.	15,	\$82.44.030 AMD	299*	51	Ch.	23,	\$51.16.050 AMD	274*	1

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Ch. 23,	\$51.16.060	AMD	289*	76	Ch. 96,	ADD	62*	7				
Ch. 23,	\$51.16.080	REP	289*	89	Ch. 96,	ADD	62*	8				
Ch. 23,	\$51.16.105	AMD	289*	86	Ch. 96,	ADD	62*	9				
Ch. 23,	\$51.16.110	AMD	289*	4	Ch. 96,	ADD	62*	12				
Ch. 23,	\$51.16.140	AMD	1	2	Ch. 96,	ADD	62*	13				
Ch. 23,	\$51.16.140	AMD	289*	77	Ch. 96,	ADD	62*	14				
Ch. 23,	\$51.16.160	AMD	289*	78	Ch. 96,	ADD	62*	15				
Ch. 23,	\$51.16.180	AMD	289*	79	Ch. 100,	\$	1	AMD	81*	3		
Ch. 23,	\$51.24.010	AMD	289*	37	Ch. 100,	\$	2	AMD	81*	4		
Ch. 23,	\$51.28.010	AMD	289*	5	Ch. 100,	\$	3	AMD	81*	5		
Ch. 23,	\$51.28.020	AMD	289*	38	Ch. 103,	\$	3	AMD	64*	3		
Ch. 23,	\$51.28.030	AMD	289*	6	Ch. 107,	\$	1	AMD	289*	41		
Ch. 23,	\$51.32.010	AMD	289*	40	Ch. 117,	\$	2	REP	175*	33		
Ch. 23,	\$51.32.050	AMD	289*	7	Ch. 124,	\$	1	AMD	302*	1		
Ch. 23,	\$51.32.060	AMD	289*	8	Ch. 124,	\$	6	AMD	302*	2		
Ch. 23,	\$51.32.070	AMD	289*	9	Ch. 131,	\$	21	AMD	81	169		
Ch. 23,	\$51.32.080	AMD	289*	10	Ch. 132,	\$	5	AMD	63	1		
Ch. 23,	\$51.32.090	AMD	289*	11	Ch. 178,	\$	4	AMD	224*	2		
Ch. 23,	\$51.32.020	AMD	289*	42	Ch. 181,	\$\$	1-48	REP	76	6		
Ch. 23,	\$51.32.040	AMD	289*	43	Ch. 182,	\$	3	AMD	192*	2		
Ch. 23,	\$51.32.100	AMD	289*	44	Ch. 182,	\$	4	AMD	192*	5		
Ch. 23,	\$51.32.140	AMD	289*	45	Ch. 192,	\$	12	AMD	292*	72		
Ch. 23,	\$51.32.110	AMD	289*	13	Ch. 207,	\$	5	AMD	189*	10		
Ch. 23,	\$51.32.180	AMD	289*	49	Ch. 207,	\$	6	REP	189*	17		
Ch. 23,	\$51.36.010	AMD	289*	50	Ch. 217,			ADD	31*	8		
Ch. 23,	\$51.36.020	AMD	289*	51	Ch. 217,	\$	2	AMD	31*	1		
Ch. 23,	\$51.44.070	AMD	289*	56	Ch. 217,	\$	3	AMD	31*	2		
Ch. 23,	\$51.44.080	AMD	289*	57	Ch. 217,	\$	4	AMD	31*	3		
Ch. 23,	\$51.48.010	AMD	289*	61	Ch. 217,	\$	5	AMD	31*	4		
Ch. 23,	\$51.48.020	AMD	289*	63	Ch. 217,	\$	6	AMD	31*	5		
Ch. 23,	\$51.48.030	AMD	289*	64	Ch. 217,	\$	7	AMD	31*	6		
Ch. 23,	\$51.48.060	AMD	289*	20	Ch. 217,	\$	8	AMD	31*	7		
Ch. 23,	\$51.52.010	AMD	289*	68	Ch. 221,			ADD	81	182		
Ch. 23,	\$51.52.080	AMD	289*	69	Ch. 221,	\$\$	1-23	REP	33*	30		
Ch. 23,	\$51.52.090	AMD	289*	70	Ch. 223,	\$	1	REP	271*	16		
Ch. 23,	\$51.52.106	AMD	289*	23	Ch. 244,	\$\$	1-41	REP	190*	47		
Ch. 23,	\$51.52.110	AMD	289*	24	Ch. 248,	\$	1	AMD	169*	2		
Ch. 23,	\$51.52.110	AMD	81	122	Ch. 249,	\$	2	AMD	191*	1		
Ch. 49,	\$ 1	REP	308*	69.50.606	Ch. 249,	\$	9	AMD	191*	2		
Ch. 49,	\$ 2	REP	308*	69.50.606	Ch. 249,	\$	10	AMD	191*	3		
Ch. 53,	\$ 7	AMD	19	3	Ch. 249,	\$	15	AMD	191*	4		
Ch. 53,	\$ 8	AMD	19	4	Ch. 249,	\$	20	AMD	191*	5		
Ch. 64,	\$ 6	AMD	266*	13	Ch. 249,	\$	21	REP	191*	11		
Ch. 65,	\$ 1	AMD	292*	65	Ch. 249,	\$	22	AMD	191*	7		
Ch. 68,	\$ 2	AMD	173*	1	Ch. 249,	\$	23	AMD	191*	8		
Ch. 68,	\$ 3	AMD	173*	2	Ch. 249,			ADD	191*	9		
Ch. 75,	\$ 1	AMD	166*	4	Ch. 249,	\$		ADD	191*	10		
Ch. 86,	\$ 4	AMD	81	130	Ch. 250,	\$	2	AMD	292*	15		
Ch. 87,	\$ 24	AMD	81	55	Ch. 250,	\$	4	AMD	119*	1		
Ch. 96,	\$ 2	AMD	62*	1	Ch. 256,			ADD	25	1		
Ch. 96,	\$ 3	AMD	62*	3	Ch. 268,	\$	4	AMD	242*	1		
Ch. 96,	\$ 4	AMD	62*	4	Ch. 274,	\$	5	AMD	289*	56		
Ch. 96,	\$ 6	AMD	62*	6	Ch. 274,	\$	6	REP	289*	89		
Ch. 96,	\$ 8	AMD	62*	10	Ch. 274,	\$	7	AMD	289*	37		
Ch. 96,	\$ 10	AMD	62*	11	Ch. 286,	\$	1	AMD	30	2		
Ch. 96,	\$ 11	AMD	62*	16	Ch. 286,	\$	2	AMD	30	3		
Ch. 96,	\$ 12	AMD	62*	17	Ch. 286,	\$	3	AMD	30	5		
Ch. 96,	\$ 14	AMD	62*	18	Ch. 288,	\$	11	AMD	266*	18		
Ch. 96,	\$ 14	AMD	73*	28	Ch. 291,	\$	7	AMD	271*	8		
Ch. 96,		ADD	62*	2	Ch. 292,	\$	13	AMD	81	149		
Ch. 96,		ADD	62*	5	Ch. 292,	\$	20	AMD	132*	2		

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Ch.	5,	§ 16	REP	140*	3	Ch.	8,	§43.22.090	REP	239*	13
Ch.	7,		ADD	220*	1	Ch.	8,	§43.22.100	REP	239*	13
Ch.	7,	§35.13.125	AMD	69	1	Ch.	8,	§43.22.110	REP	239*	13
Ch.	7,	§35.13.130	AMD	69	2	Ch.	8,	§43.24.120	AMD	81	112
Ch.	7,	§35.13.220	REP	95*	10	Ch.	8,	§43.32.010	AMD	85*	6
Ch.	7,	§35.13.243	REP	95*	10	Ch.	8,	§43.43.260	AMD	278*	1
Ch.	7,	§35.13.246	REP	95*	10	Ch.	8,	§43.51.210	AMD	246*	1
Ch.	7,	§35.13.250	REP	95*	10	Ch.	8,	§43.52.430	AMD	81	113
Ch.	7,	§35.43.030	AMD	116*	4	Ch.	8,	§43.52.460	AMD	75*	1
Ch.	7,	§35.20.070	AMD	81	88	Ch.	8,	§43.61.010	REP	189*	17
Ch.	7,	§35.22.280	AMD	16*	1	Ch.	8,	§43.61.020	REP	189*	17
Ch.	7,	§35.22.560	AMD	81	89	Ch.	8,	§43.61.030	AMD	189*	5
Ch.	7,	§35.24.370	AMD	292*	61	Ch.	8,	§43.61.040	AMD	189*	6
Ch.	7,	§35.27.500	AMD	292*	62	Ch.	8,	§43.61.060	AMD	189*	7
Ch.	7,	§35.43.160	REP	116*	12	Ch.	8,	§43.78.030	AMD	81	114
Ch.	7,	§35.43.170	REP	116*	12	Ch.	8,	§43.80.030	REP	163*	1
Ch.	7,	§35.43.190	AMD	116*	6	Ch.	8,	§43.84.080	AMD	16	1
Ch.	7,	§35.44.020	AMD	116*	8	Ch.	8,	§43.84.120	AMD	88*	4
Ch.	7,	§35.44.140	AMD	116*	9	Ch.	8,	§43.85.060	AMD	72*	1
Ch.	7,	§35.44.220	AMD	116*	3	Ch.	8,	§43.85.240	REP	72*	3
Ch.	7,	§35.44.230	AMD	81	90	Ch.	8,	§43.88.160	AMD	170*	4
Ch.	7,	§35.44.260	AMD	81	91	Ch.	9,		ADD	202*	23
Ch.	7,	§35.44.270	AMD	81	92	Ch.	9,		ADD	205*	2
Ch.	7,	§35.45.020	AMD	116*	10	Ch.	9,	§29.01.140	AMD	178*	1
Ch.	7,	§35.45.050	AMD	116*	11	Ch.	9,	§29.04.020	AMD	202*	1
Ch.	7,	§35.49.030	AMD	116*	5	Ch.	9,	§29.04.030	AMD	81	74
Ch.	7,	§35.50.260	AMD	81	93	Ch.	9,	§29.04.080	AMD	202*	2
Ch.	7,	§35.54.010	AMD	116*	7	Ch.	9,	§29.07.010	AMD	202*	4
Ch.	7,	§35.55.080	AMD	81	94	Ch.	9,	§29.07.020	AMD	202*	5
Ch.	7,	§35.56.090	AMD	81	95	Ch.	9,	§29.07.040	AMD	202*	6
Ch.	7,	§35.58.020	AMD	303*	2	Ch.	9,	§29.07.050	AMD	202*	7
Ch.	7,	§35.58.040	AMD	303*	3	Ch.	9,	§29.07.060	AMD	202*	8
Ch.	7,	§35.58.120	AMD	303*	5	Ch.	9,	§29.07.070	AMD	202*	9
Ch.	7,	§35.58.140	AMD	303*	6	Ch.	9,	§29.07.080	AMD	202*	10
Ch.	7,	§35.58.200	AMD	303*	7	Ch.	9,	§29.07.090	AMD	202*	11
Ch.	7,	§35.58.240	AMD	303*	8	Ch.	9,	§29.07.095	AMD	202*	12
Ch.	7,	§35.41.010	AMD	223*	1	Ch.	9,	§29.07.100	AMD	202*	13
Ch.	7,	§35.41.030	AMD	223*	2	Ch.	9,	§29.07.105	AMD	202*	14
Ch.	7,	§35.41.080	AMD	223*	3	Ch.	9,	§29.07.110	AMD	202*	15
Ch.	7,	§35.41.090	AMD	223*	4	Ch.	9,	§29.07.120	AMD	202*	16
Ch.	7,	§35.81.010	AMD	177*	6	Ch.	9,	§29.07.130	AMD	202*	17
Ch.	7,		ADD	61*	2	Ch.	9,	§29.07.140	AMD	202*	18
Ch.	8,		ADD	210*	1	Ch.	9,	§29.07.150	AMD	202*	19
Ch.	8,		ADD	263*	1	Ch.	9,	§29.07.160	AMD	202*	20
Ch.	8,	§43.01.090	AMD	159*	1	Ch.	9,	§29.07.170	AMD	202*	21
Ch.	8,	§43.07.120	AMD	81	107	Ch.	9,	§29.07.180	AMD	202*	22
Ch.	8,	§43.08.020	AMD	14	1	Ch.	9,	§29.10.010	REP	202*	45
Ch.	8,	§43.08.020	AMD	81	108	Ch.	9,	§29.10.020	AMD	202*	24
Ch.	8,	§43.08.066	AMD	54*	1	Ch.	9,	§29.10.030	AMD	202*	25
Ch.	8,	§43.08.070	AMD	88*	2	Ch.	9,	§29.10.040	AMD	202*	26
Ch.	8,	§43.08.080	AMD	88*	3	Ch.	9,	§29.10.060	AMD	202*	27
Ch.	8,	§43.08.120	AMD	15	1	Ch.	9,	§29.10.070	REP	202*	46
Ch.	8,	§43.09.050	AMD	170*	1	Ch.	9,	§29.10.080	AMD	202*	28
Ch.	8,	§43.09.310	AMD	170*	2	Ch.	9,	§29.10.090	AMD	202*	29
Ch.	8,	§43.10.030	AMD	81	109	Ch.	9,	§29.10.095	AMD	202*	30
Ch.	8,	§43.19.200	AMD	81	111	Ch.	9,	§29.10.100	AMD	202*	31
Ch.	8,	§43.22.010	AMD	66	2	Ch.	9,	§29.10.110	AMD	202*	32
Ch.	8,	§43.22.050	AMD	239*	9	Ch.	9,	§29.10.120	AMD	202*	33
Ch.	8,	§43.22.060	REP	239*	13	Ch.	9,	§29.18.120	AMD	112*	1
Ch.	8,	§43.22.070	REP	239*	13	Ch.	9,	§29.21.070	AMD	81	75
Ch.	8,	§43.22.080	REP	239*	13	Ch.	9,	§29.30.020	AMD	81	76

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Ch. 73, § 12	AMD	283*	10	Ch. 17, § 13	AMD	58*	1						
Ch. 79, § 10	REP	180*	11	Ch. 32, § 32	REP	284*	16						
Ch. 79, § 14	AMD	180*	9	Ch. 32, § 52	AMD	148*	2						
Ch. 80, § 1	AMD	289*	76	Ch. 32, § 68	AMD	284*	1						
Ch. 88, § 10	AMD	69	1	Ch. 32, § 79	AMD	74*	8						
Ch. 88, § 11	AMD	69	2	Ch. 32, § 94	AMD	7*	1						
Ch. 90, §§ 2-5	REP	189*	17	Ch. 32, § 96	AMD	7*	3						
Ch. 90, §§ 7-10	REP	189*	17	Ch. 32, § 98	AMD	7*	5						
Ch. 90, § 12	REP	189*	17	Ch. 32, § 99	AMD	7*	6						
Ch. 92, §§ 1,2	REP	299*	76	Ch. 32, § 100	AMD	7*	7						
Ch. 99, § 2	AMD	271*	14	Ch. 50, § 2	AMD	271*	1						
Ch. 107, § 2	AMD	292*	23	Ch. 52, § 2	AMD	116*	4						
Ch. 107, § 3	AMD	292*	24	Ch. 52, § 7	REP	116*	12						
Ch. 109, § 1	AMD	61	1	Ch. 52, § 11	AMD	116*	9						
Ch. 116, § 2	AMD	16*	1	Ch. 54, § 16	AMD	277*	22						
Ch. 119, § 5	AMD	91*	5	Ch. 54, § 17	AMD	277*	23						
Ch. 120, § 3	AMD	85*	5	Ch. 71, §§ 1,2	REP	308*	69.50.606						
Ch. 121, § 6	AMD	292*	43	Ch. 72, § 1	AMD	96*	1						
Ch. 122, § 1	AMD	289*	7	Ch. 72, § 5	AMD	96*	2						
Ch. 122, § 2	AMD	289*	8	Ch. 72, § 6	AMD	96*	3						
Ch. 122, § 3	AMD	289*	11	Ch. 72, § 7	AMD	96*	4						
Ch. 125, §§ 3-6	REP	240*	22	Ch. 72, § 10	AMD	96*	5						
Ch. 136, § 1	AMD	140*	1	Ch. 72, § 12	AMD	96*	6						
Ch. 141, § 1	AMD	299*	16	Ch. 72, § 17	AMD	96*	7						
Ch. 141, § 2	AMD	299*	18	Ch. 72, § 18	AMD	96*	8						
Ch. 141, § 4	AMD	299*	20	Ch. 72, § 22	AMD	96*	9						
Ch. 141, § 6	AMD	299*	21	Ch. 72, § 23	AMD	96*	10						
Ch. 150, § 2	AMD	81	106	Ch. 72, § 24	AMD	96*	11						
Ch. 155, § 62	AMD	284*	1	Ch. 72, § 29	AMD	81	98						
Ch. 156, § 1	AMD	202*	32	Ch. 78, § 1	AMD	169*	9						
Ch. 156, § 3	AMD	202*	34	Ch. 79, § 4	AMD	266*	14						
Ch. 156, § 4	AMD	202*	35	Ch. 79, § 6	AMD	68	2						
Ch. 156, § 6	AMD	202*	3	Ch. 85, §§ 2,3	REP	307*	24						
Ch. 156, § 8	AMD	202*	36	Ch. 86, § 2	REP	175*	33						
Ch. 157, § 6-105	AMD	23	1	Ch. 91, § 1	AMD	81	48						
Ch. 165, § 1	AMD	289*	10	Ch. 105, § 1	AMD	303*	3						
Ch. 165, § 2	AMD	289*	43	Ch. 105, § 10	AMD	303*	4						
Ch. 165, § 3	AMD	289*	68	Ch. 105, § 11	AMD	303*	8						
Ch. 165, § 4	AMD	289*	23	Ch. 105, § 16	AMD	303*	10						
Ch. 166, § 1	AMD	289*	9	Ch. 107, § 2	REP	76	6						
Ch. 166, § 2	AMD	289*	50	Ch. 121, § 4	AMD	299*	54						
Ch. 166, § 3	AMD	289*	51	Ch. 124, § 1	AMD	40	1						
Ch. 168, § 1	AMD	281*	11	Ch. 127, § 5	AMD	271*	7						
Ch. 168, § 3	AMD	281*	12	Ch. 130, § 1	REP	67*	20						
Ch. 170, § 29	AMD	115*	1	Ch. 141, § 2	AMD	118*	2						
Ch. 170, § 45	AMD	22*	1	Ch. 141, § 4	AMD	118*	3						
Ch. 170, § 61	AMD	91*	4	Ch. 145, § 7	AMD	222*	5						
Ch. 173, § 15	AMD	299*	7	Ch. 149, § 1	AMD	81	6						
Ch. 173, § 23	AMD	299*	13	Ch. 150, § 19	AMD	292*	47						
Ch. 173, § 24	AMD	299*	14	Ch. 153,	ADD	245*	6						
Ch. 173, § 25	AMD	299*	77	Ch. 153,	ADD	245*	7						
Ch. 173, § 27	AMD	299*	17	Ch. 153,	ADD	245*	8						
Ch. 173, § 29	REP	299*	76	Ch. 153,	ADD	245*	9						
Ch. 174, § 1	REP	288*	27	Ch. 153,	ADD	245*	10						
				Ch. 153,	ADD	245*	11						
				Ch. 153,	ADD	245*	12						
				Ch. 153,	ADD	245*	13						
				Ch. 153,	ADD	245*	14						
				Ch. 153, § 1	AMD	156*	1						
				Ch. 153, § 3	AMD	156*	2						
				Ch. 153, § 6	AMD	156*	3						
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Ch. 5, § 1	AMD	257*	19										
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Ch. 162, § 3	AMD	31	1	Ch. 24, § 1	AMD	158*	1		
Ch. 162, § 3	AMD	23*	1	Ch. 26, § 51	AMD	81	14A		
Ch. 162, § 4	AMD	31	2	Ch. 30, § 4	AMD	169*	4		
Ch. 167, § 3	AMD	292*	44	Ch. 31, § 1	AMD	169*	1		
Ch. 167, § 8	AMD	292*	42	Ch. 36, § 3	AMD	277*	1		
Ch. 167, § 10	AMD	292*	45	Ch. 50, § 9	AMD	266*	20		
Ch. 168, § 6	AMD	7	1	Ch. 51, § 19	AMD	85*	10		
Ch. 168, § 12	AMD	12*	2	Ch. 53,	ADD	226*	4		
Ch. 168, § 13	AMD	12*	3	Ch. 53,	ADD	226*	5		
Ch. 172, §§18-20	REP	189*	17	Ch. 53,	ADD	226*	6		
Ch. 172, § 22	REP	189*	17	Ch. 53, § 2	AMD	226*	1		
Ch. 174, § 8	AMD	248*	3	Ch. 53, § 3	REP	226*	7		
Ch. 177, § 2	AMD	191*	1	Ch. 53, § 6	AMD	226*	2		
Ch. 177, § 5	AMD	191*	2	Ch. 53, § 7	AMD	226*	3		
Ch. 177, § 8	AMD	191*	4	Ch. 53, § 11	AMD	81	64		
Ch. 177, § 12	AMD	191*	5	Ch. 62, § 2	AMD	60	1		
Ch. 177, § 13	AMD	191*	7	Ch. 63, § 2	AMD	224*	2		
Ch. 177, § 14	AMD	191*	8	Ch. 71, § 1	AMD	21	1		
Ch. 177, § 18	AMD	191*	6	Ch. 73, § 1	AMD	178*	3		
Ch. 180, § 15	AMD	81	83	Ch. 73, § 2	AMD	178*	4		
Ch. 184, § 14	AMD	81	163	Ch. 73, § 3	AMD	178*	6		
Ch. 189, § 9	AMD	127*	1	Ch. 73, § 4	AMD	178*	7		
Ch. 189, § 16	AMD	81	97	Ch. 73, § 5	AMD	178*	9		
Ch. 190, § 8	AMD	38*	1	Ch. 73, § 6	AMD	178*	10		
Ch. 194, § 1	AMD	103*	1	Ch. 73, § 7	AMD	178*	11		
Ch. 194, § 3	AMD	103*	2	Ch. 73, § 8	AMD	178*	12		
Ch. 194, § 4	AMD	103*	3	Ch. 74, § 6	AMD	74*	1		
Ch. 196, §§ 1-3	REP	175*	33	Ch. 74, § 7	AMD	74*	2		
Ch. 200, § 10	AMD	81	46	Ch. 74, § 9	AMD	74*	5		
Ch. 201, § 3	AMD	266*	6	Ch. 74, § 10	AMD	74*	6		
Ch. 201, § 6	AMD	292*	20	Ch. 74, § 26	AMD	74*	3		
Ch. 211, § 1	AMD	16	1	Ch. 74, § 27	AMD	74*	4		
Ch. 218, §§ 1, 2	REP	25*	3	Ch. 74, § 29	AMD	74*	9		
Ch. 218, § 4	REP	237*	3	Ch. 76, § 1	AMD	245*	2		
Ch. 220, § 1	REEN	8	5	Ch. 83, §§ 6, 7	REP	175*	33		
Ch. 223, § 9	AMD	266*	2	Ch. 83, § 18	AMD	85*	8		
Ch. 225, § 3	AMD	202*	34	Ch. 83, § 22	AMD	291*	1		
Ch. 232, § 4	AMD	150*	1	Ch. 83, § 23	AMD	291*	2		
Ch. 235,	ADD	53*	2	Ch. 83, § 25	AMD	291*	3		
Ch. 235, § 3	AMD	53*	1	Ch. 83, § 57	AMD	231*	1		
Ch. 237, § 3	AMD	250*	17	Ch. 84, § 2	AMD	83*	4		
Ch. 238, § 42	REP	232*	7	Ch. 85, § 2	AMD	73*	29		
Ch. 238, § 57	REP	194*	7	Ch. 88, § 1	AMD	292*	30		
Ch. 239, § 3	AMD	33	1	Ch. 88, § 4	AMD	292*	31		
Ch. 240, §§16-21	REP	33*	30	Ch. 88, § 6	AMD	292*	32		
Ch. 240, § 35	AMD	135*	5	Ch. 88, § 8	AMD	292*	33		
Ch. 240, § 40	AMD	182*	1	Ch. 88, § 11	AMD	292*	34		
Ch. 240, § 43	AMD	182*	13	Ch. 88, § 14	AMD	292*	35		
Ch. 240, § 51	AMD	65	1	Ch. 89, § 8	REP	175*	33		
				Ch. 94,	ADD	143*	7		
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Ch. 8, § 49	AMD	170*	4	Ch. 108, § 13	AMD	19*	2		
Ch. 10,	ADD	156*	5	Ch. 109, § 3	AMD	202*	28		
Ch. 10, § 7	AMD	156*	4	Ch. 109, § 9	AMD	202*	41		
Ch. 13, § 1	AMD	7*	2	Ch. 109, § 18	AMD	6*	1		
Ch. 13, § 2	AMD	7*	4	Ch. 110, § 15	AMD	277*	24		
Ch. 13, § 3	AMD	7*	8	Ch. 110, § 16	AMD	84*	1		
Ch. 13, § 4	AMD	7*	9	Ch. 111, § 2	AMD	304*	6		
Ch. 13, § 5	AMD	7*	10	Ch. 111, § 3	AMD	304*	7		
Ch. 20, § 1	AMD	126*	1	Ch. 111, § 6	AMD	204*	1		
Ch. 20, § 3	AMD	126*	2	Ch. 111, § 15	AMD	204*	2		
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Ch. 119, §35A.03.150	REP	251*	13	Ch. 13, §	1 AMD 4* 1	
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Ch. 119, §35A.12.070	AMD	251*	5	Ch. 13, §	5 AMD 4* 3	
Ch. 119, §35A.14.015	AMD	251*	10	Ch. 25, §	2 AMD 141* 3	
Ch. 119, §35A.14.030	AMD	251*	6	Ch. 30, §	1 AMD 129* 1	
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Ch. 32,	\$	1	AMD	66	2	Ch. 155,	\$	4	AMD	65*	1
Ch. 34,	\$	17	AMD	282*	40	Ch. 163,	\$	9	AMD	128*	1
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Ch. 35,	\$	3	AMD	167*	1	Ch. 170,	\$	5	AMD	231*	10
Ch. 35,	\$	4	AMD	167*	2	Ch. 170,	\$	6	AMD	231*	1
Ch. 35,	\$	5	AMD	302*	15	Ch. 170,	\$	14	AMD	292*	45
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Ch. 63,	\$	2	AMD	74*	1	Ch. 173,	\$	17	REP	164*	28
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Ch. 69,	\$	1	AMD	148*	1	Ch. 176,			ADD	282*	12
Ch. 71,	\$	2	AMD	129*	1	Ch. 176,			ADD	282*	14
Ch. 71,	\$	4	AMD	129*	2	Ch. 176,			ADD	282*	15
Ch. 79,	\$	2	AMD	302*	3	Ch. 176,			ADD	282*	20
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Ch. 79,	\$	4	AMD	302*	5	Ch. 176,	\$	1	AMD	282*	1
Ch. 83,	\$	2	AMD	38*	6	Ch. 176,	\$	2	AMD	282*	2
Ch. 83,	\$	3	AMD	133*	3	Ch. 176,	\$	3	AMD	282*	3
Ch. 92,	\$	4	AMD	142*	1	Ch. 176,	\$	4	AMD	282*	6
Ch. 105,	\$	1	AMD	85*	7	Ch. 176,	\$	5	AMD	282*	7
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Ch. 109,	\$	2	AMD	215*	2	Ch. 176,	\$	8	AMD	282*	10
Ch. 111,	\$	5	AMD	127*	1	Ch. 176,	\$	9	AMD	53	1
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Ch. 137,	\$	23	AMD	302*	8	Ch. 176,	\$	139	REP	67	9
Ch. 137,	\$	24	AMD	302*	9	Ch. 176,	\$	142	AMD	93*	4
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Ch. 56, § 81	AMD	272*	4	Ch. 38, § 1	AMD	218*	1
Ch. 56, § 85	AMD	218*	2	Ch. 48, § 2	AMD	215*	1
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