

1973—1974
SESSION LAWS
OF THE
STATE OF WASHINGTON

2nd EXTRAORDINARY SESSION
FORTY-THIRD LEGISLATURE
(1973 2nd EX. SESS.)

Convened September 8, 1973. Adjourned sine die September 15, 1973.

3rd EXTRAORDINARY SESSION
FORTY-THIRD LEGISLATURE
(1974 1st EX. SESS.)

Convened January 14, 1974. Adjourned February 13, 1974.
Reconvened April 15, 1974. Adjourned sine die April 24, 1974.



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RICHARD O. WHITE
Code Reviser



**PERTINENT FACTS CONCERNING THE WASHINGTON
SESSION LAWS**

1. EDITIONS AVAILABLE

- (a) *General information.* The session laws are printed successively in two editions;
- (i) a temporary pamphlet edition consisting of a series of one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions are accompanied by a subject index and tables indicating code sections affected.
- (b) *Temporary pamphlet edition—where and how obtained—price.* The temporary session laws may be ordered from the Statute Law Committee, Legislative Building, Olympia, Washington 98504 at one dollar per year, 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 1973 Regular Session and the 1973 1st Extraordinary Session, were combined in one volume. The laws of the 1973 2nd Extraordinary Session will be combined in a second volume with the laws of the 1974 1st Extraordinary Session. 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) Vetoes 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, and legislative override messages, are printed at the end of the chapter concerned.

- (c) The secretary of state has assigned an additional chapter number to each of the bills of the 1974 1st ex. sess. containing overridden partial vetoes. Thus House Bill No. 916 appears herein as chapter 138 with all item vetoes prior to override, and also as chapter 154 subsequent to the overrides. Substitute House Bill No. 473 likewise appears herein as chapters 135 and 155.

4.—EDITORIAL CORRECTIONS. Words and clauses inserted herein pursuant to the authority of RCW 44.20.060 are enclosed in brackets[].

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 laws of the 1973 2nd Extraordinary Session is December 15, 1973 (midnight December 14). The pertinent date for the laws of the 1974 1st Extraordinary Session is July 24, 1974 (midnight July 23).
- (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

Indexes of laws published herein and pertinent tables, may be found at the back of Parts 1 and 2 of this volume.

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1st Extra.	Mar. 9, 1973	April 15, 1973	1-222	1973 1st Ex. Sess.	'73 Sess. Laws
2nd Extra.	Sept. 8, 1973	Sept. 15, 1973	1-41	1973 2nd Ex. Sess.	'73-'74 Sess. Laws
3rd Extra.	Jan. 14, 1974	April 24, 1974	1-199	1974 1st Ex. Sess.	'73-'74 Sess. Laws

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CHAPTER 1

[House Bill No. 356]

MEMORIAL DAY--VETERANS'
DAY--CELEBRATION DATES

AN ACT Relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 11, Laws of 1969 and RCW 1.16.050; and amending section 3, chapter 9, Laws of 1955 1st ex. sess. and RCW 42.04.060.

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

Section 1. Section 1, chapter 51, Laws of 1927, as last amended by section 1, chapter 11, Laws of 1969 and RCW 1.16.050 are each amended to read as follows:

The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the ~~((last Monday of May))~~ thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the second Monday of October, to be known as Columbus Day; the ~~((fourth Monday of October))~~ eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; the day on which any general election is held throughout the state; and any day designated by public proclamation of the chief executive of the state as a legal holiday.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday.

Sec. 2. Section 3, chapter 9, Laws of 1955 1st ex. sess. and RCW 42.04.060 are each hereby amended to read as follows:

All state elective and appointive officers shall keep their offices open for the transaction of business from eight o'clock a.m. to five o'clock p.m. of each business day from Monday through Friday, state legal holidays excepted. On Saturday, such offices may be closed.

This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor.

Passed the Senate April 11, 1973.

Passed the House April 13, 1973.

Vetoed by the Governor April 26, 1973.

Veto overridden by the Senate September 14, 1973.

Veto overridden by the House September 14, 1973.

Filed in Office of Secretary of State September 18, 1973.

Note: Governor's explanation of veto is as follows:

"I return herewith, without my approval, House Bill No. 356 entitled:

"AN ACT Relating to legal holidays."

This bill provides that state employees will observe Memorial Day on the 30th of May, instead of the last Monday in May, and Veteran's Day on the 11th day of November instead of the fourth Monday in October.

If approved, House Bill 356 would create a situation where state and federal agencies would be unable to conduct business with each other on either the state or federal holiday. The private sector would also be disrupted because some firms would close on the federal holiday, others would close on the state holiday. The disruptive impact on the functions of both government and private industry would be tremendous. In addition, many families would not be able to observe these two holidays together. I have already signed into law House Bill 117, Chapter 32 of the 1973 Regular Session, which sets school holidays to comply with federal legal holidays. Since House Bill 356 would require state employees to work on these federal holidays, many state employees would not be able to be with their families. Also there are many families where both the mother and father work, and it is very possible that their employers may not give them the same day off.

While it is recognized that many of our citizens desire to observe these holidays on the same day as they were observed in the past, such observance is in conflict with the Congressional determination that these holidays be observed on Mondays, thus giving many workers a three-day weekend. I believe it is important that we conform our

observance of these holidays with that of the federal government. Without such conformity, there would be confusion and frustration among employees and employers alike."

The Honorable A. Ludlow Kramer
Secretary of State
State of Washington

Dear Mr. Secretary:

"I am returning herewith House Bill No. 356 entitled:

"AN ACT Relating to legal holidays"

This bill was vetoed by Governor Evans on April 26, 1973. The veto was overridden by the Legislature on September 14, 1973.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 2
[Substitute House Bill No. 323]
CONTROLLED SUBSTANCES--
MANDATORY SENTENCES

AN ACT Relating to controlled substances; defining crimes; providing for mandatory sentencing; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.401; adding a new section to chapter 308, Laws of 1971 ex. sess. and to chapter 69.50 RCW; and prescribing penalties.

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

Section 1. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, 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 chapter, 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 chapter. 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.

This section shall not apply to offenses defined and punishable under the provisions of section 2 of this 1973 amendatory act.

NEW SECTION. Sec. 2. There is added to chapter 308, Laws of 1971 ex. sess. and to chapter 69.50 RCW a new section to be designated as 69.50.410 to read as follows:

69.50.410. PROHIBITED ACTS D--PENALTIES. (1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana.

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the board of prison terms and paroles under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United

States, up to the amount of five hundred thousand dollars on each count.

(5) Any person, addicted to the use of controlled substances, who voluntarily places himself in the custody of the department of social and health services for the purpose of participating in a rehabilitation program of the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 as now or hereafter amended.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Vetoed by the Governor April 26, 1973.

Veto overridden by Senate September 15, 1973.

Veto overridden by House September 14, 1973.

Filed in Office of Secretary of State September 18, 1973.

Note: Governor's explanation of veto is as follows:

"I am returning herewith without my approval

Substitute House Bill No. 323 entitled:

"AN ACT Relating to controlled substances."

This bill would have created mandatory sentences for persons convicted of certain types of crimes involving sale of drugs. I am in full agreement that we need stiff penalties for certain offenders, especially where the offender has earned enormous sums from the sale of drugs. However, certain deficiencies in this act make it unacceptable. However, inasmuch as it would not have gone into effect until the second week of July, and since the legislature will have the opportunity to enact a new law in September, if the legislature does act in September only two months will be lost.

The whole structure of mandatory sentences needs a comprehensive investigation. To require them in all

classified cases may well have the effect of not obtaining a conviction in some cases because it would be known that the defendant would have no hope of release prior to five years and there are many cases where that length of punishment, under all the circumstances, is inappropriate.

It should also be noted that this act would lower the penalty from ten years maximum to five years maximum for sale of a controlled substance classified in schedule I of the controlled substances act. Currently, sale of schedule I substances, which are also narcotics, results in a ten year maximum term. The language concerning maximum terms in section two would clearly make ambiguous what the correct law was for such cases. Moreover, subsection five of section two, though attempting a laudable purpose, clearly creates unintended consequences. This subsection would allow an addicted person to place himself in the custody of the department of social and health services and as long as no indictment or information had been filed prior to that time, such person would be immune from prosecution for prior offenses. Unfortunately, there is no language determining the length of time such a person would have to stay with the department. Consequently, if an individual felt he was about to be charged, he could theoretically go to the department, leave the next week and potentially be immune from prosecution. It is important that these difficulties and the whole issue of the validity of mandatory sentences be thoroughly reviewed in September.

Accordingly, for the reasons set out above, I have determined to veto Substitute House Bill No. 323."

The Honorable A. Ludlow Kramer
Secretary of State
State of Washington

Dear Mr. Secretary:

"I am returning herewith House Bill No. 323 entitled:

"AN ACT Relating to controlled substances"

This bill was vetoed by Governor Evans on April 26, 1973. The veto was overridden by the House of

Representatives on September 14, 1973 and by the Senate on September 15, 1973.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 3
[House Bill No. 178]
HEALTH CARE ACTIVITIES--LABOR RELATIONS

AN ACT Relating to labor relations in health care activities; amending section 1, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.010; amending section 2, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.020; amending section 3, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.030; amending section 5, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.050; amending section 7, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.070; amending section 8, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.080; amending section 9, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.090; and amending section 12, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.120.

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

Section 1. Section 1, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.010 are each amended to read as follows:

It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the quality of the care given to patients. It is the legislative purpose by this chapter to promote collective bargaining between health care activities and their ((nursing)) employees, to protect the right of ((nursing)) employees of health care activities to organize and select collective bargaining units of their own choosing.

It is further determined that any agreements involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected

and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the ((board)) department shall designate such organization.

Sec. 2. Section 2, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.020 are each amended to read as follows:

As used in this chapter:

(1) "Health care activity" includes any hospital, nursing home, institution, agency or establishment, exclusive of those operated by the state, its municipalities, or political subdivisions, having for one of its principal purposes the preservation of health or the care of sick, aged or infirm persons.

(2) "Bargaining unit" includes any group of employees of a health care activity having substantially common interests with respect to working conditions. The composition of a bargaining unit may be determined by common consent between an employer and its employees, or, in the event either party shall apply to the director of labor and industries for a determination of the composition of a bargaining unit, it shall be determined by the director of labor and industries or his delegated representative. No bargaining unit shall be found appropriate if it includes guards together with other employees.

(3) "Employee" includes any registered nurse or licensed practical nurse or service personnel performing services for wages for a health care activity. The term shall not apply to a member of a religious order assigned to a health care activity by the order as a part of his obligations to it; nor shall it apply to persons performing services in connection with healing by prayer or spiritual means alone in accordance with the tenets and practices of recognized church or religious denominations by adherents thereof; nor shall it apply to supervisors.

(4) "Employer" includes any person, agency, corporation, company or other organization engaged in the operation of a health care activity, whether for profitable or charitable purposes.

(5) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. Supervisor includes registered nurses only if administrative supervision is his or her primary duty and activity.

(6) "Guard" means any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises.

(7) "Director" means the director of the department of labor and industries.

(8) "Department" means the department of labor [and] industries.

Sec. 3. Section 3, chapter 156, Laws 1972 ex. sess. and RCW 49.66.030 are each amended to read as follows:

An employee association shall be deemed the properly designated representative of a bargaining unit when it can show evidence that bargaining rights have been assigned to it by a majority of the employees in the bargaining unit. Should questions arise concerning the representative status of any employee organization claiming to represent a bargaining unit of employees, upon petition by such an organization, it shall be the duty of the director (~~of labor and industries~~), acting by himself or through a designee to investigate and determine the composition of the organization. Any organization found authorized by not less than thirty percent of the employees of a bargaining unit shall be eligible to apply for an election to determine its rights to represent the unit. If more than one organization shall claim to represent any unit, the director (~~of labor and industries~~), or his designee, may conduct an election by secret ballot to determine which organization shall be authorized to represent the unit. In order to be certified as a bargaining representative, an employee organization must receive, in a secret ballot election, votes from a majority of the employees who vote in the election(~~no bargaining representative shall be certified except in this manner~~) , except that nothing in this section shall prohibit the voluntary recognition of a labor organization as a bargaining representative by an employer upon a showing of reasonable proof of majority. In any election held pursuant to this section, there shall be a choice on the ballot for employees to designate that they do not wish to be represented by any bargaining representative. No representation election shall be directed in any bargaining unit or any subdivision thereof within which, in the preceding twelve-month period, a valid election has been held. Thirty percent of the employees of an employer may file a petition for a secret ballot election to ascertain whether the employee organization which has been certified or is currently recognized by their employer as their bargaining representative is no longer their bargaining representative.

No employee organization shall be certified as the representative of employees in a bargaining unit of guards, if such

organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards. The determination shall be based upon a plurality of votes cast in such election, and shall remain in effect for a period of not less than one year. In determining appropriate bargaining units, the director shall limit such units to groups consisting of registered nurses, licensed practical nurses or service personnel: PROVIDED, HOWEVER, That if a majority of each such classification desires inclusion within a single bargaining unit, they may combine into a single unit.

Sec. 4. Section 5, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.050 are each amended to read as follows:

It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of subsection (3) of RCW 49.66.040 or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

(4) Require of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director (~~of labor and industries~~) finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;

(5) Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

(6) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting or otherwise dealing in any of the products or services of any other employer or person, or to cease doing business with any other

employer or person, and any such contract or agreement shall be unenforceable and void; or

(7) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by RCW 49.66.060.

Sec. 5. Section 7, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.070 are each amended to read as follows:

The director (~~(of labor and industries)~~) or any employee organization qualified to apply for an election under RCW 49.66.030 as now or hereafter amended or any employer may maintain in its name or in the name of its members legal action in any county in which jurisdiction of the employer or employee organization may be obtained, to seek relief from the commission of an unfair labor practice (~~(= The court in such action shall have full power to grant either mandatory or prohibitory relief and any other relief the court may deem just and equitable)~~): PROVIDED, That such employer or employee organization exhausts the administrative remedies under rules and regulations promulgated by the department prior to seeking such court action.

The department is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. Any party aggrieved by any remedial order is entitled to the judicial review thereof in accordance with the provisions of chapter 34.04 RCW.

Sec. 6. Section 8, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.080 are each amended to read as follows:

The director (~~(of labor and industries)~~) shall have the power to make such rules and regulations not inconsistent with this chapter, including the establishment of procedures for the hearing and determination of charges alleging unfair labor practices, and for a determination on application by either party when an impasse has arisen, and as he shall determine are necessary to effectuate its purpose and to enable him to carry out its provisions.

Sec. 7. Section 9, chapter 156, Laws of 1972 ex. sess. and RCW 49.66.090 are each amended to read as follows:

In the event that a health care activity and an employees' bargaining unit shall reach an impasse, (~~(it)~~) the matters in dispute shall be submitted to a board of arbitration composed of three ((arbiters)) arbitrators for final and binding resolution. The board shall be selected in the following manner: Within ten days, the employer shall appoint one arbitrator and the employees shall appoint one arbitrator. The two arbitrators so selected and named shall within ten days agree upon and select the name of a third arbitrator who shall act as chairman. If, upon the expiration of the period allowed therefor the arbitrators are unable to agree on the selection of a third arbitrator, such arbitrator shall be appointed at the

request of either party in accordance with the provisions of RCW 7.04.050 and he shall act as chairman of the arbitration board.

Section 8. Section 12, chapter 156, Laws of 1972, ex. sess. and RCW 49.66.120 are each amended to read as follows:

((Members of the board)) The arbitrator so selected by the parties shall be paid at the daily rate ((of fifty dollars per day)) or rates not to exceed the usual or customary rates paid to arbitrators in addition to travel expenses and subsistence at the rates by law provided for state employees generally. Such sums together with all expenses of the hearing shall be borne equally by the parties to the arbitration proceedings.

Passed the Senate September 14, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 4

[House Bill No. 189]

SCHOOL FUNDS, STATE GUARANTEE--LEVIES, PUBLIC
HEALTH WORK, VETERANS' RELIEF

AN ACT Relating to revenue and taxation; amending section 2, chapter 46, Laws of 1973 as amended by section 9, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; amending section 152, chapter 195, Laws of 1973 1st ex. sess. and RCW (___-___); amending section 154, chapter 195, Laws of 1973 1st ex. sess. (uncodified); amending section 1, chapter 191, Laws of 1939 as last amended by section 78, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.12.010; amending section 7, page 210, Laws of 1888 as last amended by section 86, chapter 195, Laws of 1973 1st ex. sess. and RCW 73.08.080; prescribing effective dates; and declaring an emergency.

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

Section 1. Section 2, chapter 46, Laws of 1973 as amended by section 9, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the 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 pupil enrolled, based upon one full school year of one

hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) 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

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

~~((Notwithstanding any other provision of this chapter, allocation of moneys to school districts per enrolled student shall be an amount, not less than ninety-five percent of the amount, excluding special levies, which any such district realized from state and local funds during the immediately preceding school year.))~~
Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years.

Sec. 2. Section 152, chapter 195, Laws of 1973 1st ex. sess. and RCW (___.___.___) are each amended to read as follows:

~~((Notwithstanding any other provision of this chapter, allocation of moneys to school districts per enrolled student shall be an amount, not less than ninety-five percent of the amount, excluding special levies, which any such district realized from state and local funds during the immediately preceding school year.))~~
Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years.

Sec. 3. Section 154, chapter 195, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

This 1973 amendatory act, chapter 195, Laws of 1973, is necessary for the immediate preservation of the public peace, health

and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That section 9 shall take effect January 1, 1975, and section 133 (3) shall take effect on January 31, 1974: PROVIDED, FURTHER, That section 137 ((of this 1973 amendatory act)) shall not be effective until July 1, 1973, at which time section 136 ((of this 1973 amendatory act)) shall be void and of no effect: PROVIDED, FURTHER, That section 138 ((of this 1973 amendatory act)) shall not be effective until January 1, 1974, at which time section 137 ((of this 1973 amendatory act)) shall be void and of no effect: PROVIDED, FURTHER, That section 139 ((of this 1973 amendatory act)) shall not be effective until July 1, 1974 at which time section 138 ((of this 1973 amendatory act)) shall be void and of no effect, and section 139 shall be null and void and of no further effect on and after January 1, 1975: PROVIDED, FURTHER, That sections 1 through 8, sections 10 through 132, section 133 (1), (2), (4), and (5), and section 134 shall not take effect until January 1, 1974, at which time sections 135, 136, and sections 140 through ((452)) 151 shall be void and of no effect: PROVIDED, FURTHER, That section 152 shall be void and of no effect on and after January 1, 1975.

Sec. 4. Section 1, chapter 191, Laws of 1939 as last amended by section 78, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.12.010 are each amended to read as follows:

Each board of county commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to the amount which would be raised by a levy of ((five)) four and one-half cents per thousand dollars of assessed value against the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source of county revenue or from budgeting additional sums for public health work.

Sec. 5. Section 7, page 210, Laws of 1888 as last amended by section 86, chapter 195, Laws of 1973 1st ex. sess. and RCW 73.08.080 are each amended to read as follows:

The boards of county commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-((quarter))eighth cents per thousand dollars of assessed value, and not greater than ((thirty)) twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's relief fund for the relief of honorably discharged veterans who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the

Indian wars, or the Spanish-American war or the Philippine insurrection, in the First World War, or Second World War or Korean conflict, or Viet Nam conflict, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such board of county commissioners: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of one and one-~~((quarter))~~eighth cents per thousand dollars of assessed value against the taxable property of the county, the county commissioners may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's relief fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's relief fund as herein provided for to the county current expense fund.

NEW SECTION. Sec. 6. Sections 4 through 6 of this 1973 amendatory act shall be effective on and after January 1, 1974.

NEW SECTION. Sec. 7. Except as otherwise in this 1973 amendatory act provided, this 1973 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 September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 5

[House Bill No. 190]

PROPERTY TAX REFUNDS

AN ACT Relating to revenue and taxation; amending section 84.69.050, chapter 15, Laws of 1961 and RCW 84.69.050; amending section 84.69.060, chapter 15, Laws of 1961 and RCW 84.69.060; amending section 84.69.070, chapter 15, Laws of 1961 as last amended by section 1, chapter 114, Laws of 1963 and RCW 84.69.070; amending section 84.69.100, chapter 15, Laws of 1961 and RCW 84.69.100; and declaring an emergency.

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

Section 1. Section 84.69.050, chapter 15, Laws of 1961 and RCW 84.69.050 are each amended to read as follows:

The part of the refund representing amounts paid to the state shall be paid from the county general fund and the state auditor

shall, upon the next succeeding settlement with the county, certify this amount refunded to the county: PROVIDED, That when a statewide refund of tax funds pursuant to state levies is required, the state auditor and department of revenue shall authorize adjustment procedures whereby counties may deduct from property tax remittances to the state the amount required to cover the state's portion of the refunds.

Sec. 2. Section 84.69.060, chapter 15, Laws of 1961 and RCW 84.69.060 are each amended to read as follows:

Refunds ordered under this chapter with respect to county and state taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer: PROVIDED, That in making refunds on a county or district wide basis, the county treasurer may make an adjustment on the next property tax payment due for the amount of the refund unless the taxpayer requests immediate refund.

Sec. 3. Section 84.69.070, chapter 15, Laws of 1961 as last amended by section 1, chapter 114, Laws of 1963 and RCW 84.69.070 are each amended to read as follows:

Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any, as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury. When such refunds are made as a result of taxes paid under levies or statutes adjudicated to be illegal or unconstitutional all administrative costs including interest paid on the refunds incurred by the county treasurer in making such refunds shall be a charge against the funds of such districts and/or the state on a pro rata basis until the county current expense fund is fully reimbursed for the administrative expenses incurred in making such refund: PROVIDED, That whenever orders for refunds of ad valorem taxes promulgated by boards of county commissioners and unpaid checks shall expire and become void as provided in RCW 84.69.110, then any moneys remaining in a refund account established by the county treasurer for any taxing district may be transferred by the county treasurer from such refund account to the county current expense fund to reimburse the county for the administrative expense incurred in making refunds as prescribed herein. Any excess then remaining in the taxing district refund account may then be transferred by the county treasurer to the current expense fund of the taxing district for which the tax was originally levied and collected.

Sec. 4. Section 84.69.100, chapter 15, Laws of 1961 and RCW 84.69.100 are each amended to read as follows:

Refunds of taxes made pursuant to RCW 84.69.010 through

84.69.090 shall include interest at the rate of five percent per annum from the date of collection of the portion refundable or from the date of claim for refund, whichever is later; PROVIDED, That refunds on a state, county, or district wide basis during 1973 shall not commence to accrue interest until six months following the date of the final order of the court. No written protest by individual taxpayers need to be filed to receive a refund pursuant to this 1973 amendatory act.

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 September 12, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 6

[Substitute House Bill No. 221]

FOOD STAMPS--RESALE--

PENALTIES

AN ACT Relating to food stamps; adding a new section to chapter 9.91 RCW; and 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 9.91 RCW a new section to read as follows:

Any person who resells food stamps manufactured under the food stamp program established pursuant to RCW 74.04.500, 74.04.505 and 74.04.510, or food purchased therewith, and any person who knowingly purchases such resold stamps or food, shall (1) if the face value of the stamps or food transferred be one hundred dollars or more, be guilty of a gross misdemeanor and (2) if the face value of the stamps or food transferred be less than one hundred dollars, shall be guilty of a misdemeanor.

Passed the Senate September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 7

[House Bill No. 458]

UNEMPLOYMENT COMPENSATION--
PARTIAL BENEFIT FORMULA

AN ACT Relating to unemployment compensation; amending section 32, chapter 35, Laws of 1945 and RCW 50.04.310; amending section 19, chapter 2, Laws of 1970 ex. sess. as amended by section 1, chapter 167, Laws of 1973 ex. sess. and RCW 50.04.323; amending section 81, chapter 35, Laws of 1945 as last amended by section 3, chapter 321, Laws of 1959 and RCW 50.20.130; and establishing an effective date.

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

Section 1. Section 32, chapter 35, Laws of 1945 and RCW 50.04.310 are each amended to read as follows:

An individual shall be deemed to be "unemployed" in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full time work, if the remuneration payable to him with respect to such week is less than one and one-third times his weekly benefit amount plus five dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

Sec. 2. Section 19, chapter 2, Laws of 1970 ex. sess. as amended by section 1, chapter 167, Laws of 1973 ex. sess. and RCW 50.04.323 are each amended to read as follows:

~~((4))~~ Any payments which an individual has claimed, is receiving or has received under a government ~~((and/))~~ or ~~((a))~~ private retirement pension plan ~~((7))~~ to which a base year employer has contributed on behalf of such individual ~~((7))~~ shall ~~((be deemed remuneration under this title for the purpose of determining eligibility and the amount of weekly benefits to which such an individual is entitled: PROVIDED, That in no event will old age and survivors insurance benefits, under the provisions of Title II of the federal social security act, as amended, serve to reduce an individual's weekly benefit amount: PROVIDED FURTHER, That commencing with benefit years beginning on and after July 1, 1973, retirement pensions which are based in full on wages earned prior to the base year, and which have been applied for and approved, shall not be deemed remuneration for the purposes of this title))~~ reduce the unemployment compensation payable to him on the following basis:

(1) If such payment, prorated weekly, equals or exceeds the weekly benefit amount to which he would normally be entitled on the basis of his base year earnings then he shall be totally ineligible;

(2) If such payment, prorated weekly, is less than the weekly benefit amount to which he would normally be entitled on the basis of

this title and regulations enacted pursuant thereto, his weekly benefit amount shall be reduced by the amount which his prorated weekly pension amount exceeds twelve dollars. The reduced benefit amount so computed, if not a multiple of one dollar, shall be raised to the next higher multiple of one dollar.

Any amounts deducted by reason of this section shall not be available for the payment of future benefits, that is, the individual's total benefit entitlement shall be reduced by the amount of benefits paid plus any amounts deducted pursuant to this section.

Payments received under the old age and survivors insurance program contained in Title II of the federal social security act, as amended, payments received on account of disability rather than on account of age or length of service and, commencing with benefit years beginning on and after July 1, 1973, payments attributable to retirement pensions which are based in full on wages earned prior to the individual's base year shall not operate to reduce an individual's weekly benefit amount.

~~((2))~~ Payments claimed or received under a government ~~((and/))~~ or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year ~~((earnings of the individual))~~ wages.

~~((3))~~ In the event that a retroactive ~~((retirement or))~~ pension ~~((payment))~~ or retirement plan covers a period in which an individual received benefits under the provisions of this title, the amount in excess ~~((paid over))~~ of the amount to which ~~((he))~~ such individual would have been entitled had such retirement or pension ~~((payment))~~ plan been considered ~~((7))~~ as provided in ~~((subsection (4) above))~~ this section shall be recoverable under RCW 50.20.190 ~~((: PROVIDED; HOWEVER, That any amounts which have been deducted from the weekly benefit amount by reason of the provisions of this section shall not be available for future benefits: PROVIDED; FURTHER, That no payments received on account of temporary or permanent disability rather than on account of age or length of service shall be considered compensation paid for personal services))~~.

Sec. 3. Section 81, chapter 35, Laws of 1945 as last amended by section 3, chapter 321, Laws of 1959 and RCW 50.20.130 are each amended to read as follows:

If an eligible individual is available for work for less than a full week, he shall be paid his weekly benefit amount reduced by one-seventh of such amount for each day that he is unavailable for work: PROVIDED, That if he is unavailable for work for three days or more of a week, he shall be considered unavailable for the entire week.

Each eligible individual who is unemployed in any week shall

be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less seventy-five percent of that part of the remuneration (if any) payable to him with respect to such week which is in excess of ~~((twelve))~~ five dollars. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar.

NEW SECTION. Sec. 4. This act shall apply to weeks of unemployment commencing on or after January 6, 1974.

Passed the Senate September 14, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 8

[House Bill No. 706]

PROPERTY TAX--OMITTED VALUE--INSPECTION--
TIME LIMITATION

AN ACT Relating to revenue and taxation; amending section 84.40.080, chapter 15, Laws of 1961 and RCW 84.40.080; and adding a new section to chapter 15, Laws of 1961 and to chapter 84.40 RCW.

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

Section 1. Section 84.40.080, chapter 15, Laws of 1961 and RCW 84.40.080 are each amended to read as follows:

The assessor, upon his own motion, or upon the application of any taxpayer, shall enter in the detail and assessment list of the current year any property shown to have been omitted from the assessment list of any preceding year, at the valuation of that year, or if not then valued, at such valuation as the assessor shall determine from the preceding year, and such valuation shall be stated in a separate line from the valuation of the current year. Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section: PROVIDED, That ~~((no such assessment shall be made for any period more than three years preceding the year in which such improvements are valued and assessed: PROVIDED, FURTHER, That))~~ no such assessment shall be made in any case where a bona fide purchaser, encumbrancer, or contract buyer has acquired any interest in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made

without penalty or interest; AND PROVIDED FURTHER, That in the assessment of personal property, the assessor shall assess the omitted value not reported by the taxpayer as evidenced by an inspection of either the property or the books and records of said taxpayer by the assessor.

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:

No omitted property or omitted value assessment shall be made for any period more than three years preceding the year in which the omission is discovered. The assessor, upon discovery of such omission, shall forward a copy of the amended personal property affidavit along with a letter of particulars informing the taxpayer of the findings and of his right of appeal to the county board of equalization. Upon request of either the taxpayer or the assessor, the county board of equalization may be reconvened to act on subject omits.

Passed the Senate September 10, 1973.

Passed the House September 9, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 9

[House Bill NO. 785]

MINIMUM WAGE--SCHEDULED

INCREASES

AN ACT Relating to minimum wages; and amending section 2, chapter 294, Laws of 1959 as last amended by section 1, chapter 80, Laws of 1967 ex. sess. and RCW 49.46.020.

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

Section 1. Section 2, chapter 294, Laws of 1959 as last amended by section 1, chapter 80, Laws of 1967 ex. sess. and RCW 49.46.020 are each amended to read as follows:

Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and ~~((forty))~~ sixty cents per hour except as may be otherwise provided under this chapter: PROVIDED, That beginning the calendar year ~~((1968))~~ 1974, the applicable rate under this section shall be one dollar and ~~((sixty))~~ eighty cents per hour, and beginning the calendar year 1975 the applicable rate under this

section shall be two dollars an hour.

Passed the Senate September 13, 1973.

Passed the House September 8, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 10

[House Bill No. 1075]

PUBLIC ASSISTANCE--SUPPLEMENTAL SECURITY PROGRAM

AN ACT Relating to public assistance; and adding new sections to chapter 26, Laws of 1959 and to chapter 74.04 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 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The purpose of this act is to recognize and accept that certain act of congress known as Public Law 92-603 and Public Law 93-66, and to enable the department of social and health services to take advantage of and implement the provisions of that act. The state shall provide assistance to those individuals who were eligible or would have been eligible for benefits under this state's old age assistance, disability assistance, and aid to the blind programs as they were in effect in December, 1973 but who will no longer be eligible for such program due to Title XVI of the Social Security Act.

NEW SECTION. Sec. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

Effective January 1, 1974, the financial assistance payments under the federal aid categories of old age assistance, disability assistance, and blind assistance provided in chapters 74.08, 74.10, and 74.16 RCW, respectively, and the corresponding provisions of RCW 74.04.005, shall be terminated and superseded by the national program to provide supplemental security income to individuals who have attained age sixty-five or are blind or disabled as established by Public Law 92-603 and Public Law 93-66: PROVIDED, That the agreements between the department of social and health services and the United States department of health, education and welfare receive such legislative authorization and/or ratification as required by section 4 of this 1973 act.

NEW SECTION. Sec. 3. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The department is authorized to establish a program of state

supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

NEW SECTION. Sec. 4. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

The department shall enter into contractual agreements with the United States department of health, education and welfare, consistent with the provisions of Public Laws 92-603 and 93-66, and to be effective January 1, 1974, for the purpose of enabling the secretary of the department of health, education and welfare to perform administrative functions of state supplementation to the national supplemental security income program and the determination of medicaid eligibility on behalf of the state. The department is authorized to transfer and make payments of state funds to the secretary of the department of health, education and welfare as required by Public Laws 92-603 and 93-66: PROVIDED, HOWEVER, That such agreements shall be submitted for review and comment to the social and health services committees of the senate and house of representatives, and shall be subject to authorization and/or ratification by the legislative budget committee, and such agreements shall not bind the state unless and until such authorization and/or ratification is given: PROVIDED FURTHER, HOWEVER, That if the authorization and ratification is not given, the department of social and health services shall administer the state supplemental program as established in section 3 of this act.

NEW SECTION. Sec. 5. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows:

Referrals to the state department of social and health services for vocational rehabilitation made in accordance with section 1615 of Title XVI of the Social Security Act, as amended, shall be accepted by the state.

The department shall be reimbursed by the secretary of the department of health, education and welfare for the costs it incurs in providing such vocational rehabilitation services.

NEW SECTION. Sec. 6. Notwithstanding any other provisions of this act for those individuals who have been receiving supplemental security income assistance and failed to comply with federal requirements relating to drug abuse and alcoholism treatment and rehabilitation shall be required to reapply for state assistance programs to be eligible for state assistance.

NEW SECTION. Sec. 7. This 1973 act is necessary for the preservation of the public peace, health and safety, the support of the state government and its public institutions, and shall take effect immediately.

Passed the Senate September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 11

[House Bill No. 1126]

OUTDOOR FIRES--INSTRUCTIONAL PERMITS--
TIME LIMITATION

AN ACT Relating to air pollution; and amending section 9, chapter 193, Laws of 1973 1st ex. sess. and RCW (70.94.____); declaring an emergency and providing an effective date; and providing for the expiration of certain provisions of this 1973 amendatory act.

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

Section 1. Section 9, chapter 193, Laws of 1973 1st ex. sess. and RCW (70.94.____) are each amended to read as follows:

No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors except as provided in RCW 70.94.650: PROVIDED, That agricultural heating devices which otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section((*));

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715;

(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards, or after July 1, 1976, state ambient air quality goals for particulates; PROVIDED, That the provisions of this subsection shall not become effective in relation to instructional fires permitted by RCW 70.94.650(2) until September 20, 1974.

NEW SECTION. Sec. 2. This 1973 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 September 14, 1973.
Passed the House September 12, 1973.
Approved by the Governor September 22, 1973.
Filed in Office of Secretary of State September 24, 1973.

CHAPTER 12
[Reengrossed Senate Bill No. 2136]
HIGHWAY COMMISSION--PROGRAMS
REPORTS

AN ACT Relating to the highway commission; amending section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160; amending section 47.01.220, chapter 13, Laws of 1961 and RCW 47.01.220; amending section 3, chapter 173, Laws of 1963 as last amended by section 3, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.030; amending section 4, chapter 173, Laws of 1963 as amended by section 4, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.040; amending section 5, chapter 173, Laws of 1963 as amended by section 5, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.050; amending section 7, chapter 173, Laws of 1963 and RCW 47.05.070; adding a new section to chapter 47.01 RCW; repealing section 47.01.140, chapter 13, Laws of 1961 and RCW 47.01.140; repealing section 6, chapter 173, Laws of 1963 and RCW 47.05.060; and repealing section 8, chapter 173, Laws of 1963, section 6, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.080.

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

NEW SECTION. Section 1. There is added to chapter 47.01 RCW a new section to read as follows:

The highway commission shall submit reports to the governor and legislature at the time each regular session of the legislature convenes, including but not limited to the following information:

(1) The amount of money expended by or under its direction during the preceding two fiscal years including data and information as shall show a strict accounting of sums expended;

(2) Projects constructed or under construction in the preceding two fiscal years;

(3) Such operational activities of the preceding two fiscal years as the commission may deem important and recommendations for the future operations of the commission;

(4) A summary of the proposed construction program by functional classification of highways including the national system of interstate and defense highways for the ensuing six years with the portion thereof to be accomplished during the ensuing biennium shown in detail with estimated costs therefor.

In addition, the highway commission shall submit a budget in accordance with RCW 47.05.070.

Sec. 2. Section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 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.

~~((10))~~ (7) 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.

~~((19))~~ (8) To exercise all other powers and perform all other duties now or hereafter provided by law.

Sec. 3. Section 47.01.220, chapter 13, Laws of 1961 and RCW 47.01.220 are each amended to read as follows:

The state highway commission shall report to the legislature through the ~~((joint fact-finding committee on highways, streets and~~

bridges)) legislative transportation committee and senate and house transportation and utilities committees on the highway needs of the state ((in the light of the new federal highway policy; taking into consideration the needs of the existing state highway system and such extensions thereto as may be warranted by the expanding economy of the state)).

Sec. 4. Section 3, chapter 173, Laws of 1963 as last amended by section 3, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.030 are each amended to read as follows:

The state highway commission shall adopt and periodically revise after consultation with the ((joint committee on highways)) legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives to be accomplished within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as determined and segregated according to functional class by the highway commission from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds((; to take full advantage of the available federal aid highway funds;)) and to adjust to unanticipated delays in programmed projects, the highway commission shall ((program)) allocate the estimated available funds, ((first; to completion of)) so as to carry out such rates of completion within a fourteen year advance planning period on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, ((within the designated period for completion thereof established pursuant to federal law; second; to completion of any features or)) on the parts of the national system of interstate and defense highways on which ((the)) federal aid participation is less than the regular interstate rate under federal law and regulations; and ((the balance of the available funds shall be applied so as to carry out rates of completion within a fourteen year advance planning period)) on the remaining four functional classes ((at such rates of completion for each such functional class)) as the highway commission, acting pursuant to reasonable rules and regulations adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:

- (a) The relative remaining needs of each functional class of highways;
- (b) The estimated available funds;
- (c) Continuity of future developments with those previously

programmed; and

(d) Graduation of rates of completion according to functional class importance.

Sec. 5. Section 4, chapter 173, Laws of 1963 as amended by section 4, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.040 are each amended to read as follows:

Prior to ~~((July 4, 1974))~~ October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the ~~((joint committee on highways))~~ legislative transportation committee and senate and house transportation and utilities committees a comprehensive six-year program and financial plan for highway construction, maintenance, and planning activities. The highway construction program for the ensuing six years ~~((7 which))~~ shall apply to each of the five functional classes of state highways that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall apportion the available construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining needs for each functional class of highway within each highway district bears to the total estimated needs for each functional class remaining unsatisfied throughout the state.

Sec. 6. Section 5, chapter 173, Laws of 1963 as amended by section 5, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.050 are each amended to read as follows:

The six year comprehensive highway construction program shall contain a priority construction program for each functional class of highways, including the national system of interstate and defense highways, within the budget limits established for each class. Selection of specific projects for the six year program shall be based on the rating of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class within the respective highway district, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics; ~~((and))~~
- (4) Its accident experience ~~((r))~~;
- (5) Its fatal accident experience ~~((r))~~;
- (6) In the case of designated but unconstructed highways, its economic importance measured by a cost-benefit analysis, the effect on the state's economy and benefit to the geographical area concerned.

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

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

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

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

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

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

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

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

Passed the Senate September 8, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 13

[Engrossed Senate Bill No. 2300]

SUPERIOR COURTS--RANDOM JUROR SELECTION--

ELECTRONIC DATA PROCESSING SYSTEM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate September 15, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 14

[Substitute Senate Bill No. 2387]

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

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

No. 2112); repealing section 2, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112); and declaring an emergency.

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

Section 1. Section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 11, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.195 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) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270 (2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

(6) The cost-of-living increases provided by this section shall be applicable to those individuals receiving benefits calculated pursuant to chapter 41.44 RCW and paid by the public employees' retirement system pursuant to RCW 41.40.407.

Sec. 2. Section 29, chapter 274, Laws of 1947 and RCW 41.40.280 are each amended to read as follows:

The retirement board may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee: PROVIDED, That termination of employment with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of his accumulated contributions. In addition, a member who files an application for a refund of his accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment.

Sec. 3. Section 43.43.270, chapter 8, Laws of 1965 as last amended by section 4, chapter 180, Laws of 1973 1st ex. sess. and RCW 43.43.270 are each amended to read as follows:

(1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die while in service his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) If a member should lose or has lost his life in the line of duty while employed by the Washington state patrol, his surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of

Washington shall hereafter be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member; PROVIDED, That if a beneficiary under this section shall reach the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of said term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him.

NEW SECTION. Sec. 4. The following acts or parts thereof are hereby repealed:

(1) Section 43.43.270, chapter 8, Laws of 1965, section 6, chapter 12, Laws of 1969, section 1, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112); and

(2) Section 2, chapter ..., Laws of 1973 2nd ex. sess. (Engrossed Senate Bill No. 2112)

and the same (Engrossed Senate Bill No. 2112) shall be null and void and superseded by the provisions of this act (Substitute Senate Bill No. 2387) upon the effective date of this 1973 amendatory act.

NEW SECTION. Sec. 5. This 1973 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 September 15, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 15

[Engrossed Senate Bill No. 2410]

PUBLIC HIGHWAYS--EMERGENCY CLOSURES--
EXCEPTED VEHICLES

AN ACT Relating to motor vehicles; and amending section 46.44.080, chapter 12, Laws of 1961 and RCW 46.44.080.

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

Section 1. Section 46.44.080, chapter 12, Laws of 1961 and RCW 46.44.080 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the state highway commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the highway commission.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

((The highway commission shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions upon any basis as to the weight of vehicles or class of vehicles operated upon any primary state highway and such restrictions and limitations shall be effective when signs giving notice thereof are erected upon the primary state highway or at the limits of the portion thereof affected by such resolution.))
The highway commission shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways, which rules shall be administered by the department of highways. The department of highways shall give

public notice of closure or restriction. The highway commission may further authorize the department of highways to issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Passed the Senate September 12, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 16

[Engrossed Substitute Senate Bill No. 2463]

INDUSTRIAL WELFARE--EMPLOYMENT STANDARDS

AN ACT Relating to industrial welfare; amending section 1, chapter 174, Laws of 1913 and RCW 49.12.010; amending section 2, chapter 174, Laws of 1913 and RCW 49.12.020; amending section 7, chapter 174, Laws of 1913 and RCW 49.12.050; amending section 13, chapter 174, Laws of 1913 and RCW 49.12.110; amending section 17, chapter 174, Laws of 1913 and RCW 49.12.170; amending section 43.22.260, chapter 8, Laws of 1965 as amended by section 82, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.260; amending section 43.22.270, chapter 8, Laws of 1965 as amended by section 83, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.270; amending section 43.22.280, chapter 8, Laws of 1965 as amended by section 84, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.280; adding new sections to chapter 49.12 RCW; repealing section 3, chapter 174, Laws of 1913 and RCW 49.12.030; repealing section 6, chapter 174, Laws of 1913 and RCW 49.12.040; repealing section 8, chapter 174, Laws of 1913 and RCW 49.12.060; repealing section 9, chapter 174, Laws of 1913 and RCW 49.12.070; repealing section 10, chapter 174, Laws of 1913 and RCW 49.12.080; repealing section 11, chapter 174, Laws of 1913 and RCW 49.12.090; repealing section 12, chapter 174, Laws of 1913, section 1, chapter 192, Laws of 1943 and RCW 49.12.100; repealing section 14, chapter 174, Laws of 1913, section 1, chapter 195, Laws of 1949 and RCW 49.12.120; repealing section 19, chapter 174, Laws of 1913 and RCW 49.12.160; repealing section 1, chapter 68, Laws of 1915, section 1, chapter 29, Laws of 1917 and RCW 49.12.190; repealing section 1, page 104, Laws of 1890 and RCW 49.12.215; repealing section 2, page 104,

Laws of 1890 and RCW 49.12.217; repealing section 2, chapter 37, Laws of 1911 and RCW 49.12.220; repealing section 3, chapter 37, Laws of 1911 and RCW 49.12.230; declaring an emergency; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 49.12 RCW a new section to read as follows:

For the purposes of this chapter:

(1) The term "department" means the department of labor and industries.

(2) The term "director" means the director of the department of labor and industries, or his designated representative.

(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees.

(4) The term "employee" means an employee who is employed in the business of his employer whether by way of manual labor or otherwise.

(5) The term "conditions of labor" shall mean and include the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of this 1973 amendatory act a minor is defined to be a person of either sex under the age of eighteen years.

(7) The term "committee" shall mean the industrial welfare committee.

Sec. 2. Section 1, chapter 174, Laws of 1913 and RCW 49.12.010 are each amended to read as follows:

The welfare of the state of Washington demands that ((women and minors)) all employees be protected from conditions of labor which have a pernicious effect on their health ((and morals)). The state of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Sec. 3. Section 2, chapter 174, Laws of 1913 and RCW 49.12.020 are each amended to read as follows:

It shall be unlawful to employ ((women or minors)) any person in any industry or occupation within the state of Washington under conditions of labor detrimental to their health ((or morals)); and it shall be unlawful to employ ((women)) workers in any industry within

the state of Washington at wages which are not adequate for their maintenance.

Sec. 4. Section 43.22.280, chapter 8, Laws of 1965 as amended by section 84, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.280 are each amended to read as follows:

The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, ((and)) the supervisor of safety, the industrial statistician, and the supervisor of employment standards shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of ((women in industry)) employment standards shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law.

NEW SECTION. Sec.5. There is added to chapter 49.12 RCW a new section to read as follows:

It shall be the responsibility of the industrial welfare committee, with the aid and assistance of the director, to investigate the wages, hours and conditions of employment of all employees, including minors, except as may otherwise be provided in this 1973 amendatory act. The director, or his authorized representative, shall have full authority to require statements from all employers, relative to wages, hours and working conditions and to inspect the books, records and physical facilities of all employers subject to this 1973 amendatory act. Such examinations shall take place within normal working hours, within reasonable limits and in a reasonable manner.

NEW SECTION. Sec. 6. There is added to chapter 49.12 RCW a new section to read as follows:

After an investigation has been conducted by the director of labor and industries of wages, hours and conditions of labor subject to this 1973 amendatory act, the industrial welfare committee shall be furnished with all information relative to such investigation of wages, hours and working conditions, including current statistics on wage rates in all occupations subject to the provisions of this 1973 amendatory act. Within a reasonable time thereafter, if the committee finds that in any occupation, trade or industry, subject to this 1973 amendatory act, the wages paid to employees are inadequate to supply the necessary cost of living, but not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended, or that the conditions of labor are detrimental to the health of employees, the committee shall have authority to prescribe rules and regulations for the purpose of adopting minimum wages for occupations not otherwise governed by minimum wage requirements fixed by state or federal statute, or a rule or regulation promulgated pursuant to such statute, and, at the same time have the authority to

prescribe rules and regulations fixing standards, conditions and hours of labor for the protection of the safety, health and welfare of employees for all or specified occupations subject to this 1973 amendatory act. Thereafter, the committee shall conduct a public hearing in accordance with the procedures of the administrative procedure act, chapter 34.04 RCW, for the purpose of the adoption of rules and regulations fixing minimum wages and standards, conditions and hours of labor subject to the provisions of this act. After such rules become effective, copies thereof shall be supplied to employers who may be affected by such rules and such employers shall post such rules, where possible, in such place or places, reasonably accessible to all employees of such employer. After the effective date of such rules, it shall be unlawful for any employer in any occupation subject to this 1973 amendatory act to employ any person for less than the rate of wages specified in such rules or under conditions and hours of labor prohibited for any occupation specified in such rules: PROVIDED, That this section shall not apply to sheltered workshops.

NEW SECTION. Sec. 7. There is added to chapter 49.12 RCW a new section to read as follows:

Whenever wages, standards, conditions and hours of labor have been established by rule and regulation of the committee, the committee may upon application of either employers or employees conduct a public hearing for the purpose of the adoption, amendment or repeal of rules and regulations promulgated under the authority of this 1973 amendatory act.

NEW SECTION. Sec. 8. There is added to chapter 49.12 RCW a new section to read as follows:

An employer may apply to the committee for an order for a variance from any rule or regulation establishing a standard for wages, hours, or conditions of labor promulgated by the committee under this chapter. The committee shall issue an order granting a variance if it determines or decides that the applicant for the variance has shown good cause for the lack of compliance. Any order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, standards and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time the committee may terminate and revoke such order, provided the employer was notified by the committee of the termination at least thirty days prior to said termination.

NEW SECTION. Sec. 9. There is added to chapter 49.12 RCW a new section to read as follows:

Any person, firm, or corporation feeling aggrieved of any action taken or decision made by an officer or employee of the

department in the enforcement of this act may appeal such action or decision to the industrial welfare committee by filing notice of such appeal with the industrial welfare committee within thirty days of such action or decision. Such appeal shall be done in accordance with the rules of procedure for the process of appeals, such rules to be promulgated by the industrial welfare committee. The notice of appeal shall suspend such action or decision pending the determination of the appeal by the industrial welfare committee. The said committee shall review the record, accept and consider written briefs and may hear oral arguments regarding the appeal. The said committee shall decide the questions raised by the appeal on the merits and shall notify all parties in writing of its decision, which shall be final and binding upon all parties, subject to judicial review at the instance of a losing party pursuant to chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 10. There is added to chapter 49.12 RCW a new section to read as follows:

The industrial welfare committee shall meet at least annually and at such other times as may be reasonably necessary for the purpose of reviewing rules and regulations fixing minimum wages and standards, conditions and hours of labor and for the purpose of proposing the amendment, repeal or adoption of new rules and regulations.

Sec. 11. Section 43.22.260, chapter 8, Laws of 1965 as amended by section 82, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.260 are each amended to read as follows:

The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 12. Section 43.22.270, chapter 8, Laws of 1965 as amended by section 83, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.22.270 are each amended to read as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial

relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of ~~((miners))~~ employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

Sec. 13. Section 13, chapter 174, Laws of 1913 and RCW 49.12.110 are each amended to read as follows:

For any occupation in which a minimum ~~((rate))~~ wage has been established, the committee through its secretary may issue to ~~((a woman))~~ an employer, a special certificate or permit for an employee who is physically or mentally defective or crippled by age or otherwise, or to ~~((an apprentice in such class of employment or occupation as usually requires to be learned by apprentices))~~ a trainee or learner not otherwise subject to the jurisdiction of the apprenticeship council, a special ~~((license))~~ certificate or permit authorizing the employment of such ~~((licensee))~~ employee for a wage less than the legal minimum wage; and the committee shall fix the minimum wage for said person, such special ~~((license))~~ certificate or permit to be issued only in such cases as the committee may decide the same is applied for in good faith and that such ~~((license for apprentices))~~ certificate or permit shall be in force for such length of time as the said committee shall decide and determine is proper.

Sec. 14. Section 7, chapter 174, Laws of 1913 and RCW 49.12.050 are each amended to read as follows:

Every employer (~~of women and minors~~) shall keep a record of the names of all (~~women and minors~~) employees employed by him, and shall on request permit the committee or any of its members or authorized representatives to inspect such record.

NEW SECTION. Sec. 15. There is added to chapter 49.12 RCW a new section to read as follows:

The committee, or the director, may at any time inquire into wages, hours, and conditions of labor of minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees, such minimum wages not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended. The committee shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards set forth concerning the health, safety and welfare of minors as set forth in the rules and regulations promulgated by the committee. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school which such minor may then be attending.

Sec. 16. Section 17, chapter 174, Laws of 1913 and RCW 49.12.170 are each amended to read as follows:

Any (~~person~~) employer employing (~~a woman or minor~~) any person for whom a minimum wage or standards, conditions, and hours of labor have been specified, at less than said minimum wage, or under standards, or conditions of labor or at hours of labor prohibited by the (~~order~~) rules and regulations of the committee; or violating any other of the provisions of (~~RCW 49.42.040 through 49.42.480~~) this 1973 amendatory act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one (~~hundred~~) thousand dollars.

NEW SECTION. Sec. 17. There is added to chapter 49.12 RCW a new section to read as follows:

This 1973 amendatory act shall not apply to newspaper vendors or carriers and domestic or casual labor in or about private residences and agricultural labor as defined in RCW 50.04.150, as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 49.12 RCW a new section to read as follows:

This chapter shall not be construed to interfere with, impede,

or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 174, Laws of 1913 and RCW 49.12.030;
- (2) Section 6, chapter 174, Laws of 1913 and RCW 49.12.040;
- (3) Section 8, chapter 174, Laws of 1913 and RCW 49.12.060;
- (4) Section 9, chapter 174, Laws of 1913 and RCW 49.12.070;
- (5) Section 10, chapter 174, Laws of 1913 and RCW 49.12.080;
- (6) Section 11, chapter 174, Laws of 1913 and RCW 49.12.090;
- (7) Section 12, chapter 174, Laws of 1913, section 1, chapter 192, Laws of 1943 and RCW 49.12.100;
- (8) Section 14, chapter 174, Laws of 1913, section 1, chapter 195, Laws of 1949 and RCW 49.12.120;
- (9) Section 19, chapter 174, Laws of 1913 and RCW 49.12.160;
- (10) Section 1, chapter 68, Laws of 1915, section 1, chapter 29, Laws of 1917 and RCW 49.12.190;
- (11) Section 1, page 104, Laws of 1890 and RCW 49.12.215;
- (12) Section 2, page 104, Laws of 1890 and RCW 49.12.217;
- (13) Section 2, chapter 37, Laws of 1911 and RCW 49.12.220;

and

- (14) Section 3, chapter 37, Laws of 1911 and RCW 49.12.230.

NEW SECTION. Sec. 20. If any provision of this 1973 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.

NEW SECTION. Sec. 21. This 1973 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 September 11, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 17

[Reengrossed Senate Bill No. 2516]

FEDERAL ASSISTANCE PROGRAMS--DISBURSEMENT, REPORTING REQUIREMENTS

AN ACT Relating to dispersal of funds; amending section 2, chapter 41, Laws of 1967 ex. sess. and RCW 43.06.130; amending section 3, chapter 41, Laws of 1967 ex. sess. and RCW 43.06.140; and

amending section 4, chapter 41, Laws of 1967 ex. sess. and RCW 43.88.205.

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

Section 1. Section 2, chapter 41, Laws of 1967 ex. sess. and RCW 43.06.130 are each amended to read as follows:

Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid actual expenses incurred ((in performing their authorized functions)) for travel, subsistence, and lodging pursuant to RCW 43.03.050 and 43.03.060 as now or hereafter amended from such funds as may be available by legislative appropriation or as may otherwise be available as provided by law. ((Until the legislature otherwise directs, the governor may order payment to be made from funds appropriated to him or to any department or other agency of state government; whether such appropriation has been made for this or another purpose; provided that such use is not unrelated to the purpose for which the funds have been appropriated.))

Sec. 2. Section 3, chapter 41, Laws of 1967 ex. sess. and RCW 43.06.140 are each amended to read as follows:

Not later than the ((tenth)) first day of any regular legislative session, the governor shall submit to the legislature a report listing federal programs, including those programs in which funds have been received directly by any state agency, in which the state has begun participation since the end of the last previous regular legislative session. ((The first report shall cover the period beginning July 4, 1967.))

Sec. 3. Section 4, chapter 41, Laws of 1967 ex. sess. and RCW 43.88.205 are each amended to read as follows:

(1) ((The term "agency"; as used in this section; shall not include any state university or state college now existing or hereafter to be established.

(2)) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, ((notify)) give notice in such form and manner as the ((budget director)) director of program planning and fiscal management or any successor agency or committee of the legislature may prescribe, or the chairman of the legislative budget committee ((and the chairman of the legislative council on such forms and in such manner as may be prescribed by the budget director)) may request.

((3)) (2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in ((a)) the same manner as prescribed ((by the budget director)) or requested pursuant to subsection (1) of

this section.

((4)) (3) Such agency shall promptly furnish ((to each such officer a)) such progress reports in relation to each such application, contract, agreement, or state plan((, at least once in each six months period.) as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

Passed the Senate September 12, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 18

[Senate Bill No. 2642]

HIGHWAYS--FRINGE AND TRANSPORTATION
CORRIDOR PARKING FACILITIES

AN ACT Relating to the acquisition of parking facilities; adding a new section to chapter 47.12 RCW and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:

The state highway commission may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The state highway commission may obtain and exercise options for the purchase of property to be used for purposes described in this section. The state highway commission shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless such facility has been approved by the state highway commission in advance of its acquisition or construction.

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 September 15, 1973.
Passed the House September 14, 1973.
Approved by the Governor September 22, 1973.
Filed in Office of Secretary of State September 24, 1973.

CHAPTER 19
[Engrossed Senate Bill No. 2657]
SHORELINES MANAGEMENT--I-90--
BRIDGES ACROSS LAKE WASHINGTON

AN ACT Relating to shoreline areas; amending section 14, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.140; and declaring an emergency.

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

Section 1. Section 14, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.140 are each amended to read as follows:

(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 June 1, 1971 until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; 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 RCW 90.58.020 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 RCW 90.58.020.

(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, except in the case of any permit issued to the state of Washington, department of highways, for the construction and modification of the SR 90 (I-90) bridges across Lake Washington, 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 RCW 90.58.160(1), 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 June 1, 1971.

(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. 2. This 1973 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 September 10, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 20

[Reengrossed Senate Bill No. 2659]

STATE PATROL DISABILITY BENEFITS

AN ACT Relating to disability of state patrol officers; and amending section 43.43.040, chapter 8, Laws of 1965 and RCW 43.43.040.

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

Section 1. Section 43.43.040, chapter 8, Laws of 1965 and RCW 43.43.040 are each amended to read as follows:

The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: PROVIDED, That: (1) Benefits under this section for a disability that is incurred while in other

employment will be reduced by any amount the officer receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability: AND PROVIDED FURTHER, That an officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section.

(2) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

Passed the Senate September 10, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 21

[Senate Bill No. 2915]

FIRST CLASS SCHOOL DISTRICTS IN
CLASS AA COUNTIES

AN ACT Relating to education; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 131, Laws of 1969 and RCW 28A.57.312; amending section

28A.57.342, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 67, Laws of 1971 and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 67, Laws of 1971 and RCW 28A.57.344; amending section 6, chapter 67, Laws of 1971 and RCW 28A.57.358; amending section 9, chapter 131, Laws of 1969 and RCW 28A.57.425; amending section 10, chapter 131, Laws of 1969 and RCW 28A.57.435; amending section 2, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.180; amending section 29.21.210, chapter 9, Laws of 1965 as amended by section 2, chapter 131, Laws of 1969 and RCW 29.21.210; amending section 29.21.230, chapter 9, Laws of 1965 as amended by section 3, chapter 131, Laws of 1969 and RCW 29.21.230; amending section 5, chapter 67, Laws of 1971 as amended by section 1, chapter 19, Laws of 1973 and RCW 28A.57.357; and creating a new section.

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

Section 1. Section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 131, Laws of 1969 and RCW 28A.57.312 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, members of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until their successors are elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having an enrollment of ((seventy)) fifty thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members.

Sec. 2. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 67, Laws of 1971 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

other than a school district of the first class having an enrollment of ~~((seventy))~~ fifty 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 RCW 28A.57.328. 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 RCW 28A.57.355, 28A.57.356, and 28A.57.357. 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.

Sec. 3. Section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as amended by section 8, chapter 67, Laws of 1971 and RCW 28A.57.344 are each amended to read as follows:

The board of directors of every first and second class school district other than a school district of the first class having an enrollment of ~~((seventy))~~ fifty 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.

Sec. 4. Section 6, chapter 67, Laws of 1971 and RCW 28A.57.358 are each amended to read as follows:

Upon the establishment of a new school district of the first class having an enrollment of ~~((seventy))~~ fifty 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. 5. Section 9, chapter 131, Laws of 1969 and RCW 28A.57.425 are each amended to read as follows:

Notwithstanding any other provision of law, school districts of the first class having an enrollment of ~~((seventy))~~ fifty thousand pupils or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name

of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in RCW 28A.57.435, every such director so elected in school districts divided into seven director districts shall serve for a term of six years as otherwise provided in RCW 29.13.060.

Sec. 6. Section 10, chapter 131, Laws of 1969 and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of school districts of the first class having an enrollment of ~~((seventy))~~ fifty thousand pupils or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for six years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.57.312, 28A.57.336, 28A.57.425, 28A.57.435, 29.21.180, 29.21.210 and 29.21.230.

Sec. 7. Section 2, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.180 are each amended to read as follows:

No primary shall be held relating to the office of state superintendent of public instruction or, except for school districts of the first class having an enrollment of ~~((seventy))~~ fifty thousand pupils or more in class AA counties, officers of other first class school districts if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Sec. 8. Section 29.21.210, chapter 9, Laws of 1965 as amended by section 2, chapter 131, Laws of 1969 and RCW 29.21.210 are each amended to read as follows:

Except for school districts of the first class having an

enrollment of ((seventy)) fifty thousand pupils or more in class AA counties, the positions of school directors for school districts embracing a city of over one hundred thousand population and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors

.....to be nominated

No. 1

Vote for One

.....□

.....□

.....□

No. 2

Vote for One

.....□

.....□

.....□

To Fill Unexpired Term

No.

2 (or 4) year term

Vote for One

.....□

.....□

.....□

Sec. 9. Section 29.21.230, chapter 9, Laws of 1965 as amended by section 3, chapter 131, Laws of 1969 and RCW 29.21.230 are each amended to read as follows:

Except for school districts of the first class having an enrollment of ((seventy)) fifty thousand pupils or more in class AA counties, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a school district position of school director for school districts embracing a city of over one hundred thousand population shall appear on the general election ballot under the designations therefor: PROVIDED, That if any candidate for a position receives a majority vote, his name alone shall be placed on the general election ballot for that position.

Sec. 10. Section 5, chapter 67, Laws of 1971 as amended by section 1, chapter 19, Laws of 1973 and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 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 of the powers and authority conferred 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 for districts electing directors for six years other than districts having an enrollment of ((seventy)) fifty thousand pupils or more and 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. 11. If any provision of this 1973 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 September 8, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 22
[Senate Bill No. 2944]
STATE PATROL VEHICLES--
RED LIGHTS UNNECESSARY

AN ACT Relating to motor vehicles; and amending section 2, chapter 144, Laws of 1967 and RCW 46.64.070.

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

Section 1. Section 2, chapter 144, Laws of 1967 and RCW 46.64.070 are each amended to read as follows:

To carry out the purpose of RCW 46.64.060 and 46.64.070, officers of the Washington state patrol are hereby empowered during daylight hours and while using plainly marked state patrol vehicles ((with red light)) to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of ten days after giving a warning ticket pointing out the defect.

The powers conferred by RCW 46.64.060 and 46.64.070 are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.430 and powers conferred by chapter 46.32 RCW.

Passed the Senate September 10, 1973.
Passed the House September 12, 1973.
Approved by the Governor September 22, 1973.
Filed in Office of Secretary of State September 24, 1973.

CHAPTER 23
[Senate Bill No. 2945]
PETITIONS FOR DISSOLUTION OF MARRIAGE,
ETC.--CONTENTS

AN ACT Relating to the dissolution of marriage, legal separation, or a declaration concerning the validity of a marriage; amending section 2, chapter 157, Laws of 1973 ex. sess. and RCW; and declaring an emergency.

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

Section 1. Section 2, chapter 157, Laws of 1973 ex. sess. and RCW are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

(a) The last known residence of each party;

(b) The date and place of the marriage ((and the place at which it was registered));

(c) If the parties are separated the date on which the separation occurred;

(d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the custody, visitation and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

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 September 10, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 24

[Engrossed Senate Bill No. 2947]

MENTALLY DISORDERED PERSONS--
COMMITMENT PROCEDURES

AN ACT Relating to mental illness; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.070; amending section 8, chapter 142, Laws of 1973 1st ex. sess. and RCW (____); amending section 14, chapter 142, Laws of 1973 1st ex. sess. and RCW (____); amending section 15, chapter 142, Laws of 1973 1st ex. sess. and RCW (____); amending section 17, chapter 142, Laws of 1973 1st ex. sess. and RCW (____); amending section 45, chapter 142, Laws of 1973 1st ex. sess. and RCW (____); amending section 46, chapter 142, Laws of 1973 1st ex. sess. and RCW (____).

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

Section 1. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 4, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a state hospital may receive any person who is 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 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 person under eighteen years of age, the application shall be made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody. All such applications shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of the state hospital to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. A person under eighteen years of age received into a state hospital as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a state hospital as a voluntary patient;

(3) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings.

Sec. 2. Section 8, chapter 142, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

(1) Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.76 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing. Persons impaired by chronic alcoholism or drug abuse may receive services pursuant to this chapter if they so elect, unless proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 92, Laws of 1973 (chapter -- RCW).

(2) No person under the age of eighteen years shall be

involuntarily provided with, detained, certified, or committed for evaluation or treatment pursuant to the provisions of this chapter unless written authorization has been obtained from such person's parent, parents, conservator, or legal guardian, or pursuant to proceedings of the juvenile court under chapter 13.04 RCW.

Sec. 3. Section 14, chapter 142, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person (~~(providing)~~) qualified to provide such services.

Sec. 4. Section 15, chapter 142, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

In addition to the responsibility provided for by RCW 71.02.411, any person, or his estate, or his spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The (~~county mental health administrative board~~) department of social and health services shall (~~as part of its annual community mental health program plan~~), pursuant to chapter 34.04 RCW, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Such standards shall be applicable to all county mental health administrative boards. Financial responsibility with respect to department services and facilities shall continue to be as provided in chapter 71.02 RCW.

Sec. 5. Section 17, chapter 142, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

No (~~public or private~~) officer (~~or~~) of a public or private agency initiating or providing treatment pursuant to this chapter, nor the superintendent, professional person in charge, his professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter shall be civilly or criminally liable for performing duties prescribed by this chapter or releasing a person at or before the end of the period for which he was admitted or committed for evaluation or treatment: PROVIDED, That such duties

were performed in good faith and without negligence.

Sec. 6. Section 45, chapter 142, Laws of 1973 1st ex. sess. and RCW (---.---.---) are each amended to read as follows:

~~((Nothing in this chapter shall prohibit))~~ A public or private agency ~~((from releasing))~~ shall release to a patient's attorney, his guardian, or conservator, if any, or a member of the patient's family the information that the person is presently a patient in the facility or that the person is seriously physically ill, if the professional person in charge of the facility determines that the release of such information is in the best interest of the person. Upon the death of a patient, his guardian or conservator, if any, and a member of his family shall be notified.

Sec. 7. Section 46, chapter 142, Laws of 1973 1st ex. sess. and RCW (---.---.---) are each amended to read as follows:

When a ~~((voluntary))~~ patient would otherwise be subject to the provisions of section 44 ~~((of this 1973 amendatory act))~~, chapter 142, Laws of 1973 1st ex. sess. and RCW (---.---.---) and disclosure is necessary for the protection of the patient or others due to his unauthorized disappearance from the facility, and his whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his professional designee.

Passed the Senate September 15, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 25

[Senate Bill No. 2952]

DOGFISH--FISH FOOD USE STUDY

AN ACT Relating to food fish and shellfish; creating new sections; making an appropriation.

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

NEW SECTION. Section 1. The legislature has long recognized the importance of the fishing industry to the people of this state. Changing economic conditions have adversely affected the availability of fish meal used by our department of fisheries in rearing salmon and our department of game in rearing trout. In order to protect and preserve our fisheries resource it is necessary to find an alternative to fish meal which uses herring as a base. The legislature hereby authorizes and directs the department of fisheries

to conduct studies and tests on the feasibility of producing fish meal with a base of *Squalus acanthias*, commonly known as dogfish. The results of the studies and tests and any recommendations of the department shall be presented to the forty-fourth regular session of the legislature for its consideration.

NEW SECTION. Sec. 2. To carry out the provisions of this act there is appropriated to the department of fisheries from the general fund for the biennium ending June 30, 1975, the sum of one hundred twenty-five thousand dollars, or so much thereof as shall be necessary.

Passed the Senate September 12, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 26

[Senate Bill No. 2954]

STATE SUPPORT OF COUNTY FERRIES--STUDY--
PUGET ISLAND FERRY

AN ACT Relating to the Puget Island ferry; amending section 1, chapter 254, Laws of 1971 ex. sess. and RCW 47.56.720; providing a study; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 1, chapter 254, Laws of 1971 ex. sess. and RCW 47.56.720 are each amended to read as follows:

(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; PROVIDED, That from October 1, 1973 through June 30, 1975 the state highway commission shall pay Wahkiakum county one thousand one hundred forty-two dollars and eighty-six cents per month.

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 and the one thousand one hundred forty-two dollars and eighty-six cents per month authorized to be paid from October 1, 1973 through June 30, 1975.

(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 percent 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.))~~

NEW SECTION. Sec. 2. The legislative transportation committee, in cooperation with the state highway commission and the boards of county commissioners of counties operating ferry systems, shall conduct a study of the operations and financing of such systems so as to determine at what level, if any, the state highway commission should provide financial assistance to these counties. A report containing the findings and recommendations shall be made to the next regular or special session of the legislature.

NEW SECTION. Sec. 3. This 1973 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 October 1, 1973.

Passed the Senate September 14, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 27

[Engrossed Senate Bill No. 2960]

SUPPORT OF THE COMMON SCHOOLS--

TAX REFORM

AN ACT Relating to funds for the use of the common schools; adding a

new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; making an effective date; and providing for the expiration of this act.

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.41 RCW a new section to read as follows:

From those funds made available by law for the current use of the common schools and in addition to any other funds provided by law, the superintendent of public instruction, upon approval by the electorate of a tax upon net income as referred to in section 21, chapter ..., Laws of 1973 2nd ex. sess. (SSB 2102), shall distribute to each district in which the voters authorized a special levy for operation and maintenance purposes for collection in 1974 an amount based upon the amount that such district's special levy would have provided for the 1973-74 fiscal year except for the provision of section 21, chapter ..., Laws of 1973 2nd ex. sess. (SSB 2102): PROVIDED, That the amount distributed under this section for the first half of calendar year 1974 shall be based upon the same percentage of property taxes which was actually collected the first half of calendar year 1973 for such districts, exclusive of delinquencies: PROVIDED FURTHER, That such moneys shall be apportioned and distributed according to a payment schedule developed by the superintendent of public instruction, the office of program planning and fiscal management and the department of revenue: PROVIDED, FURTHER, That this section shall be in effect only through June 30, 1974.

NEW SECTION. Sec. 2. The provisions of this 1973 amendatory act shall take effect on January 1, 1974 if the proposed amendment to Article 7 of the state Constitution (House Joint Resolution No. 37) authorizing the legislature to impose a tax upon net income and to authorize property tax relief is validly submitted and is approved and ratified by the voters at a general election held in November, 1973. If such proposed amendment is not so submitted and approved and ratified, this 1973 amendatory act shall be null and void in its entirety.

Passed the Senate September 10, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 28
[Senate Bill No. 2965]
TOLL BRIDGE AUTHORITY--FERRIES--
SUPPLEMENTAL APPROPRIATION

AN ACT Relating to highways; making supplemental appropriations for the Washington toll bridge authority; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30, 1975 from the Puget Sound ferry operations account in the motor vehicle fund.....\$881,160 or so much thereof as may be necessary for the operation and maintenance of the ferry 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 Senate September 11, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 29
[Engrossed Senate Bill No. 2967]
ELECTRIC POWER--EMERGENCY CURTAILMENT
AND/OR ALLOCATION

AN ACT Relating to electric power; creating a new chapter in Title 43 RCW; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds and declares that due to one of the most severe droughts in recorded history, the sources of electric power are in such short supply as to create a clear and foreseeable danger that without institution of appropriate measures to reduce and/or allocate the usage of electricity through a program of mandatory usage curtailment and/or allocation, an electric power system failure involving the entire Pacific Northwest may occur. The prevention of such a power system failure is necessary for preservation of the public health, welfare, and safety of the citizens of this state.

It is the policy of the state of Washington and the intent of this legislation to prevent such a failure of the electric power

system and to provide emergency procedures whereby such a failure can be averted.

NEW SECTION. Sec. 2. (1) "Committee" means the electric emergency curtailment and/or allocation committee established in section 3 of this act.

(2) "Electric utility" means any city or town, public utility district, regulated electric company, or electric cooperative, or other entity engaged in or authorized to engage in the business of generating, transmitting, or distributing electric energy in this state.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

NEW SECTION. Sec. 3. There is hereby created and established an electric emergency curtailment and/or allocation committee composed of five members to be appointed by the governor to serve at his pleasure. The governor shall name one of the members to serve as chairman of the committee. One member shall be experienced and knowledgeable in the affairs and operation of regulated electric companies; one member shall be experienced and knowledgeable in the affairs of public agencies or cooperatives engaged in the electric utility industry; one member shall be from the electric power consuming general public; and one member shall be from an industrial consumer of electric power. The chairman of the senate transportation and utilities committee and the chairman of the house transportation and utilities committee and one member of the minority party from each house shall serve as ex officio members of the committee, without vote.

Members, unless otherwise compensated for such time, shall be compensated at the rate of one hundred dollars per day for each day engaged in the business of the committee and shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the committee as provided in chapter 43.03 RCW.

NEW SECTION. Sec. 4. The committee shall have the following powers and duties:

(1) To gather and review pertinent information from whatever source available relating to electric power supply conditions;

(2) To make recommendations to the governor of appropriate emergency curtailment and/or allocation plans and procedures of electric power usage. In developing its recommendations the committee should consider the economic, social and environmental impact of a curtailment and/or allocation program;

(3) To advise the governor of the time or times, if any, based on pertinent information, when the electric power supply conditions require execution of emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated;

(4) To monitor and review compliance with and effectiveness of orders of the governor issued under this chapter: PROVIDED, That compliance by regulated electric companies shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the committee;

(5) To require submission by any electric utility, for review and approval by the committee, of a plan for curtailment and/or allocation of electric usage in the event of an emergency.

NEW SECTION. Sec. 5. During such periods as the governor has determined that emergency curtailment and/or allocation procedures of electric power usage must be followed to assure prevention of an electric power system failure, the governor is authorized and empowered to order immediate curtailment and/or allocation of electric power use and to carry out such other actions as shall have been recommended by the committee pursuant to section 4 of this act: PROVIDED, That, in the absence of such recommendation, or if the governor shall determine that the plans and procedures recommended by the committee are not adequate to carry out the purpose of this chapter, the governor may order immediate curtailment and/or allocation of electric power usage and the execution of such other procedures and actions as he may deem necessary and appropriate to prevent an electric power system failure.

All persons using electricity who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately, notwithstanding any provision of law or contract to the contrary.

The governor may direct any electric utility to take such action on his behalf as may be required to implement his orders issued pursuant to this chapter, and no electric utility shall be liable for actions taken in accordance with such directions: PROVIDED, That orders to regulated electric companies shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

The governor shall undertake all efforts that may be useful in coordinating similar electric power usage curtailment and/or allocation programs with other states.

NEW SECTION. Sec. 6. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor shall refer any such application to the committee for review, and the

committee shall recommend to the governor action to be taken thereon. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued or action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule On Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter.

NEW SECTION. Sec. 7. (1) Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

(2) Any person violating any provision of an order issued by the governor pursuant to this chapter shall also be subject to termination of electric services upon further order of the governor.

NEW SECTION. Sec. 8. If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, except chapters 43.06 and 38.52 RCW, or any rule or regulation promulgated thereunder, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature and limited duration of this chapter, all actions authorized or required hereunder or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including but not limited to the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other statute, rule, regulation, or directive unless specifically ordered by the governor.

NEW SECTION. Sec. 9. The provisions of this chapter shall expire on June 30, 1974, and all powers conferred herein or orders issued hereunder shall terminate at that time.

NEW SECTION. Sec. 10. This chapter shall be liberally construed to carry out the legislative declaration of findings, policy, and intent expressed herein.

NEW SECTION. Sec. 11. This act shall constitute a new

chapter in Title 43 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.

NEW SECTION. Sec. 13. This act is necessary for 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 September 14, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 30
[Senate Bill No. 2978]
MARINE POLLUTION--
BASELINE STUDIES

AN ACT Relating to marine pollution; and adding new sections to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW.

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

NEW SECTION. Section 1. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW a new section to read as follows:

The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps must be undertaken to reduce this risk. The legislature also is aware that such danger is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of

Puget Sound is two hundred twenty feet. There is a great diversity of animal life in the waters of the state. These waters have a multitude of uses by both humans and nonhumans, and the interaction between man's activities and natural processes in these waters varies greatly with locale.

NEW SECTION. Sec. 2. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW a new section to read as follows:

As part of the state effort to prevent and control oil pollution, a continuing, comprehensive program of systematic baseline studies for the waters of the state shall be established by the department of ecology. Full utilization of related historical data shall be made in planning these studies. Data from these and other scientific investigations made pursuant to sections 1 through 4 of this act should, whenever possible, have multiple use, including use as supporting evidence of environmental damage resulting from oil pollution, as indicators of the potential or existing risks and impacts of oil pollution, as aids to developing a methodology for implementing the reduction of risks, and as aids to maintaining water quality standards.

A baseline study program shall take full advantage of the data and information produced by related programs, such as the marine ecosystems analysis (MESA) program of the national oceanic and atmospheric administration, studies and inventories made pursuant to the state shorelines management act of 1971, and others. All phases of the program, including planning, operations, data analysis, interpretation, storage, retrieval, and dissemination phases, shall be coordinated to the greatest possible extent with appropriate governmental, academic, and industrial organizations. Whenever possible, the department shall contract with existing state agencies, boards, commissions, and institutions of higher education for the scientific investigation programs to be conducted.

NEW SECTION. Sec. 3. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW a new section to read as follows:

The data base produced by such studies should include chemical, physical, and biological parameters of the waters, complete information on marine pollution accidents, and an economic evaluation of the marine resources and shoreline properties that may be damaged or impaired by oil pollution. Where oceanographic and water quality instrumentation is used to gather data, such instruments shall be standardized and intercalibrated.

NEW SECTION. Sec. 4. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21A RCW a new section to read as follows:

In planning the state baseline studies program, priority shall be given to those waters (1) in which the greatest risk of damage from oil spills exists; (2) which contain marine and fresh water life that is particularly sensitive to toxins contained in crude oil, oil products, and oil wastes; and (3) which are used or may be used for the harvesting, gathering, or production of food or food products.

Passed the Senate September 14, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 31

[Senate Bill No. 2983]

AID TO FAMILIES WITH DEPENDENT
CHILDREN--DEFINITIONS

AN ACT Relating to public assistance; and amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 13, chapter 173, Laws of 1969 ex. sess. and RCW 74.12.010; and declaring an emergency.

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

Section 1. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 13, chapter 173, Laws of 1969 ex. sess. and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years (~~or any child between eighteen and twenty-one years of age regularly attending high school in pursuance of a course of study leading to a high school diploma or its equivalent or a course of vocational or technical training designed to fit him for gainful employment,~~) who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal after April 30, 1961, from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care

the state department of ((public assistance)) social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That the director shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

NEW SECTION. Sec. 2. This 1973 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 September 14, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973.

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

CHAPTER 32

[House Bill No. 1121]

WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the Washington state teachers' retirement system; amending section 9, chapter 189, Laws of 1973 1st ex. sess.

and RCW (____); amending section 6, chapter 151, Laws of 1967 and RCW 41.32.4931; amending section 52, chapter 80, Laws of 1947 as last amended by section 76, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.32.520; amending section 58, chapter 80, Laws of 1947 and RCW 41.32.580; amending section 31, chapter 80, Laws of 1947 as last amended by section 9, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.310; and declaring an emergency.

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

Section 1. Section 9, chapter 189, Laws of 1973 1st ex. sess. and RCW (____) 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) "Cost-of-living factor" for the purposes of this section for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1972;

(3) The "initial date of payment" for the purposes of adjusting the annuity portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member.

(4) The "initial date of payment" for the purposes of adjusting the pension portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member or ((June 30, 1970)) July 1, 1972, whichever is later; PROVIDED, That this 1973 amendment to this subsection shall be retroactive to July 1, 1973.

(5) Each service retirement allowance payable from July 1, 1973, until any subsequent adjustment pursuant to subsection (6) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(6) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement

allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

Sec. 2. Section 31, chapter 80, Laws of 1947 as last amended by section 9, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.310 are each amended to read as follows:

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before (~~June 30, 1970~~) January 31, 1974 (~~or, if not employed on the effective date of this act, before June 30th of the fifth school year after entry into public school employment in this state~~). Payments covering all types of membership service credit (~~may~~) must be made in a lump sum (~~when due, or in annual installments, with three percent interest. The first annual installment of at least twenty percent of the amount due must be paid before the date specified above, and the final payment before June 30th of the fourth school year following that in which the first payment was made~~) prior to January 31, 1974: PROVIDED, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the state of Washington: PROVIDED FURTHER, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state.

Sec. 3. Section 6, chapter 151, Laws of 1967 and RCW 41.32.4931 are each amended to read as follows:

(1) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system: PROVIDED, That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits provided in

this section: PROVIDED FURTHER, That the benefits provided under this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits: PROVIDED FURTHER, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967.

(2) Effective the first day of the month following the effective date of this 1973 amendatory act, former members who have qualified for and have been granted benefits under this section shall receive an additional special pension of three dollars per month per year of service credit. Such special pension shall be in addition to the minimum pension provided by RCW 41.32.497 and the cost-of-living increases provided under section 9, chapter 189, Laws of 1973 1st ex. sess. RCW (. . .).

Sec. 4. Section 52, chapter 80, Laws of 1947 as last amended by section 76, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.32.520 are each amended to read as follows:

Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, lapsation, or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established ((five)) ten or more years of Washington membership service credit, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) ((If the member was eligible for retirement)) The beneficiary, if the surviving spouse or a dependent child or dependent parent, may elect to receive a retirement allowance under Option 2 ((r This election shall also be available to the spouse or a dependent of a member who has died while eligible for retirement during the period July 1, 1947, to June 30, 1955, inclusive, upon the repayment to the teachers' retirement fund of the refunded

contributions: No benefits may be paid for any months prior to July 1, 1955) of RCW 41.32.530 until attainment of majority or so long as the board judges that the circumstances which created his dependent status continue to exist. If at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary; PROVIDED, That if at the time of death, the member was not then qualified for a service retirement allowance, such Option 2 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.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 5. Section 58, chapter 80, Laws of 1947 and RCW 41.32.580 are each amended to read as follows:

A retired teacher upon returning to service in the public schools of Washington may elect to again become a member of the retirement system; PROVIDED, That if such a retired teacher elects to be restored to membership he must establish two full years of service credit before he will be eligible to retire under the provision of a formula other than the one in effect at the time of his previous retirement; PROVIDED FURTHER, That where any such right to again retire is exercised to become effective before a member has established two full years of service credit he may elect to retire only under the provisions of the formula in effect at the time of his previous retirement; AND PROVIDED FURTHER, That this section shall not apply to any individual who has returned to service and is presently in service on the effective date of this 1973 amendatory act.

NEW SECTION. Sec. 6. If any provision of this 1973 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 1973 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 September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 27, 1973.

Filed in Office of Secretary of State September 27, 1973.

CHAPTER 33
[House Bill No. 1128]
BASIC PROGRAM OF EDUCATION FINANCIAL EQUALIZATION
ACT OF 1973

AN ACT Relating to education; amending section 2, chapter 46, Laws of 1973 as amended by section 137, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; amending section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145; amending section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040; amending section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802; amending section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803; amending section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805; amending section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807; amending section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808; amending section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809; amending section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; repealing section 2, chapter 46, Laws of 1973 as last amended by section ..., chapter ..., Laws of 1973 2nd ex. sess. and RCW 28A.41.130; repealing section 2, chapter 46, Laws of 1973 as last amended by sections 9, 136, 138 and 139, chapter 195, Laws of 1973 1st ex. sess., all codified as RCW 28A.41.130; repealing section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140; making an effective date; and providing for the expiration of this act.

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

NEW SECTION. Section 1. This 1973 amendatory act shall be known and may be cited as "the basic program of education financial

equalization act of 1973".

NEW SECTION. Sec. 2. It is the intent of this 1973 amendatory act to:

(1) Assure the citizens of this state that adequate and equalized financial aid for education will result without the reliance on high property taxes resulting from annual special excess levies for operating and maintenance purposes;

(2) Assure the citizens and school districts of this state that the per pupil support level for a basic program of education as defined in section 17 of this 1973 amendatory act will not be reduced as a consequence of the passage of House Joint Resolution No. 37.

Sec. 3. Section 2, chapter 46, Laws of 1973 as amended by section 137, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, ((other than the proceeds of the state property tax)) the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 as now or hereafter amended to each school district of the state operating a program ((approved)) in conformance with law and with minimum standards established 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 pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A-56-480)) financial equalization for the common schools of the state:

(1) ((Eighty-five percent of the amount of revenues which would be produced by a levy of seven mills on the assessed valuation of taxable property within the school district adjusted to fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year 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 ~~{---:---:---}~~ as now or hereafter amended would produce irrespective of any delinquencies; and

~~{2}~~) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

~~{3}~~ Eighty-five percent of) {2} The receipts from public

utility district funds distributed to school districts pursuant to RCW 54.28.090; and

~~((4) Eighty-five percent of)~~ (3) The receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

~~((5) Eighty-five percent of)~~ (4) The proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 as now or hereafter amended 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 (_____) as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

~~((6) Eighty-five percent of)~~ (5) Such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing ~~((state))~~ financial equalization ((support)) hereunder.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

(1) To determine the allocation of moneys for financial equalization under section 3 of this 1973 amendatory act respecting certificated employees the staff education and experience table referred to in section 2, chapter 134, Laws of 1973 1st ex. sess. (page 891 of the Pamphlet Edition of the 1973 session laws) shall be used for the 1973-75 biennium. The table shall be renewed or revised biennially and shall be subject to approval, rejection, or amendment by the legislature. The table shall be included as a part of the state superintendent's biennial state budget request. In the event the legislature rejects the table presented without adopting a new table, the table established for the previous biennium shall remain in effect.

Subject to appropriation limitations, the numerical allocation of certificated staff shall be computed from the following relationships: For each average annual twenty full time equivalent kindergarten, elementary and secondary pupils, one certificated staff unit: PROVIDED, That for high schools enrolling less than one hundred ninety full time equivalent pupils, nine and one-half certificated staff units.

Using the superintendent of public instructions table based on staff education and experience, together with the numerical allocation above, a composite pay differential factor shall be thus established for each district. The state-wide certificated base pay as determined by the legislature for each school year, as multiplied by the pay differential factor for each district, shall then determine the dollars of pay support for each certificated staff

unit.

In addition to the dollar support hereinabove in this subsection provided, each school district shall receive for certificated employee benefits, other than for insurance benefits under RCW 28A.58.420, as now or hereafter amended, an amount sufficient to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other employee benefit program mandated by the legislature for their certificated staff units.

(2) To determine the allocation of additional moneys for classified employees, the factor under subsection (1) of this section for certificated units shall be used. For each sixty full time equivalent kindergarten, elementary and secondary pupils, a numerical allocation of one classified staff unit will be allowed. The state-wide classified base pay as determined by the legislature for each school year, as multiplied by the pay differential factor for each district, shall then determine the dollars of pay support for each classified staff unit.

In addition to the dollar support hereinabove in this subsection provided, each school district shall receive for classified employee benefits, other than for insurance benefits under RCW 28A.58.420, as now or hereafter amended, an amount sufficient to reimburse such district for their payments to the old-age and survivors insurance system embodied in the social security act, for employee retirement, industrial insurance, or any other benefit program mandated by the legislature for their classified staff units.

(3) To determine the allocation of additional moneys for nonemployee related costs for each school year, the legislature shall utilize the number of certificated units as hereinabove in subsection (1) provided.

The enrollment of any district for the purposes of determining full time pupils for the purposes of this section shall be the average number of full time students and part time students as provided for in section 7 of this 1973 amendatory act enrolled on the first school day of each month.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, allocation of state funds pursuant to section 3 of this 1973 amendatory act per certificated unit, classified unit and nonemployee unit calculated pursuant to section 4 of this 1973 amendatory act shall ensure a dollar support level accrued per enrolled pupil of no less than that of the 1973-74 base school year from federal, state,

and local funds used in the apportionment formula calculation as determined by the superintendent of public instruction and such other funds as determined appropriate by the superintendent of public instruction, plus special excess levies: PROVIDED, That districts declining in full time equivalent enrollment by more than two percent from the immediately preceding school year's full-time equivalent enrollment shall receive no less total dollars from the aforementioned sources than the total amount accrued from those sources during the previous school year less one-half of the difference generated on the present school year's enrollment as compared with the previous school year's enrollment for apportionment purposes:

V [PROVIDED FURTHER, That for districts that exceed the state average for comparable districts, the superintendent of public instruction, by rule and regulations, shall provide a five year plan that reduces the funds of such school districts to the state average for comparable districts:

[PROVIDED FURTHER, That for districts below the state average for comparable districts the state superintendent shall provide by rule and regulation a five-year plan that increases the funds of such school districts to the state average for comparable districts.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

In addition to those state funds provided for school districts as otherwise in this chapter provided, the superintendent of public instruction shall include as a part of the superintendent's state budget request, funds to be distributed to school districts for special programs, including but not limited to, programs for the handicapped as authorized by chapter 28A.13 RCW, as now or hereafter amended, programs for culturally disadvantaged students, including additional costs occurring because of a high degree of transient enrollment, programs necessitating additional costs through interdistrict cooperation, whether under RCW 28A.58.075, as now or hereafter amended, or as otherwise provided by law, programs of vocational and/or vocational-technical education, compensatory programs for gifted students, programs for urban, rural, and racial disadvantaged students, pupil transportation including equipment acquisition, and other special programs as deemed appropriate by the superintendent of public instruction and authorized by the legislature.

Sec. 7. Section 4, chapter 217, Laws of 1969 ex. sess. as amended by section 1, chapter 14, Laws of 1972 ex. sess. and RCW 28A.41.145 are each amended to read as follows:

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

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

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

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

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

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students, including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) and shall include such costs in the (~~"weighting schedule"~~ established pursuant to REW 28A.41-140) distribution of funds to school districts under section 3 of this 1973 amendatory act. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

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

~~((5) The superintendent of public instruction is authorized~~

to adopt rules and regulations to carry out the purposes of RCW ~~28A.44.440~~ and ~~28A.44.445~~))

Sec. 8. Section 28A.44.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.44.040 are each amended to read as follows:

The ((weighted)) student enrollment as computed ((under RCW ~~28A.44.440~~ accredited to)) for the purposes of section 4 of this 1973 amendatory act for each school district or part thereof within a county shall be the basis upon which the real estate sales tax proceeds as provided for in chapter 28A.45 RCW and apportionments from the county current school fund shall be made.

Sec. 9. Section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801 are each amended to read as follows:

Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of section 4 of this 1973 amendatory act and the provisions of RCW ((~~28A.44.440~~ and)) 28A.47.800 through 28A.47.811: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015, or such lesser amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 10. Section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW ((~~28A.44.440~~ and)) 28A.47.800 through 28A.47.811, and in accordance with student enrollment as computed for the purposes of section 4 of this 1973 amendatory act, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW ((~~28A.44.440~~ and)) 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied

for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Sec. 11. Section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW ((28A.47.440 and)) 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the district((s))s shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from two, and then the result of the foregoing shall be divided by two plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\begin{array}{r}
 \text{Computed} \\
 \text{State Ratio} = \frac{2 - \frac{\text{District adjusted valuation per full time equivalent pupil}}{\text{District adjusted valuation per full time equivalent pupil}}}{2 + \frac{\text{District adjusted valuation per full time equivalent pupil}}{\text{District adjusted valuation per full time equivalent pupil}}} \div \frac{\text{Total state adjusted valuation per full time equivalent pupil}}{\text{Total state adjusted valuation per full time equivalent pupil}} = \text{State Assistance}
 \end{array}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW ((REW 28A.47.440 and)) 28A.47.800 through

28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state-owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

Sec. 12. Section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ((28A.47.805 and) 28A.47.800 through 28A.47.811 for school building construction is found by the state board of education to have a school housing emergency requiring

an allotment of state funds in excess of the amount allocable under RCW 28A.47.803, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

Sec. 13. Section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ((~~28A.47.440~~ and)) 28A.47.800 through 28A.47.811; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW ((~~28A.47.440~~ and)) 28A.47.800 through 28A.47.811.

Sec. 14. Section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808 are each amended to read as follows:

The state board of education shall furnish to school districts seeking state assistance under the provisions of RCW ((~~28A.47.440~~

and) 28A.47.800 through 28A.47.811 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 15. Section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809 are each amended to read as follows:

Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 are allotted.

Sec. 16. Section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 and available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

NEW SECTION. Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

As used in sections 3 and 4 of this 1973 amendatory act:

(1) "Financial equalization" shall mean the process of providing a specified amount of resources based upon staffing and nonemployee costs standards to each district, depending upon the number of students in noncategorical education programs and recognizing that staff characteristics and the size and location of schools may necessitate the application of alternative standards of financial support.

(2) "Basic program of education" shall mean those approved courses of study or learning experiences prescribed by law and rules and regulations of the state board of education and those determined by local school districts to be essential to comply with the constitutional mandate to provide for the ample education of all children residing within the state without distinction or preference.

NEW SECTION. Sec. 18. The following acts, or parts thereof,

are each hereby repealed:

(1) Section 14, chapter 244, Laws of 1969 ex. sess. and RCW 28A.41.140.

(2) Section 2, chapter 46, Laws of 1973, section 9, chapter 195, Laws of 1973 1st ex. sess., and RCW 28A.41.130;

(3) Section 2, chapter 46, Laws of 1973, section 136, chapter 195, Laws of 1973 1st ex. sess., and RCW 28A.41.130;

(4) Section 2, chapter 46, Laws of 1973, section 138, chapter 195, Laws of 1973 1st ex. sess., and RCW 28A.41.130;

(5) Section 2, chapter 46, Laws of 1973, section 139, chapter 195, Laws of 1973 1st ex. sess. and RCW 28A.41.130; and

(6) Section 2, chapter 46, Laws of 1973 as last amended by section ..., chapter ..., Laws of 1973 2nd ex. sess. and RCW 28A.41.130.

NEW SECTION. Sec. 19. This 1973 amendatory act shall be effective on July 1, 1974.

NEW SECTION. Sec. 20. If any provision of this 1973 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. 21. Notwithstanding any other provision of this 1973 amendatory act, if House Joint Resolution No. 37 of the first extraordinary session of the forty-third legislature is not approved by the electorate at the 1973 general election this entire 1973 amendatory act shall be null and void and of no effect.

NEW SECTION. Sec. 22. The 1974 legislature, in the event HJR 37 is approved, may amend said formula distribution to the various school districts, as provided in this act, to legislate state-wide teacher salary schedules.

Passed the House September 14, 1973.

Passed the Senate September 15, 1973.

Approved by the Governor September 26, 1973, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 1128 entitled:

Veto
Message

"AN ACT Relating to education."

This bill would implement a new state financial aid equalization formula for school districts in the event that HJR 37 is approved by the voters in November, 1973. Section 4 provides a formula upon which a district's

entitlement to maintenance and operating funding would be determined by: (1) certificated and classified personnel allocation; (2) salary costs based on a statewide pay differential table; and (3) nonemployee related costs such as books, supplies, equipment and utilities. Veto
Message

Section 5 of the bill contains the guarantee to the school districts that they will suffer no reduction in their dollar support level per enrolled pupil as a result of the passage of HJR 37. As enacted, however, the second proviso in Section 5 is in direct conflict with such guarantee and with the equalization formula set forth in Section 4. The provisos not only provides for the reduction of the amount of state aid to those districts which exceed the state average for comparable districts, but also dictates a nonformula approach to school district funding which totally ignores the cost characteristics of individual school districts and the concept of program equalization which are reflected in Section 4 and the balance of the act. In addition the proviso flies in the face of the declared intent of the act as stated in Section 2 (2) which assures the citizens and school districts of this state that the per pupil support level will not be reduced upon the passage of HJR 37. In order to restore internal consistency within Section 5 and to preserve the original intent of the act, I have determined to veto the second proviso in Section 5, page 6, of the act, commencing at line 18 and ending on line 22.

Section 22 of the act purports to allow the 1974 Legislature in the event HJR 37 is approved to amend the formula in the act in order to legislate statewide teacher salary schedules. The language of this section is so worded that it has no legal effect whatsoever and adds nothing to the act. If the Legislature wishes to take up the subject of statewide teacher salary schedules in 1974, it has the absolute prerogative to do so and nothing in this act will or can dictate what action will be taken in 1974. Accordingly, I have determined to veto Section 22.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 34

[Engrossed Senate Bill No. 2494]

PUBLIC RECREATION, SPORTS, CULTURE

AND CONVENTION CENTERS

AN ACT Relating to public recreation, sports, culture and convention centers; amending section 5, chapter 236, Laws of 1967 and RCW 67.28.120; amending section 6, chapter 236, Laws of 1967 and RCW 67.28.130; amending section 9, chapter 236, Laws of 1967 and RCW 67.28.160; amending section 10, chapter 236, Laws of 1967 and RCW 67.28.170; amending section 11, chapter 236, Laws of 1967 as amended by section 1, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.180; amending section 14, chapter 236, Laws of 1967 as amended by section 3, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.210; and declaring an emergency.

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

Section 1. Section 5, chapter 236, Laws of 1967 and RCW 67.28.120 are each amended to read as follows:

Any municipality is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire by purchase, gift or grant, to lease as lessee, and to construct, install, add to, improve, replace, repair, maintain, operate and regulate the use of public stadium facilities and/or convention center facilities whether located within or without such municipality, including but not limited to buildings, structures, concession and service facilities, roads, bridges, walks, ramps and other access facilities, terminal and parking facilities for private vehicles and public transportation vehicles and systems, together with all lands, properties, property rights, equipment, utilities, accessories and appurtenances necessary for such public stadium facilities and/or convention center facilities, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such public stadium facilities and/or convention center facilities.

Sec. 2. Section 6, chapter 236, Laws of 1967 and RCW 67.28.130 are each amended to read as follows:

Any municipality, taxing district, or municipal corporation is authorized to convey or lease any lands, properties or facilities to any other municipality for the development by such other municipality of public stadium facilities and/or convention center facilities or to provide for the joint use of such lands, properties or facilities, or to participate in the financing of all or any part of the public stadium facilities and/or convention center facilities on such terms as may be fixed by agreement between the respective legislative bodies without submitting the matter to the voters of such municipalities, unless the provisions of general law applicable to

the incurring of municipal indebtedness shall require such submission.

Sec. 3. Section 9, chapter 236, Laws of 1967 and RCW 67.28.160 are each amended to read as follows:

To carry out the purposes of this chapter the legislative body of any municipality shall have the power to issue revenue bonds without submitting the matter to the voters of the municipality: PROVIDED, That the legislative body shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the legislative body may obligate the municipality to pay all or part of amounts collected from the special taxes provided for in RCW 67.28.180, and/or to pay such amounts of the gross revenue of all or any part of the facilities constructed, acquired, improved, added to, repaired or replaced pursuant to this chapter, as the legislative body shall determine: PROVIDED, FURTHER, That the principal of and interest on such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue pledged to such fund.

Such revenue bonds and the interest thereon issued against such fund or funds shall constitute a claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the municipality.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds; shall be in such denominations as the legislative body shall deem proper; shall be payable at such time or times and at such places as shall be determined by the legislative body; shall be executed in such manner and bear interest at such rate or rates as shall be determined by the legislative body.

Such revenue bonds shall be sold in such manner as the legislative body shall deem to be for the best interests of the municipality, either at public or private sale.

The legislative body may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guaranty the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guaranty the payment of such principal and interest, to pledge and apply thereto part or all of any lawfully authorized special taxes provided for in RCW 67.28.180, to maintain rates, charges or rentals sufficient with other available moneys to pay such

principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders, to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the legislative body may deem necessary to accomplish the most advantageous sale of such bonds. The legislative body may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The legislative body may include in the principal amount of any such revenue bond issue an amount for engineering, architectural, planning, financial, legal, and other services and charges incident to the acquisition or construction of public stadium facilities and/or convention center facilities, an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any facilities to be financed from the proceeds of such issue plus six months. The legislative body may, if it deems it in the best interest of the municipality, provide in any contract for the construction or acquisition of any facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds.

If the municipality shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the municipality and compel the performance of any or all of such covenants.

Sec. 4. Section 10, chapter 236, Laws of 1967 and RCW 67.28.170 are each amended to read as follows:

The legislative body of any municipality owning or operating public stadium facilities and/or convention center facilities acquired or developed pursuant to this chapter shall have power to lease to any municipality or person, or to contract for the use or operation by any municipality or person, of all or any part of the stadium facilities and/or convention center facilities authorized by this chapter, including but not limited to parking facilities, concession facilities of all kinds and any property or property rights appurtenant to such stadium facilities and/or convention center facilities, for such period and under such terms and conditions and upon such rentals, fees and charges as such legislative body may determine, and may pledge all or any portion of such rentals, fees and charges and all other revenue derived from the ownership and/or operation of stadium facilities and/or convention center facilities to pay and to secure the payment of general obligation bonds and/or revenue bonds of such municipality issued for

authorized public stadium and/or convention center facilities purposes.

Sec. 5. Section 11, chapter 236, Laws of 1967 as amended by section 1, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.180 are each amended to read as follows:

The legislative body of any ((class AA)) county, and of any city ((of the first class having a population of one hundred fifty thousand or more not situated in a class AA county)), is authorized to levy and collect, a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging 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: PROVIDED, That 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 to enjoy the same.

Sec. 6. Section 14, chapter 236, Laws of 1967 as amended by section 3, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.210 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities and/or convention center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law.

NEW SECTION. Sec. 7. If any provision of this 1973 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. 8. This 1973 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 September 14, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973 with the exception of Section 8 which is vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item Engrossed Senate Bill No. 2494 entitled:

Veto
Message

"AN ACT Relating to public recreation, sports, culture and convention centers."

This bill extends the option of levying a local 2% sales tax on charges for hotel and motel lodging to all cities and counties, and also extends the use of such tax revenue for the financing of convention center facilities.

I have always maintained that a bill should not contain an emergency clause unless a real emergency exists which would justify the consequence of removing the right of referendum from the people.

In addition, it has been brought to my attention that the bill poses a serious potential loss of revenue to the state from extending the option of levying the hotel/motel sales tax to all cities. The possibility exists, and the language of the bill does not appear to preclude this, that cities within a county levying the tax may choose to levy their own tax, thus resulting in a total tax of 4% which would be deducted from the 4.5% sales tax otherwise collected by the state. This problem should be given detailed consideration by the Legislature at its next session.

With the exception of section 8 which I have vetoed for the foregoing reasons, the remainder of Engrossed Senate Bill No. 2494 is approved."

CHAPTER 35

[Engrossed Substitute Senate Bill No. 2102]

STATE TAX STRUCTURE--REVISIONS--

INCOME TAX

AN ACT Relating to revenue and taxation; amending section 1, chapter 141, Laws of 1973 1st ex. sess. (uncodified); amending section 3, chapter 141, Laws of 1973 1st ex. sess. and RCW (____.____); amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 5, chapter 141, Laws of 1973 1st ex. sess. and RCW 82.08.030; amending section 82.12.030,

chapter 15, Laws of 1961 as last amended by section 6, chapter 141, Laws of 1973 1st ex. sess. and RCW 82.12.030; amending section 82A-3, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-4, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-5, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-6, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-8, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-9, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-10, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-11, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-22, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-26, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-30, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-31, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-33, chapter 141, Laws of 1973 1st ex. sess. and RCW (____); amending section 82A-34, chapter 141, Laws of 1973 1st ex. sess. (____); adding a new section to chapter 141, Laws of 1973 1st ex. sess. and to chapter (____) RCW; repealing section 4, chapter 141, Laws of 1973 1st ex. sess.; creating new sections; adding a new chapter to Title 82 RCW; and prescribing an effective date and an emergency.

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

Section 1. Section 1, chapter 141, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

It is the intent of the legislature in the adoption of ((this 1973 amendatory act)) chapter 141, Laws of 1973 1st ex. sess. to provide adequate revenues for the support of vital services for the people of this state, to promote equity in its tax structure through implementation of the provisions of HJR No. 37, ((and)) to guarantee full funding of a basic program of education, as defined by the legislature and to assure adequate support of local as well as state government, recognizing the intent of the legislature that, in submitting HJR No. 37 to the people for adoption, the imposition of an income tax not presently authorized by law be reserved to the state.

Sec. 2. Section 3, chapter 141, Laws of 1973 1st ex. sess. and RCW (____) are each amended to read as follows:

("Business inventories" shall be exempt from property taxes according to the following schedule:

Commencing January 1, 1975 -Twenty percent of inventory otherwise taxable:

Commencing January 1, 1976 -Forty percent of inventory otherwise taxable:

Commencing January 1, 1977 -Sixty percent of inventory otherwise taxable:

Commencing January 1, 1978 -Eighty percent of inventory otherwise taxable:

Commencing January 1, 1979 and thereafter -One hundred percent of inventory otherwise taxable:

"Business inventories" means personal property acquired solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component.)

"Business inventories" shall be exempt from property taxes according to the following schedule:

Commencing with assessment as of January 1, 1974 for taxes due in 1975 -Twenty percent of inventory otherwise taxable.

Commencing with assessment as of January 1, 1975, for taxes due in 1976 -Forty percent of inventory otherwise taxable.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 -Sixty percent of inventory otherwise taxable.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 -Eighty percent of inventory otherwise taxable.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 and thereafter -One hundred percent of inventory otherwise taxable.

"Business inventories" means all livestock and personal property acquired solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component.

Sec. 3. Section 4, chapter 141, Laws of 1973 1st ex. sess. is hereby repealed.

Sec. 4. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 5, chapter 141, Laws of 1973 1st 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.

(28) Upon and after ((July) January 1, 1974, sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, or other substance other than food ordered by the written direction of a dentist, physician or veterinarian duly licensed pursuant to chapters 18.32, 18.57, 18.71 or 18.92 RCW or pursuant to the laws of another jurisdiction, for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals.

((29) Upon and after July 1, 1974, sales of food products for human consumption. "Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products excluding candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products excluding candy and confectionery, milk and milk products, milkshakes, malted milks and any other similar type beverages which are composed at least in part of milk or a milk

product and which require the use of milk or a milk product in their preparation, all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquor or frozen. "Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.)

(29) Upon and after January 1, 1974, sales of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products ~~excluding candy~~ and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products ~~excluding candy and confectionery.~~

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Sec. 5. Section 82.12.030, chapter 15, Laws of 1961, as last amended by section 6, chapter 141, Laws of 1973 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.

(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.

(23) Upon and after (~~July~~) January 1, 1974, in respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, or other substance other than food

ordered by the written direction of a dentist, physician or
 V veterinarian duly licensed pursuant to chapters 18.32, 18.57, 18.71
 V or 18.92 RCW, or pursuant to the laws of another jurisdiction, for
 V use in the diagnosis, cure, mitigation, treatment, or prevention of
 disease in humans and animals.

((24) Upon and after July 1, 1974, in respect to the use of food products for human consumption: "Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products excluding candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products excluding candy and confectionery, milk and milk products, milkshakes, malted milks and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation, all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquor or frozen. "Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.))

(24) Upon and after January 1, 1974, in respect to the use of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit
 V products, spices and salt, sugar and sugar products excluding candy
 V and confectionery, coffee and coffee substitutes, tea, cocoa and
 V cocoa products excluding candy and confectionery.

"Food products" include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of "food products" provided for in this paragraph shall not apply: (a) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the

food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Sec. 6. Section 82A-3, chapter 141, Laws of 1973 1st ex. sess. and RCW (___.___.___) are each amended to read as follows:

Definitions and Rules of Interpretation. When used in this Title where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business Income. The term "business income" means:

(a) in the case of a corporation, its total income from whatever source derived; and

(b) in all other cases income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto.

(2) Capital Asset. The term "capital asset" means ~~((i) a capital asset as defined in section 1221 of the Internal Revenue Code~~ ~~((ii) property defined in section 1231 of the Internal Revenue Code~~ and ~~((iii) other real property))~~ capital property as defined herein.

(3) The term "capital property" shall mean (i) a capital asset as defined in section 1221 of the Internal Revenue Code, (ii) property defined in section 1231 of the Internal Revenue Code or (iii) other real property.

~~((3))~~ (4) Commercial Domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

~~((4))~~ (5) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services, as used in both sections 3401 and 3402 of the Internal Revenue Code.

~~((5))~~ (6) Corporation. The term "corporation" means, in addition to an incorporated entity, an association, trust or any unincorporated organization which is defined as a corporation in the Internal Revenue Code.

~~((6))~~ (7) Department. The term "department" means the department of revenue of this state.

~~((7))~~ (8) Director. The term "director" means the director

of revenue of this state.

((10)) (9) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, executrix, administratrix, receiver, conservator, or any person acting in any fiduciary capacity for any person.

((11)) (10) Financial Institution. "Financial institution" means any bank, trust company, building and loan or savings and loan association, bank holding company as defined in section 1841, chapter 17, Title 12 of the laws of the United States, or industrial bank.

((12)) (11) Financial Organization. The term "financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, bank holding company as defined in section 1841, chapter 17, Title 12 of the laws of the United States, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, or investment company, and any other corporation at least 90 percent of whose assets consist of intangible property and at least 90 percent of whose gross income consists of dividends or interest or other charges resulting from the use of money or credit.

((13)) (12) Fiscal Year. The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

((14)) (13) Foreign Corporation. The term "foreign corporation" means a corporation organized under the laws of a foreign country or a corporation organized under the laws of any state or the United States which is domiciled in a foreign country.

((15)) (14) Includes and Including. The terms "includes" and "including" when used in a definition contained in this Title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

((16)) (15) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

((17)) (16) Nonbusiness Income. The term "nonbusiness income" means all income other than business income or compensation.

((18)) (17) Nonresident. The term "nonresident" means a person who is not a resident.

((19)) (18) Paid, Incurred and Accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's taxable income is computed under this Title.

((20)) (19) Partnership and Partner. The term "partnership" includes a syndicate, group, pool, joint venture or other

unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this Title, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

((19)) (20) Person or Individual. The term "person or individual" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation or fiduciary or any other group or combination acting as a unit.

((20)) (21) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the department.

((21)) (22) Resident. The term "resident" means: (a) An individual who is domiciled in this state unless he maintains no permanent place of abode in this state and does maintain a permanent place of abode elsewhere and spends in the aggregate not more than 30 days of the taxable year in this state; or who is not domiciled in this state but maintains a permanent place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(b) The estate of a decedent who at his death was domiciled in this state;

(c) A trust created by a will of a decedent who at his death was domiciled in this state; and

(d) An irrevocable trust, the grantor of which was domiciled in this state at the time such trust became irrevocable. For purposes of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under sections 671 through 678 of the Internal Revenue Code.

For purpose of the definition of a "resident", a taxable year shall be deemed terminated at the date of death of an individual.

((22)) (23) Returns. The term "returns" includes declarations of estimated tax required under this Title.

((23)) (24) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under sections 82A-12 through 82A-15 except as provided in section 82A-22 for sales factor purposes.

((24)) (25) State. The term "state" when applied to a jurisdiction other than this state means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any Territory or Possession of the United States, or any political subdivision of any of the foregoing.

((25)) (26) "Tax" includes interest and penalties and includes the tax required to be withheld by an employer on wages, unless the intention to give it a more limited meaning is disclosed by the context.

~~((26))~~ (27) Taxable Income. "Taxable income" means taxable income or net income properly returned to and ascertained by the United States government for the tax year subject to the modifications and adjustments contained in this Title.

~~((27))~~ (28) Taxable Year. The term "taxable year" or "tax year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the taxable income is computed under this Title. "Taxable year" or "tax year" means, in the case of a return made for a fractional part of a year under the provisions of this Title, the period for which such return is made.

~~((28))~~ (29) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Title.

~~((29))~~ (30) Constructions. Words denoting number, gender, and so forth, when used in this Title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) Words importing the singular include and apply to several persons, parties or things;

(b) Words importing the plural include the singular; and

(c) Words importing the masculine gender include the feminine as well.

~~((30))~~ (31) "Company" or "Association" as Including Successors and Assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

~~((31))~~ (32) Other terms. Any term used in any section of this Title with respect to the application of, or in connection with, the provisions of any other section of this Title shall have the same meaning as in such other section.

~~((32))~~ (33) Captions. Section, subsection, part and subpart headings and captions do not constitute any part of the law.

Sec. 7. Section 82A-4, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Taxable Income-Persons Other Than a Corporation, a Financial Institution or an Estate or Trust. (1) Taxable income of persons other than a corporation, financial institution or an estate or trust means adjusted gross income as defined in the Internal Revenue Code and as required to be returned to and ascertained by the federal government for the tax year subject to the following modifications:

~~((a)~~ Add gross interest income and dividends derived from obligations or securities of states other than Washington state in the same amount which has been excluded from federal adjusted gross income less related expenses not deducted in computing federal adjusted gross income because of section 265(f) of the Internal

Revenue Code:)) (a) Add gross interest income and dividends which have been excluded from federal adjusted gross income less related expenses not deducted in computing federal adjusted gross income because of section 265 (1) of the Internal Revenue Code except interest from obligations of the state of Washington and its political subdivisions less related expenses deducted in computing adjusted gross income.

(b) Add taxes on or measured by net income to the extent the taxes have been deducted ((except the tax imposed by REW 82-04 {business and occupation tax})) in arriving at federal adjusted gross income.

((c) Add an amount equal to all amounts paid or accrued to the taxpayer as interest or dividends to the extent excluded from gross income in the computation of adjusted gross income:))

((d)) (c) Add the amount of any deduction taken pursuant to section 613 (b) (1) of the Internal Revenue Code.

((e)) (d) Deduct, to the extent included in federal adjusted gross income, income derived from obligations of the United States government which this state is prohibited by law from subjecting to a net income tax, reduced by any interest on indebtedness incurred in carrying the obligations, and by any expense incurred in the production of such income to the extent that the expenses, including amortizable bond premiums, were deducted in arriving at federal adjusted gross income.

((f)) (e) Deduct the amount paid for medical and dental care during the taxable year by the taxpayer, his or her spouse, and dependents and allowable as ((a)) an itemized deduction for federal income tax purposes under section 213 of the Internal Revenue Code.

((g)) (f) Deduct the amount of one thousand two hundred fifty dollars multiplied by the number of exemptions allowed to the taxpayer for the same taxable year under the Internal Revenue Code.

((h)) (g) Deduct in the case of a spouse, alimony, support maintenance payments and principal sums payable in installments to the extent included in the other spouse's adjusted gross income, pursuant to the provisions of the Internal Revenue Code, but only to the extent otherwise deductible by such spouse pursuant to the provisions of the Internal Revenue Code.

((i)) (h) Deduct the amount paid by a taxpayer during the taxable year for necessary employee employment expenses, other than expenses deducted in arriving at adjusted gross income, including but not limited to union or professional association dues, fees to secure employment, work tools and required uniforms to the extent allowable as an itemized deduction under the Internal Revenue Code.

((j)) (i) Any adjustments with respect to estate and trust income as provided in section 82A-6.

~~((j))~~ (j) Any adjustments resulting from the allocation and apportionment provisions of subpart D.

~~((k))~~ (k) Any adjustments with respect to income from small business corporations as provided in section 82A-10.

~~((l))~~ (l) Any adjustments with respect to partnership income as provided in section 82A-11.

~~((m))~~ (m) Any adjustments with respect to capital assets as provided in section 82A-11.

(n) Any adjustments with respect to net operating or capital loss deductions as provided for corporations and financial institutions in section 82A-5.

(2) For the purposes of this section, a person other than a corporation, a financial institution or estate or trust means in addition to a resident or nonresident individual:

(a) A partner in a partnership.

(b) A beneficiary of an estate or a trust.

(3) For the purposes of this section, the taxable income of a nonresident shall be computed in the same manner as in the case of a resident, subject to the allocation and apportionment provisions of subpart D.

(4) A resident beneficiary of a trust whose taxable income includes all or part of an accumulation distribution by a trust, as defined in section 665 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due under this Title. The credit shall be all or a proportionate part of any tax paid by the trust under this Title for any preceding taxable year which would not have been payable if the trust had in fact made distribution to its beneficiaries at the times and in the amounts specified in section 666 of the Internal Revenue Code. The credit shall not reduce the tax otherwise due from the beneficiary to an amount less than would have been due if the accumulation distribution were excluded taxable income.

(5) Taxable income of a nonresident who is a beneficiary of a resident estate or trust shall include the beneficiary's share of estate or trust income.

(6) The taxable income of a resident who is required to include income from a trust in his federal income tax return under the provisions of subpart E of subchapter J of the Internal Revenue Code, sections 671 through 678, shall include items of income and deductions from the trust in taxable income.

(7) It is the intention of this section that the income subject to tax or taxable income be computed in like manner and be the same as provided in the Internal Revenue Code, subject to adjustments specifically provided for in this Title.

(8) An addition or subtraction shall not be allowed under this

section which has the effect of duplicating an item of income or deduction.

Sec. 8. Section 82A-5, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Taxable Income of Corporations Including Financial Institutions. (1) "Taxable income" in the case of a corporation including a financial institution means federal taxable income subject to the following adjustments:

~~((a) Add gross interest income and dividends derived from obligations or securities of states other than Washington state in the same amount which has been excluded from federal taxable income, less related expenses not deducted in computing federal taxable income because of section 265 of the Internal Revenue Code;))~~ (a) Add gross interest income and dividends which have been excluded from federal taxable income less related expenses not deducted in computing federal adjusted gross income because of section 265 (1) of the Internal Revenue Code except interest from obligations of the state of Washington and its political subdivisions less related expenses deducted in computing adjusted gross income.

(b) Add taxes on or measured by net income to the extent the taxes have been deducted in arriving at federal taxable income.

(c) Add any net operating loss deductions which have been deducted in arriving at federal taxable income, and deduct any net operating loss deductions as defined in subsection (3).

(d) Add any capital loss carry-over which has been deducted in arriving at federal taxable income, and deduct the capital loss carry-over that would be deductible under the Internal Revenue Code if the Internal Revenue Code had become effective on January 1, 1974.

(e) Add for corporations other than financial institutions, losses on the sale or exchange of obligations of the United States government, the income of which this state is prohibited from subjecting to a net income tax, to the extent that the loss has been deducted in arriving at federal taxable income.

(f) Add the amount of any deduction taken pursuant to section 613(b)(1) of the Internal Revenue Code.

~~((g) Add an amount equal to all amounts paid or accrued to the taxpayer as interest during the taxable year to the extent excluded from gross income in the computation of taxable income;))~~

~~((h) Add in the case of a cooperative association patronage dividends to the extent deducted in computing federal taxable income;))~~

~~((i))~~ (g) Add in the case of a Western Hemisphere trade corporation, China Trade Act corporation, or possessions company described in section 931(a) of the Internal Revenue Code, an amount equal to the amount deducted or excluded from gross income in the

computation of taxable income for the taxable year on account of the special deductions and exclusions (but in the case of a possessions company, net of the deductions allocable thereto) allowed such corporations under the Internal Revenue Code.

(h) Deduct one hundred percent of dividend income to the extent such income constitutes "qualifying dividends" as defined in section 243 (b) (1) of the Internal Revenue Code and eighty-five percent of other dividend income: PROVIDED, HOWEVER, That the deduction provided herein shall be allowed only to the extent that the income of the payor corporation from which the dividend is paid has been included in taxable income and has been subject to the tax imposed by this title.

~~((f))~~ (i) Deduct, for corporations other than financial institutions, to the extent included in federal taxable income, income derived from obligations or sale or exchange of obligations of the United States government, which this state is prohibited by law from subjecting to a net income tax reduced by any interest on indebtedness incurred to carry the obligations, and by any expenses incurred in the production of such income to the extent that the expenses including amortizable bond premiums and interest were deducted in arriving at federal taxable income.

~~((g))~~ (j) Deduct the foreign dividend gross-up included in federal taxable income pursuant to section 78 of the Internal Revenue Code.

~~((h))~~ (k) Any adjustments resulting from the apportionment provisions of subpart D of this Title and the accounting provisions of section 82A-34.

~~((i))~~ (l) Any adjustments with respect to capital assets as provided in section 82A-11.

(2) Federal taxable income means "taxable income" as defined in section 63 of the Internal Revenue Code plus any special deductions for corporations for dividends received allowed by sections 241, 243, 244, 245, 246 and 247 of the Internal Revenue Code.

"Taxable income" for purposes of this definition shall mean:

(a) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by section 802 of the Internal Revenue Code, life insurance company taxable income;

(b) Certain mutual insurance companies. In the case of a mutual insurance company subject to the tax imposed by section 821 (a) or (c) of the Internal Revenue Code, mutual insurance company taxable income or taxable investment income, as the case may be;

(c) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by section 852 of the Internal Revenue Code, investment company taxable income;

(d) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by section 857 of the Internal Revenue Code, real estate investment trust taxable income;

(e) Cooperatives. In the case of cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of sections 1381 through 1388 of the Internal Revenue Code.

(3) Net operating loss means the loss that would result from the computation under subsection (1) without deducting the net operating loss deduction permitted by subdivision (c) of subsection (1), and without deducting the capital loss carry-over permitted by subdivision (d) of subsection (1). The net operating loss is first carried back to the earliest of the 3 years preceding the loss year and, if not entirely used up in offsetting taxable income in that year, the unused portion of the loss is first carried back to the second earliest year and the balance, if any, is carried back to the year next preceding the loss year. If the taxable income of the 3 preceding years is not sufficient to be offset by the loss, the unused portion of the loss is first carried over to the year next following the loss year, then successively to the next 4 years following the loss year or until the loss is used up, whichever first occurs, but in no case for more than 5 years after the loss year. A net operating loss shall not be allowed for taxable periods ending before January 1, 1974, and the loss shall not be applied to the income of any taxable periods ending before January 1, 1974.

(4) If for the taxable year of a corporation, there is in effect an election under section 992(a) of the Internal Revenue Code or the corporation is treated as a domestic international sales corporation as defined in section 992(a)(3) of the Internal Revenue Code, the corporation shall be subject to the tax imposed by this title on its taxable income as defined in the Internal Revenue Code for such corporation subject to the adjustments contained in this section except:

(a) There shall be deducted from taxable income the amount of earnings and profits taxed to the shareholders for the taxable year under section 995 of the Internal Revenue Code which have not in fact been distributed to the shareholders.

(b) In case the corporation is a wholly owned subsidiary corporation of another corporation which is subject to the tax imposed by this title, the corporation shall not be treated as a taxable entity and the taxable income of the parent corporation shall be determined by combining the taxable income and apportionment factors of the wholly owned subsidiary corporation and the parent corporation as provided for in section 82A-34. The corporation shall

be considered a wholly owned subsidiary if all of its outstanding shares, except director's qualifying shares, are owned by a single corporation, either directly or indirectly through other corporations all of whose shares, except directors qualifying shares, are owned directly or indirectly by such corporation.

Sec. 9. Section 82A-6, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Taxable Income of Trusts or Estates. (1) "Taxable income" in the case of an estate or trust means federal taxable income as defined in the Internal Revenue Code subject to the following adjustments:

~~((a) Add gross interest income and dividends derived from obligations or securities of states other than Washington state in the same amount which has been excluded from federal taxable income less related expenses not deducted in computing federal taxable income because of section 265 of the Internal Revenue Code.))~~ (a) Add gross interest income and dividends which have been excluded from federal taxable income less related expenses not deducted in computing federal adjusted gross income because of section 265 (1) of the Internal Revenue Code except interest from obligations of the state of Washington and its political subdivisions less related expenses deducted in computing adjusted gross income.

(b) Add taxes on or measured by net income to the extent the taxes have been deducted ~~((except the tax imposed by RCW 82-04 {business and occupation tax}))~~ in arriving at federal taxable income.

(c) Add the amount of deduction taken pursuant to section 613(b)(1) of the Internal Revenue Code.

(d) Deduct, to the extent included in federal taxable income, income derived from obligations of the United States government which this state is prohibited by law from subjecting to a net income tax, reduced by any interest on indebtedness incurred in carrying the obligations, and by any expenses incurred in the production of such income to the extent that the expenses, including amortizable bond premiums, were deducted in arriving at federal taxable income.

~~((e) Add an amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income.))~~ (e) Any adjustments with respect to net operating and capital loss deductions as provided for corporations in section 82A-5.

(f) Deduct any adjustment resulting from the allocation and apportionment provisions of subpart D.

(g) Any adjustments with respect to capital assets as provided in section 82A-11.

(2) The respective shares of an estate or trust and its beneficiaries, including, solely for the purpose of this allocation, nonresident beneficiaries, in the additions and subtractions to taxable income shall be in proportion to their respective shares of distributable net income of the estate or trust as defined in the Internal Revenue Code. If the estate or trust has no distributable net income for the taxable year, the share of each beneficiary in the additions and subtractions shall be in proportion to his share of the estate or trust income for the year, under local law or the terms of the instrument, which is required to be distributed currently and any other amounts of such income distributed in the year. Any balance of the additions and subtractions shall be allocated to the estate or trust.

(3) An addition or subtraction shall not be made under this section which has the effect of duplicating an item of income or deduction.

Sec. 10. Section 82A-8, chapter 141, Laws of 1973 1st ex. sess. and RCW (___.___.___) are each amended to read as follows:

Tax Imposed-Corporations Other Than Financial Institutions. For receiving, earning or otherwise acquiring income from any source whatsoever after the effective date of this Title, there is levied and imposed a tax on every corporation other than a financial institution. The tax shall be the following percentage of the corporation's taxable income, for each of the following taxable years:

Commencing January 1, 1974 -~~((Eight))~~ Seven and one-half percent of taxable income.

Commencing January 1, ~~((1976))~~ 1975 -~~Eight~~ ((and one-half)) percent of taxable income.

Commencing January 1, ~~((1977))~~ 1976 -~~((Nine))~~ Eight and one-half percent of taxable income.

Commencing January 1, ~~((1978))~~ 1977 -~~Nine~~ ((and one-half)) percent of taxable income.

Commencing January 1, 1978 -Nine and one-half percent of taxable income.

Commencing January 1, 1979 -Ten percent of taxable income.

Sec. 11. Section 82A-9, chapter 141, Laws of 1973 1st ex. sess. and RCW (___.___.___) are each amended to read as follows:

Tax Imposed-Financial Institutions. There is hereby imposed and levied a tax on financial institutions on the privilege of carrying on any business activity in this state, in addition to other taxes imposed by law, a tax measured by the taxable income of every financial institution as follows, for each of the following taxable years:

Commencing January 1, 1974 -~~((Eight))~~ Seven and one-half

percent of taxable income.

Commencing January 1, ((1976)) 1975 -Eight ((and one-half)) percent of taxable income.

Commencing January 1, ((1977)) 1976 -((Nine)) Eight and one-half percent of taxable income.

Commencing January 1, ((1978)) 1977 -Nine ((and one-half)) percent of taxable income.

Commencing January 1, 1978 -Nine and one-half percent of taxable income.

Commencing January 1, 1979 -Ten percent of taxable income.

Sec. 12. Section 82A-10, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Corporate election under subchapter S. (1) A corporation which has filed a proper election under subchapter S of the Internal Revenue Code shall be subject to the tax imposed on corporations by this Title in the same manner as though no such election had been made ((to the extent that its shares of stock are owned by nonresidents of this state)) except that the rate of tax shall be at the highest rate imposed on individuals under section 82A-7.

((2) A resident stockholder of a subchapter S corporation shall include in his computation of taxable income any income or losses of the subchapter S corporation attributable to him in the computation of his federal income tax for the same tax year.)

((3)) (2) A ((nonresident)) stockholder of a subchapter S corporation shall exclude any income or losses of a subchapter S corporation from taxable income for purposes of this Title.

Sec. 13. Section 82A-11, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Adjustments to Taxable Income--Allocation and Apportionment Rules. (1) In General. (a) The taxable income of any taxpayer whose income producing activities are confined solely to this state shall be allocated to this state.

(b) Any taxpayer having business income which is taxable both within and without this state, other than the rendering of personal services by a resident individual, shall apportion his income as provided in this Title.

(c) To the extent taxable income is subject to the allocation and apportionment provisions of this Title, only non-business income shall be allocated as provided in sections 82A-12 through 82A-15 and all business income shall be apportioned as provided in sections 82A-16 through 82A-30 of this Title.

(d) Any taxpayer whose taxable income for any tax year is increased or diminished by the sale or exchange of a capital asset after the effective date of this title which the taxpayer owned prior to the effective date of this title shall recompute taxable income

for such tax year by excluding therefrom that proportion of the gain or loss on the sale or exchange of a capital asset included in taxable income and attributable to the taxpayer's holding period of the capital asset occurring prior to the effective date of this title. The ~~((proportion))~~ portion of the gain or loss attributable to the taxpayer's holding period prior to the effective date of this title, at the election of the taxpayer, shall be either:

(i) The ratio that the holding period of the taxpayer expressed in months prior to the effective date of this title bears to the total holding period of the taxpayer expressed in months.

(ii) The difference between the fair market value of the capital asset on the effective date of this title and the ~~((amount of gain or loss))~~ adjusted basis taken into account in determining taxable income. The method of determining the fair market value of a capital asset on the effective date of this title for the purpose of this election shall be prescribed by the department.

(2) Taxable In Another State. For purposes of allocation and apportionment of income under this Title, a taxpayer is taxable in another state if that state has jurisdiction to subject the taxpayer to a net income tax whether or not the state has a net income tax.

(3) Resident Individuals, Estates or Trusts. In case of a resident individual, estate or trust all taxable income from any source whatsoever, except that attributable to another state under the allocation or apportionment provisions of subpart D and subject to the credit provisions of 82A-33, is allocated to this state.

(4) Nonresident Individuals, Estates or Trusts. In case of a nonresident individual, estate or trust all taxable income is allocated to this state to the extent it is earned, received or acquired:

(a) For the rendition of personal services performed in this state.

(b) As a distributive share of the net profits of an unincorporated business, profession, enterprise, undertaking or other activity as the result of work done, services rendered and other business activities conducted in this state, except as allocated or apportioned to another state pursuant to the provisions of Subpart D ~~((and subject to the credit provisions of section 82A-33))~~.

(5) Beneficiaries of Nonresident Estates or Trusts. (a) The respective shares of a nonresident estate or trust and its beneficiaries, including, solely for purposes of allocation, resident and nonresident beneficiaries, in the income attributable to Washington, shall be in proportion to their respective shares of distributable net income under the Internal Revenue Code. If the estate or trust has no distributable net income for the taxable year, the share of each beneficiary in the income attributable to

Washington, shall be in proportion to his share of the estate or trust income for such year, under local law or the terms of the instrument, which is required to be distributed currently and other amounts of such income distributed in such year. Any balance of the income attributable to Washington shall be allocated to the estate or trust.

(b) A nonresident estate or trust shall be allowed the credit provided in section 82A-33 (2) except that the limitation shall be computed by reference to the taxable income of the estate or trust.

(6) Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income together with any item of deduction allocable thereto, shall be allocated as provided in sections 82A-12 through 82A-15.

(7) In the case of a corporation including a financial institution which is taxable in more than one state, all taxable income from whatever source derived shall be apportioned as provided in this Title and the specific allocation rules in sections 82A-12 through 82A-15 shall not apply.

(8) Allocation of Partnership Income by Partnerships and Partners Other Than Residents. (a) Allocation of partnership business income by partners other than residents. The respective shares of partners other than residents in so much of the business income of the partnership as is allocated or apportioned to this state in the hands of the partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year and allocated to this state.

(b) Allocation of partnership nonbusiness income by partners other than residents. The respective shares of partners other than residents in the items of partnership income and deduction not taken into account in computing the business income of a partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year, and allocated as if such items had been paid, incurred or accrued directly to such partners in their separate capacities.

(c) Allocation or apportionment of business income by partnership. Business income of a partnership shall be apportioned to this state as provided in subpart D.

(9) (a) A partnership shall not be subject to the income tax imposed by this Title. Persons carrying on business as partners shall be liable for income tax only in their separate or individual capacities. The taxable income attributable to a taxpayer's interest in a partnership shall be computed in accordance with the provisions

of subchapter K of chapter 1 of the Internal Revenue Code, except as otherwise provided in this Title.

(b) Character of Items. Each item of partnership income, gain, loss, or deduction shall have the same character for a partner under this Title as it has for federal income tax purposes. Where an item is not characterized for federal income tax purposes, it shall have the same character for a partner as if realized directly for the source from which realized by the partnership or incurred in the same manner as incurred by the partnership.

(c) Tax Avoidance or Evasion. Where a partner's distributive share of an item of partnership income, gain, loss, or deduction is determined for federal income tax purposes by a special provision in the partnership agreement with respect to such item, and the principal purpose of such provision is the avoidance or evasion of tax under this Title, the partner's distributive share of such item and any modification required with respect thereto shall be determined in accordance with his distributive share of the taxable income or loss of the partnership generally (that is, exclusive of those items requiring separate computation under the provisions of section 702 of the Internal Revenue Code).

The terms "taxable income", "net income", or "income" as used in subpart D of this title and section 82A-34 shall mean "taxable income", "net income", or "income" as defined in this title prior to the application of any of the allocation or apportionment provisions of this title.

Sec. 14. Section 82A-22, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Sales Factor. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax year and the denominator of which is the total sales of the taxpayer in all states ((in which the taxpayer is taxable for the tax year)).

"Sales", as used in this section means all gross receipts from:

- (1) Sales of tangible personal property;
- (2) Rentals of tangible personal property;
- (3) Sales of real property held for sale in the ordinary course of a taxpayer's trade or business;
- (4) Rentals of real property; and
- (5) Sales of services.

Sec. 15. Section 82A-26, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Interstate Transportation of Oil by Pipeline; Apportionment. In the case of taxable income derived from the transportation of oil by pipeline, taxable income attributable to Washington shall be that

portion of the taxable income of the taxpayer derived from the pipeline transportation of oil that the barrel miles transported in Washington bear to the barrel miles transported by the taxpayer in all the states in which the taxpayer is subject to tax.

Sec. 16. Section 82A-30, chapter 141, Laws of 1973 1st ex. sess. and RCW (___.___.___) are each amended to read as follows:

Exceptions. (a) If the apportionment provisions of this Title do not fairly represent the extent of the taxpayer's income attributable to this state, the taxpayer may petition for or the director may require, if reasonable:

(1) When the taxpayer carries on two or more businesses, a separate apportionment for each business;

(2) The exclusion of any one or more of the factors;

(3) The inclusion of one or more additional factors or the substitution of one or more factors; or

(4) The employment of any other method to effectuate an equitable apportionment of the taxpayer's income.

(b) If the apportionment provisions of this title in combination with the allocation and apportionment provisions of other states in which a corporation is required to pay an income tax results in the apportionment or allocation of more than one hundred percent of the corporation's taxable income for the same tax year, the director may make any adjustment to the apportionment provisions of this title he deems will fairly represent the corporation's income attributable to this state in light of the attribution rules of other states in which the taxpayer is required to pay an income tax for the same tax year.

Sec. 17. Section 82A-31, chapter 141, Laws of 1973 1st ex. sess. and RCW (___.___.___) are each amended to read as follows:

Exemptions. (1) A person who is exempt from federal income tax pursuant to the provisions of the Internal Revenue Code shall be exempt from the tax imposed by this Title except((:

(a) An organization included under sections 501(c) (12) and 501(c) (16) of the Internal Revenue Code;

(b)) the unrelated taxable business income of an exempt person as determined under the provisions of the Internal Revenue Code.

(2) This Title shall not apply to a regulated investment company or real estate investment trust as defined in the Internal Revenue Code, except to the extent that such company or trust has taxable income for federal tax purposes.

(3) Except as hereinafter provided the tax imposed by this title shall not apply to foreign or alien insurers subject to the premium tax, to the extent imposed by RCW 48.14.020, holding valid certificates of authority issued by the insurance commissioner of

this state: PROVIDED, That the provisions of this subsection shall not exempt any person engaging in the business of representing any insurer, whether as general or local agent, or acting as broker for one or more insurers.

(4) Nothing in this section shall exempt any person from the withholding and information return provisions of this Title.

Sec. 18. Section 82A-33, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

(1) Credit-Individual, Estate or Trust. A resident individual, estate or trust, in the state of Washington shall be allowed a credit against the taxes imposed by this Title for net income taxes imposed by and paid or accrued to another state ~~((or to a foreign country or political subdivision thereof))~~ on income taxed under this Title, subject to the following conditions:

(a) The credit shall be allowed only for taxes imposed by such other state ~~((or country))~~ on net income from sources within such state ~~((or country))~~ and taxed under the laws thereof.

(b) The amount of such tax credit shall be the smaller of the following two amounts:

(i) the amount of tax actually paid; or

(ii) the product of the Washington tax times a fraction, the numerator of which is that portion of the taxpayer's adjusted gross income actually taxed by such other state ~~((or country))~~, and the denominator of which is the taxpayer's adjusted gross income as modified by the provisions of section 82A-4.

(c) If, in lieu of a credit, the laws of the state of residence contain a provision exempting a resident of this state from liability for the payment of income taxes on income earned for personal services performed in that state, then the director is authorized to enter into a reciprocal agreement with that state providing a similar tax exemption for its residents on income earned for personal services performed in this state.

~~((2) Credit-Nonresident Individual, Estate or Trust: (a) A nonresident individual, estate or trust shall be allowed a credit against but not in excess of the tax otherwise due under this Title for the amount of any income tax imposed on him for the taxable year by the state of residence on income from sources therein which is also subject to tax under this Title:~~

~~(b) The credit allowed by this subsection shall be allowable only if the laws of the state of residence contain a reciprocal provision which allows credits to residents of this state under similar circumstances:))~~

~~((3))~~ (2) No credit shall be allowed for any income tax paid to another state or on any income which has not been included in taxable income under this Title for the same tax year and in fact

subject to an income tax by this state and by another state.

Sec. 19. Section 82A-34, chapter 141, Laws of 1973 1st ex. sess. and RCW (_____) are each amended to read as follows:

Combined Reporting; Administrative Adjustments. (1) In the case of a corporation liable to report under this Title owning or controlling, either directly or indirectly, another corporation, or other corporations, except foreign corporations and in the case of a corporation liable to report under this Title and owned or controlled, either directly or indirectly, by another corporation, except foreign corporations the department may require a report showing the combined taxable income and apportionment factors of the controlled group except foreign corporations and other facts as it deems necessary. The department is authorized and empowered, in such manner as it may determine, to assess the tax against the corporations which are liable to report under this Title and whose taxable income is involved in the report upon the basis of the combined entire taxable income and apportionment factors of the controlled group except foreign corporations and other information as it may possess; or it may adjust the tax in such other information as it shall determine to be equitable if it determines such adjustment to be necessary in order to prevent evasion of taxes or to clearly reflect the taxable income earned by said corporations from business done in this state. Direct or indirect ownership or control of more than fifty percent of the voting stock of a corporation shall constitute ownership or control for purposes of this section.

(2) In the event a corporation is required or permitted by the department to report taxable income on the basis of the entire combined taxable income and apportionment factors of a controlled group: (i) The apportionment factors shall be the apportionment factors of the combined group after elimination of transactions between members of the combined group; (ii) combined entire taxable income of a controlled group shall be determined by excluding any items of income or expense resulting from transactions between members of the controlled group; and (iii) the corporation shall not be required or permitted to report taxable income in any other manner unless a change in circumstances clearly reflects that a combined report does not clearly reflect the taxable income of the corporation.

~~((2))~~ (3) In the case of a corporation subject to the tax imposed under this Title which computes its federal taxable income, as a common parent or as an affiliate, on a consolidated basis with one or more other corporations, the department may require a separate return computing taxable income as if separate returns had been filed for federal income tax returns and restoring intercompany transactions eliminated for purposes of computing federal taxable

income.

~~((3))~~ (4) In the case of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in or having income from sources apportionable to this state, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the department may distribute, apportion or allocate income, deductions, credits or allowances between or among such organizations, trades, or businesses, if it determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or to clearly reflect the income of any of such organizations, trades, or businesses.

NEW SECTION. Sec. 20. There is added to chapter 141, Laws of 1973 1st ex. sess. and to chapter (__.__) RCW a new section to be numbered 82A-58A to read as follows:

Tax payments received during the period commencing from the end of a fiscal year through August tenth of the next fiscal year shall be treated for all purposes as having been collected during the previous fiscal year: PROVIDED, HOWEVER, That this section shall not be applicable to payments received during such period which represent amounts withheld from employee wages paid during any portion of such period.

NEW SECTION. Sec. 21. Notwithstanding any other provision of law, no excess levy authorized pursuant to chapter 84.52 RCW for operation and maintenance purposes shall be levied by or for any school district for 1973 for collection in 1974 until November 15, 1973: PROVIDED, That the provisions of this section shall not prevent any school district budget from being finalized prior to such date: PROVIDED FURTHER, That upon and after the approval by the electorate of the proposed amendment to Article 7 of the State Constitution by HJR 37 authorizing the imposition of a tax upon net income, no excess levy for operation and maintenance purposes shall be levied by or for any school district.

NEW SECTION. Sec. 22. An amount equal to the public utility tax imposed by chapter 82.16 and all similar excise or license taxes which now or hereafter are imposed by the state and which are measured by gross receipts or gross proceeds of sales ("utility taxes" herein), to the extent they are imposed on any public utility business on account of its service, may on the terms and conditions hereof, be added to the rates charged customers, and be collected from customers, as a separate identified charge: PROVIDED, HOWEVER, That if such state public utility tax is added as a separately identified charge, at that time such amount as may have heretofore been included as a part of rates charged customers shall be subtracted from such rates.

For purposes of this act:

(1) "Public utility business" means any "railroad business," "railroad car business," "water distribution business," "light and power business," "telephone and telegraph business," or "gas distribution business," as those terms are defined in chapter 82.16; and

(2) "Service" means any service or commodity provided by a public utility business (other than electricity, gas, or water provided to a customer for resale as such in the regular course of a public utility business) for a charge or fee, to the extent such charge or fee subjects such public utility business to any utility taxes.

NEW SECTION. Sec. 23. Separate identified charges equal to utility taxes shall not be charged to or collected from customers by any public utility business subject to the jurisdiction of the utilities and transportation commission until after notice to such commission and publication of such charges as provided by law, or until after such business shall have obtained approval therefor from such commission.

NEW SECTION. Sec. 24. Sections 22 and 23 of this act are added to chapter 15, Laws of 1961 and shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 25. There is added to chapter 15, Laws of 1961, and to chapter 82.16 RCW a new section to read as follows:

The provisions of this chapter shall not apply to amounts collected by any public service business from customers as a separate identified charge for utility taxes as permitted by RCW.....(section 22 of SSB No. 2102).

NEW SECTION. Sec. 26. There is added to chapter 141, Laws of 1973 1st ex. sess. and to chapter (___) RCW a new section as follows:

Any resident individual tenant who rents a dwelling unit located in this state, upon which property taxes are levied, shall be allowed a credit against the tax imposed by this Title of twenty dollars for the calendar year 1974; fifteen dollars for the calendar year 1975; ten dollars for the calendar year 1976; and five dollars for the calendar year 1977: PROVIDED, That in the event that insufficient tax liability is incurred to fully utilize the tax credit provided herein there shall be a refund issued in the amount of the differential between the amount of credit actually used and the amount provided for.

In the event a dwelling unit is not rented by the tenant taxpayer for a full calendar year the credit shall be that percentage of the applicable credit that the period of time it is occupied by the tenant taxpayer as a dwelling unit bears to a full calendar year.

In the event a dwelling unit is rented by more than one tenant

taxpayer the tax credit shall be that percentage of the applicable credit that the rental payment by the tenant taxpayer bears to the total rental for the dwelling unit.

The term "dwelling unit" means the tenant taxpayer's principal place of abode during the period of time for which he claims a credit and which contains facilities for sleeping and preparation of meals.

NEW SECTION. Sec. 27. Section and subsection headings and captions as used in this act shall not constitute any part of the law.

NEW SECTION. Sec. 28. Effective Date. The provisions of this 1973 amendatory act except sections 3 and 21 of this 1973 amendatory act shall take effect on January 1, 1974 if the proposed amendment to Article 7 of the state Constitution by HJR 37 authorizing the legislature to impose a tax upon net income and to authorize property tax relief is validly submitted and is approved and ratified by the voters at a general election held in November, 1973. If such proposed amendment is not so submitted and approved and ratified, all provisions of this 1973 amendatory act except sections 3 and 21 of this 1973 amendatory act shall be null and void.

NEW SECTION. Sec. 29. Sections 3 and 21 of this 1973 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.

Passed the Senate September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 26, 1973 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Engrossed Substitute Senate Bill No. 2102 entitled:

Veto
Message

"AN ACT Relating to revenue and taxation."

Action to perfect the tax reform implementing bill which would become effective in the event HJR 37 is approved by the voters in November headed the list of priority matters set forth in my Proclamation calling for the convening of the Second Extraordinary Session of the Legislature in September. The Legislature has responded with the enactment of Engrossed Substitute Senate Bill No. 2102, which makes a number of the changes and

clarifications needed to make the concept of tax reform acceptable to our citizens. Veto
Message

The amendatory changes to RCW 82.08.030 in Section 4 of the bill are for the purpose of advancing the date on which food and prescription drugs shall be exempt from the retail sales tax. Subsection 28 purports to clarify the definition of prescription drugs, but in so doing the Legislature has also expanded the definition of prescription drugs beyond the intent of the proponents of tax reform by including in such definition animal drugs prescribed by a veterinarian licensed under RCW Chapter 18.92. The exemption of prescription drugs for our citizens is a meritorious idea which accords a degree of equity in the area of our basic human needs. No such rationale, nor any other compelling reason, exists for exempting animal drugs from the sales tax. Accordingly I have vetoed those items.

In subsection 29 of Section 4, food products to be exempt from the retail sales tax after January 1, 1974, are defined in detail but exclude from the definition candy and confectionery. Many of the ingredients of candy and confectionery qualify as food products under the definition and continue to be exempt from the sales tax in baked form and in frozen form. Yet the same ingredients when put into the form of candy and confectionery would no longer be defined as food products and would therefore be subject to the sales tax. Moreover, candy is defined as a food in the Washington Food, Drug and Cosmetic Act, RCW Chapter 69.04, and is also classified by the United States Department of Commerce as a food. The exclusion of candy and confectionery from the definition of food products is inconsistent and illogical, and accordingly I have vetoed those items excluding candy and confectionery from the definition of food products.

Similar language including animal drugs in the definition of prescription drugs and excluding candy and confectionery from the definition of food products appears in Section 5, subsections 23 and 24. Section 5 advances the exemption of prescription drugs and food products from the state use tax to January 1, 1974. For the same reason as stated above, I have vetoed those items in subsection 23 which extend the definition of prescription drug to animal

drugs prescribed by a veterinarian, and those items in subsection 24 which exclude candy and confectionery from the definition of food products. Veto
Message

With the exceptions noted above, I have approved the remainder of Engrossed Substitute Senate Bill No. 2102."

CHAPTER 36

[Substitute Senate Bill No. 2377]

UNITED STATES CONGRESSIONAL ELECTIONS

AN ACT Relating to United States congressional elections; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1973 and RCW 29.13.010; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; amending section 29.68.080, chapter 9, Laws of 1965 and RCW 29.68.080; amending section 29.68.090, chapter 9, Laws of 1965 and RCW 29.68.090; amending section 29.68.100, chapter 9, Laws of 1965 and RCW 29.68.100; amending section 29.68.110, chapter 9, Laws of 1965 and RCW 29.68.110; and amending section 29.68.120, chapter 9, Laws of 1965 and RCW 29.68.120.

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

Section 1. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 4, Laws of 1973 and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms as provided for in Article II, section 15, Article III, section 10, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; ((13)) (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and

~~((4))~~ (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county, city, town, or district officers(~~;~~ ~~nor special elections to fill vacancies in the membership of either branch of the congress of the United States~~): PROVIDED HOWEVER, That the board of county commissioners may, if they deem an emergency to exist, call a special county election at any time by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Such county special election shall be noticed and conducted in the manner provided by law.

Sec. 2. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy happens in the representation of this state in the senate of the United States the governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election. Such temporary appointment shall be from a list of three names submitted to the governor by the state central committee of the same political party as the senator holding office prior to the vacancy. A vacancy occurring after the first day for filing specified in RCW 29.18.030 and prior to the general state election shall be filled by election at the next ensuing general state election.

Sec. 3. Section 29.68.080, chapter 9, Laws of 1965 and RCW 29.68.080 are each amended to read as follows:

Whenever there is a vacancy existing by death, resignation, disability or failure to qualify or impending vacancy in the office of representative in the congress of the United States from this state or any congressional district in this state, the governor shall order a special election to fill the vacancy. Within ten days of such vacancy occurring he shall fix as the date for the special election a day not less than ((twenty-five)) ninety days after the issuance of the writ. He shall fix as the date for the primary for nominating candidates for the special election, a day not less than ((fifteen days after the issuance of the writ and not less than ten)) thirty days before the day fixed for holding the special election. If the vacancy occurs between or on a date six months prior to a general state election and the second Friday following the close of the filing period, the special primary and special general elections shall be held in concert with the regular primary and regular general

elections. If the vacancy occurs on or after the first day for filing specified in RCW 29.18.030 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the secretary of state and notice thereof given by notifying all media including press, radio and television within the congressional district concerned to the end that, insofar as possible, all interested persons will be aware of such filing period: PROVIDED, HOWEVER, That the last day of such filing period shall be no later than the third Tuesday prior to the primary election concerned. Such declarations of candidacy validly filed within said three day period shall appear on the approaching primary ballot as if made during the earlier filing period. If the vacancy should occur later than the second Friday following the close of the filing period, a special primary and special general election to fill such vacancy shall be held after the regular annual general election but, in any event, no later than the ninetieth day following the said November election.

Sec. 4. Section 29.68.090, chapter 9, Laws of 1965 and RCW 29.68.090 are each amended to read as follows:

The order shall name the district and the term or part of the term for which the vacancy exists or is about to exist as well as the dates for holding the special primary and the special election to fill it, together with naming the filing period, and if the date fixed for the special primary is the day for holding the regular primary, or if the day fixed for the special election is the day for holding the regular election, the order shall provide that the names of the candidates to fill the vacancy may be placed upon the regular ballots to be used thereat. No name shall be printed on the primary ballots that shall not have been filed with the secretary of state ((at least ten days before the special primary)) during the applicable filing period as set forth in this section.

Sec. 5. Section 29.68.100, chapter 9, Laws of 1965 and RCW 29.68.100 are each amended to read as follows:

Upon calling a special primary and special election to fill a vacancy or impending vacancy in the office of representative in the congress of the United States, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify each county auditor within the district in which the vacancy exists or is about to exist.

Each county auditor in the district shall publish notices of the special primary and of the special election at least once ((in the official county paper if there is one, otherwise)) in any legal newspaper published in the county, ((and he shall also post notices thereof in every precinct in his county)) as provided by RCW 29.27.030 and 29.27.080 respectively.

((If the date fixed in the order for the special primary is not more than fifteen days before the date fixed for the special election; the notices for the special election may be combined with the notices for the special primary.))

Sec. 6. Section 29.68.110, chapter 9, Laws of 1965 and RCW 29.68.110 are each amended to read as follows:

If either the special election for the election of a United States congressman or the special primary relating thereto is held at ((the same)) a time ((as)) other than the ((corresponding)) regular election or primary, the same election officers shall serve at both((; if held at a time other than the corresponding regular election or primary the election officers for the last corresponding election or primary shall be the election officers thereat)) such special primary and special election.

Sec. 7. Section 29.68.120, chapter 9, Laws of 1965 and RCW 29.68.120 are each amended to read as follows:

Canvass of the votes at a special primary held in relation to a special election for a United States congressman shall be made in each county within the district within ((five)) ten days after the primary and the returns sent immediately to the secretary of state who shall immediately convene the state canvassing board to certify said returns in the same manner as provided by RCW 29.62.110 and as soon as possible thereafter certify the names of the successful nominees to the county auditors of the counties within the district.

Passed the Senate September 15, 1973.

Passed the House September 14, 1973.

Approved by the Governor September 22, 1973 with the exception of Section 2 which is vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2377 entitled:

Veto
Message

"AN ACT Relating to United States congressional elections."

This bill makes various changes in the election laws relating to the holding of special elections to fill vacancies occurring in congressional offices in order to update and conform these laws to present election procedural requirements.

Under Section 2 of the bill, when a vacancy occurs in the office of United States Senator for this state, the

Governor shall make a temporary appointment to fill the vacancy from a list of three names submitted by the state central committee of the same political party as the Senator holding the office prior to the vacancy. This procedure represents a very substantial departure from the tradition existing in this state since the beginning of popular elections for United States Senators. No other state in the Nation has such a provision and our state would stand alone in the procedure by which the Governor fills the vacancy in the office of United States Senator.

Veto
Message

I believe that in the election and appointment of federal and national offices there should be some consistency nationwide and it would be inappropriate for the State of Washington to differ in its practice from the other states.

For the foregoing reasons, I have determined to veto Section 2 of the bill. With the exception of that section, the remainder of the bill is approved."

CHAPTER 37

[Engrossed Substitute Senate Bill No. 2603]

ECONOMIC IMPACT ACT

AN ACT Relating to state government; setting forth an economic impact act for the state of Washington; adding a new chapter to Title 43 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. When either for fiscal reasons, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, as defined by section 2 (2), the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in section 2 of this 1973 act.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaried or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020 (3) and those persons defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by the department of social and health services or in conjunction with the department of natural resources, when such facility is terminated for fiscal reasons, obsolescence, or other extraordinary reasons and where vacancies in the same or a like job classification and at not more than one full range lower than the same salary range are not available to affected state employees.

(3) "Classified employees" means those employees performing classified service as defined in RCW 41.06.020(3).

NEW SECTION. Sec. 3. Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not more than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of section 4 of this 1973 act.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment.

NEW SECTION. Sec. 4. In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the

economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by the state to employees transferring to other state employment by reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: PROVIDED, That this right of reimbursement must be exercised, and sale of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employees last month of employment or within thirty days after the effective date of this 1973 act, whichever is later: PROVIDED, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive multiplied by the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions:

V- PROVIDED, That such election shall be made within thirty days of termination:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this act who has attained the age of fifty-five years, with at least five years creditable service, shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this act who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent for each complete year that such employee is under fifty-five years of age.

(c) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized leave of absence not in excess of one hundred and twenty days.

(d) Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefit in a V- calendar year following a calendar year in which their employment income was in excess of \$6,000. This \$6,000 base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the Public Employees' Retirement System to membership retirement benefits. The public employees retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection.

NEW SECTION. Sec. 5. (1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in section 2(2) of this 1973 act who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of the effective date of this 1973 act who would otherwise qualify for the enumerated benefits of this act are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on the effective date of this 1973 act, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of such benefits within thirty days after the passage of this 1973 act or upon closure of the institution, whichever is later.

NEW SECTION. Sec. 6. In order to reimburse the public

employees' retirement system for any increased costs occasioned by the provisions of this 1973 act which affect the retirement system, the public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this 1973 act, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset said increased cost, the retirement board shall bill the department of personnel for the amount of the increased cost: PROVIDED, That such billing shall not exceed \$861,000. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose.

NEW SECTION. Sec. 7. Sections 1 through 6 and 9 of this 1973 act shall be added to Title 43 RCW as a new chapter thereof.

NEW SECTION. Sec. 8. If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1973 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: PROVIDED HOWEVER, That each of the provisions of this 1973 act shall be operative and in effect only for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974: PROVIDED FURTHER, That benefits under section 4(3) of this 1973 act shall be available until September 14, 1975.

Passed the Senate September 14, 1973.

Passed the House September 13, 1973.

Approved by the Governor September 26, 1973 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Engrossed Substitute Senate Bill No. 2603
entitled: Veto
Message

"An ACT Relating to state government; setting forth an economic impact act for the state of Washington."

This act establishes the policy of the state to assist state employees whose jobs are terminated by closure

of state institutions by providing relocation expenses and reimbursement for limited amounts of financial losses on sales of homes required by relocation. It further provides eligible employees not electing to relocate termination pay and early retirement benefits. Veto
Message

Section 2 (2) of the act defines the term "closure of a state facility". The definition is needlessly complicated, however, by an item relating to availability of vacancies at other locations, the presumed intent of which is adequately covered in Section 3 (3). Accordingly, I have vetoed that item.

Section 4 (5) provides the conditions under which an affected employee may elect early retirement over relocation. A proviso in that subsection requires that the employee make his election within thirty days of termination. The effect of this proviso is to preclude affected employees at state institutions which were closed earlier this year, such as Northern State Hospital, from ever exercising the election of early retirement since thirty days have already expired since they were terminated by reason of the closure of the state institution. The presumed intent of this proviso is contained in Section 5 (1) (b) which requires the employee to make his election within thirty days after the passage of this act or upon closure of the institution, whichever is later. I have therefore vetoed the proviso in Section 4 (5), commencing at page 4, line 17, and ending on line 18.

Section 4 (5) (d) is intended to prevent the situation from occurring where an employee avails himself of the early retirement benefits of the act while earning over \$6,000 a year in other employment. As written, however, the effect of this subsection is to require that those employees eligible for early retirement under the act to spend two consecutive calendar years with income of less than \$6,000 in each calendar year before receiving retirement benefits. The items referring to the two consecutive calendar years with income of less than \$6,000 in each calendar year before an eligible employee may receive retirement benefits are clearly contrary to the intent of this act to provide immediate benefits to displaced employees. Accordingly, I have determined to veto those items.

It has further come to my attention that an ambiguity may exist in the language of Section 4 (4) (c) relating to terminal pay benefits. Specifically, the proviso in that subsection on page 4, lines 3 through 7, could possibly be construed to mean that a qualifying employee is entitled to full terminal pay even if he or she may have been working at other employment during a leave of absence since the closure of the state institution. Such employee might thereby be in a position to receive full terminal pay in addition to the outside income, which is a consequence not intended by this bill. The intent of the bill is to accord terminal pay benefits to a qualified employee reduced by the amounts of unemployment compensation actually received or which would have been received had the employee been eligible for unemployment compensation.

Veto
Message

With the exceptions noted above, I have approved the remainder of Engrossed Substitute Senate Bill No. 2603."

CHAPTER 38

[Senate Bill No. 2942]

CONTROLLED SUBSTANCES--DEFINITIONS--
NEGLIGENT HOMICIDE BY MOTOR VEHICLE

AN ACT Relating to controlled substances; amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.101; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 5, chapter 49, Laws of 1970 1st ex. sess. and RCW 46.61.520; and declaring an emergency.

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

Section 1. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(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 of the genus 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 RCW 69.50.201, 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)) genus.

Papaver((somniferum)) L., except its seeds, capable of producing an opiate.

(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 chapter, 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.

Sec. 2. Section 46.56.040, chapter 12, Laws of 1961 as last amended by section 5, chapter 49, Laws of 1970 1st ex. sess. and RCW 46.61.520 are each amended to read as follows:

(1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs as defined in chapter ~~(69-33 RCW or dangerous drugs as defined in chapter 69-40 RCW)~~ 69.50 RCW, Uniform Controlled Substances Act, or by the operation of any vehicle

in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment.

NEW SECTION. Sec. 3. If any of the provisions of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the amendatory act, or the application of the provision to other persons or circumstances, or the act prior to its amendment is not affected.

NEW SECTION. Sec. 4. This 1973 act is necessary for the immediate preservation of the public peace, health, safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate September 15, 1973.

Passed the House September 12, 1973.

Approved by the Governor September 26, 1973.

Filed in Office of Secretary of State September 27, 1973.

CHAPTER 39

[Engrossed Substitute Senate Bill No. 2956]

STATE GOVERNMENT--APPROPRIATIONS

AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations; amending section 16, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 17, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 3, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 6, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 8, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 134, Laws of 1973 1st ex. sess. (uncodified); amending section 31,

chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 76, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF NATURAL RESOURCES
General Fund--Resource Management Cost Account
Appropriation.....\$ 2,250,000

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF PERSONNEL
General Fund Appropriation: To implement the provisions of chapter ..., Laws of 1973 2nd ex. sess. (SB 2603).....\$ 1,411,000

NEW SECTION. Sec. 4. FOR THE TEACHERS' RETIREMENT SYSTEM
General Fund Appropriation: To implement the provisions of chapter ..., Laws of 1973 2nd ex. sess. (HB 1121).....\$ 985,000

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF ECOLOGY
General Fund Appropriation: For implementation of the Environmental Coordination Procedures Act of 1973, chapter 185, Laws of 1973 1st ex. sess.....\$ 500,000

General Fund Appropriation: For planning, establishment, and completion of biological baseline studies of state waters in which the greatest risk of damage from oil spills exists for the biennium ending June 30, 1975.....\$ 500,000

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
General Fund Appropriation: Additional funds required for implementation of new distribution formula for state

alcoholism programs during the biennium ending June 30, 1975, in accordance with the joint approval of the Senate and House Social and Health Services Committees.....\$ 350,000

NEW SECTION. Sec. 7. FOR THE WASHINGTON

STATE HIGHWAY COMMISSION

Motor Vehicle Fund Appropriation: To continue the agreement, in accordance with chapter ..., Laws of 1973 2nd ex. sess. (SB ...), between Wahkiakum County and the Highway Commission for the operation and maintenance of the Puget Island Ferry for the biennium ending June 30, 1975.....\$ 40,000

NEW SECTION. Sec. 8. Notwithstanding any other provision of law or rule and/or regulation, the superintendent of public instruction is authorized to use one-quarter of one percent, but not to exceed \$300,000, of the amount appropriated for apportionment purposes in section 2, chapter 134, Laws of 1973 1st ex. sess., for the purpose of obtaining federal matching funds for special research projects related to handicapped children, special education, school dropouts or related pilot projects or programs approved by the federal government for matching purposes.

NEW SECTION. Sec. 9. Notwithstanding any other provision of law or rule and/or regulation, the superintendent of public instruction is authorized to expend an amount not to exceed \$47,000 for expenses incurred in the training of school bus drivers from the amount appropriated for school district transportation reimbursement in section 2, chapter 134, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 10. Notwithstanding any other provision of law or rule and/or regulation of the superintendent of public instruction and the state board of education in order to implement the provisions of chapter 66, Laws of 1971 ex. sess., the superintendent of public instruction is hereby authorized to expend from the common school construction fund appropriation contained in section 19, chapter 114, Laws of 1973 1st ex. sess., an amount not to exceed \$1,500,000 for the purpose of renovation and construction of capital facilities designed to serve handicapped children as provided for in chapter 66, Laws of 1971 ex. sess.: PROVIDED, That the superintendent of public instruction shall report on anticipated expenditures to the Legislative Budget Committee for approval prior to committing any of these funds.

NEW SECTION. Sec. 11. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: To implement a training and

informational program, during the biennium ending June 30, 1975, designed to train teachers, teacher representatives, superintendents, school board members, other administrators, and interested parties in the methods and procedures for using professional negotiations constructively.....\$125,000

NEW SECTION. Sec. 12. Notwithstanding the provisions of sections 2 and 3 of chapter 134, Laws of 1973 1st ex. sess., the Superintendent of Public Instruction may expend unanticipated federal receipts without placing an equal amount of state dollars into reserve status if the expenditure of such dollars is authorized by the state legislature, if in session, or by the Legislative Budget Committee during the interim between legislative sessions: PROVIDED, That this section shall apply only to federal funds which by federal restrictions are not available to replace state funds.

Sec. 13. Section 31, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund Appropriation: PROVIDED, That \$865,071

shall be made available solely for the support of the Fire Safety and Regulation Program: PROVIDED, That

on all informational material distributed by order of the State Fire Marshal or the State Insurance Commissioner, the signature or the name of the Insurance Commissioner shall not be larger than the smallest print on that material.....\$((3,920,761)) 3,453,761

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Sec. 14. Section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: PROVIDED, That

(\$594,866,929) \$582,741,446 is from state funds and \$6,541,168 is from private and local funds and ((\$447,743,498)) \$424,838,681 is from federal funds: PROVIDED, That any proposal to expend moneys or man years from an appropriated fund or account in excess of appropriations provided by law, based upon the receipt of unanticipated revenues, shall be submitted to the House Ways and Means Committee and to the Senate Ways and Means Committee, if the state legislature is in session, or to the legislative budget committee during the interim between legislative sessions which may authorize the expenditure of unanticipated receipts during the legislative interim

arising from federal sources, gifts or grants, by a majority of the members: PROVIDED, That the Department initiate negotiations with the federal government for federal administration of the state supplementation of the supplemental security income program and also initiate negotiations for the optional federal administration of eligibility for medicaid by the adult recipients: PROVIDED, That a draft negotiated contract shall be submitted to the Legislative Budget Committee or to the House and Senate Ways and Means Committees if the Legislature is in session by Sept. 15, 1973 for their review and such contract shall not be completed without legislative authorization: PROVIDED, That if the claim made by the state to the U. S. Department of Health, Education and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions of Titles I, IV, X, XIV, XVI and XIX of the Social Security Act which would have the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House Ways and Means Committee and the Senate Ways and Means Committee: PROVIDED, That the sum of \$5,508,264 currently being held by the State Treasurer in Suspense Fund 705

v— pending the completion of a federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching for the period of October 1, 1972 through June 30, 1973, or any portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That the department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED, That compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the Department shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower the maximums presently imposed: PROVIDED, That the agency charged with the responsibility for performance or management audits shall periodically monitor departmental management to insure that compliance with these provisions is being maintained.

PROVIDED FURTHER, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend state funds to maintain affected programs at the level appropriated by this 1973 amendatory act through

February, 1974: PROVIDED FURTHER, That this appropriation shall be expended

for the following purposes.....\$((4,049,424,295)) 1,014,121,295

Adult Corrections and Rehabilitative Services

Program.....\$ 42,208,916

Juvenile Rehabilitation Program: PROVIDED,

That it is the intent of the legislature that the delinquency prevention program shall be continued.....\$

29,994,492

Mental Health Program: PROVIDED, That if the

Federal Government fails to provide Social Service funds at

the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$231,000 in state funds to maintain the Drug Program at the level appropriated by this 1973 amendatory act through February, 1974: PROVIDED FURTHER, That

if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$93,780 in state funds to maintain the Alcohol Program at the level appropriated by this 1973 amendatory act through

February, 1974.....\$ 51,994,015

Developmental Disabilities Program: PROVIDED,

That \$115,050 is appropriated for auditory training systems for use at the state

school for the deaf: PROVIDED, That of the new positions authorized in this

act twenty-five shall be developmental disability community workers added

during the first year of the biennium

and an additional twenty-five

developmental disability community

workers to be added during the second

year of the biennium: PROVIDED, That if the Federal

Government fails to provide Social Service funds at

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the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$328,000 in state funds to maintain the Epton Centers at the level appropriated by this 1973 amendatory act through February, 1974.....\$ 70,118,192

Veterans' Services Program: PROVIDED, That the Department of Social and Health Services shall perform an in-depth study regarding the need for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results are to be reported to the State Legislature prior to October 1, 1973.....\$ 6,431,756

Income Maintenance Program: 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 of this sum \$3,817,082 in state moneys or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who, except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: 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 necessary incidentals shall not exceed fifty

percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That of this appropriation \$3,611,163 of which \$1,692,552 is the state share, or so much thereof as shall be necessary, shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department utilize these moneys to establish new programs, to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That of this amount \$1,731,330 of which the state share shall be \$840,620 shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June 30, 1975: PROVIDED, That of this amount \$1,215,043 shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 3 ((of this act)), chapter 139, Laws of 1973 1st ex. sess. consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made

only to eligible recipients: PROVIDED, That within the employment level provided in section 3 ((of this act)), chapter 139, Laws of 1973 1st ex. sess., not to exceed \$1,049,647 of this amount shall be utilized exclusively for the purpose of providing a total of seventy-six man-years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper corrective action; PROVIDED, That \$700,000 in state funds of this appropriation, or so much thereof as shall be necessary shall be used to provide a food bonus to those adult recipients under Title XVI of the Social Security Act who do not qualify under PL 93-86 for the food stamp and commodity program.....\$ ((350,746,205)) 345,162,055

Community Social Services Program: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under RCW 74.15.020 (3) (a), (b) and (c) for costs incurred in the administration, operation and maintenance of such agencies, such costs being in addition to the purchase of care for such children as otherwise authorized by law: PROVIDED, FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty manyears and related costs to continue the delinquency prevention program: PROVIDED, FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and regulations; AND PROVIDED FURTHER, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend

up to \$66,375 in state funds to maintain the Day Care Staff for former and potential AFDC Recipients at the level appropriated by this 1973 amendatory act through February, 1974.....\$ 102,176,039

((State)) General Fund Appropriation:

For day care services for former and potential AFDC recipients: PROVIDED, That if the Federal Government fails to provide Social Service funds at the anticipated level, then the Department of Social and Health Services is authorized to expend up to \$387,531 in state funds to maintain the Day Care services for former and potential AFDC recipients at the level appropriated by this 1973 amendatory act through February, 1974.....\$4,067,000

Medical Assistance Program:

PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$12.82 per day per patient for Class I care, and \$10.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for Intermediate care.....\$ 271,581,120

: PROVIDED, That notwithstanding the provisions of RCW 18.51.090, the Department shall make a yearly inspection and investigation of all nursing homes; every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House and Senate Ways and Means Committee and to the Legislative Budget Committee.

Public Health Program.....\$ 26,945,251

Vocational Rehabilitation Program: PROVIDED, That a person referred to and accepted by the Division of Vocational Rehabilitation for rehabilitation under an approved plan,

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which plan includes maintenance payments, shall not be eligible to receive general assistance: PROVIDED, That an amount up to \$100,000 shall be allocated for the Radio Talking Book program for the blind: PROVIDED, That of this appropriation \$150,000 shall be made available exclusively for the purpose of development programs for eligible disabled clients who were in vocational rehabilitation programs pursuant to performance contracts between the department and private placement agencies: PROVIDED FURTHER, That such services shall be made available in a state-wide program that teaches disabled persons (1) How to inventory their work skills and relate such skills to the labor market; (2) Where jobs fitting their work skills are most likely to be available; (3) How to conduct a systematic search for employment and how to present themselves most favorably to a prospective employer; and (4) How and where education and training are available to develop or improve marketable work skills.....\$ 29,888,865

Administration and Supporting Services Program.....\$ 33,554,044

General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Medical Assistance.....\$ 5,100,000

Vocational Rehabilitation.....\$ 25,000

General Fund Appropriation for grants to communities for mental health and mental retardation construction grants not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Mental Health.....\$ 1,115,996

Developmental Disabilities.....\$ 303,197

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Sec. 15. Section 2, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:
 FOR THE UNIVERSITY OF WASHINGTON
 General Fund Appropriation: PROVIDED, That up to

\$744,217 shall be expended for any new and implemented through chapter 275, Laws of 1971 ex. sess. (ESHB 151) in the 1971-73 biennium, and where evaluation merits continuance and for programs proposed in the 1973-75 biennium; in depth evaluations of project goals, effectiveness, applicability to other institutions, and provisions for continuation of viable projects shall be provided to the Council on Higher Education: PROVIDED, That in addition to the amounts budgeted in this appropriation for the Equal Opportunity Program the University shall expend \$160,000 for the biennium: PROVIDED FURTHER, That the funds contained in this section shall be reallocated so that up to \$293,200 may be available for arboretum purposes, which funds shall not be expended at any location other than the present University of Washington arboretum located in Seattle without the approval of the legislature; AND PROVIDED FURTHER, That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of regents shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of regents shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973......\$ 141,005,919

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter ((--- {SSB 2854})) 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$	7,837,614
Accident Fund Appropriation.....\$	410,148
Medical Aid Fund Appropriation.....\$	410,148

Sec. 16. Section 3, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

General Fund Appropriation: PROVIDED, That up to \$1,560,002 of this appropriation shall be used to provide public support for the Spokane Nursing Center: That Washington State University is authorized to maintain a level of expenditure for agricultural extension and agricultural research which anticipates the receipt of \$533,000 in federal funds during the 1973-75 biennium for these programs: PROVIDED, That it is the intent of the legislature that if the federal funds are not received, any deficiency not to exceed \$533,000 shall be appropriated at the January, 1974, legislative session: ((PROVIDED FURTHER, That up to \$400,000 of this appropriation be used for research in alternative methods to grass burning))

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AND PROVIDED FURTHER, That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of regents shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of regents shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973

.....\$ ((72,648,429)) 72,518,120

General Fund Appropriation: For staff, design, and beginning construction of an underground distribution test site upon written assurances of full financial support from the Electrical Research Council for financing a major test site installation.....\$ 50,000

General Fund Appropriation: To accelerate and expand current research into

alternative methods of burning
grasses grown for commercial seed
production pursuant to implementation
of the Federal Clean Air Act.....\$ 100,000

General Fund Appropriation: For salary
 and related fringe benefit
 increases in addition to any other
 increases authorized by chapter ((~~r~~:
 {SSB 2054})) 137, Laws of 1973
 1st ex. sess. for faculty and exempt
 personnel.....\$ 3,368,612

Sec. 17. Section 4, chapter 131, Laws of 1973 1st ex. sess.
 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED,
 That up to \$100,000 of this
 appropriation shall be made
 available for establishment
 and support of a Master of Social
 Work graduate program during the
 1973-75 biennium: PROVIDED FURTHER, That in
order to prepare for a potential enrollment
level below that budgeted for in the
1973-75 biennium the board of trustees
shall adopt retrenchment procedures
which assure that only six months advance
notice shall be required for nonrenewal
of faculty contracts for the 1974-75
contractual year and the board of
trustees shall submit the adopted
regulations to the Ways and Means
Committee of each house of the
legislature prior to December 31,
1973.....\$ ((207903,044)) 20,858,676

General Fund Appropriation: For salary
 and related fringe benefit increases
 in addition to any other increases
 authorized by chapter ((~~r~~:
 {SSB
 2054})) 137, Laws of 1973 1st ex.
 sess. for faculty and exempt personnel.....\$ 684,383

Sec. 18. Section 5, chapter 131, Laws of 1973 1st ex. sess.
 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That
 Central Washington State College may

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expend an amount not to exceed \$125,000
 to explore the feasibility of the
 development and implementation of a
 management by objective program for
 the administration of public agencies;
PROVIDED FURTHER, That in order
 to prepare for a potential enrollment
 level below that budgeted for in the
 1973-75 biennium the board of trustees shall
 adopt retrenchment procedures which assure
 that only six months advance notice
 shall be required for nonrenewal of
 faculty contracts for the 1974-75
 contractual year and the board of
 trustees shall submit the adopted
 regulations to the Ways and Means
 Committee of each house of the legislature
 prior to December 31, 1973.....\$ ((227407248)) 20,925,139

General Fund Appropriation: For salary
 and related fringe benefit increases
 in addition to any other increases
 authorized by chapter ((177 4558
 2854)) 137, Laws of 1973 1st
 ex. sess. for faculty and exempt
 personnel.....\$ 850,876

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Sec. 19. Section 6, chapter 131, Laws of 1973 1st ex. sess.
 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation: PROVIDED, That
 an additional one hundred and fifty
 students may be enrolled for the 1973-75
 school years and such enrollment growth
 shall be evaluated during the first
 legislative session in 1974 to determine
 the feasibility of funding additional
 enrollment growth; AND PROVIDED FURTHER,
 That in order to prepare for a potential
 enrollment level below that budgeted
 for in the 1973-75 biennium the board
 of trustees shall adopt retrenchment
 procedures which assure that only six
 months advance notice shall be required
 for nonrenewal of faculty contracts for
 the 1974-75 contractual year and the
 board of trustees shall submit the

adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973.....\$ 10,584,693

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter ((~~---~~ {SSB 2854})) 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 245,372

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Sec. 20. Section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That in order to prepare for a potential enrollment level below that budgeted for in the 1973-75 biennium the board of trustees shall adopt retrenchment procedures which assure that only six months advance notice shall be required for nonrenewal of faculty contracts for the 1974-75 contractual year and the board of trustees shall submit the adopted regulations to the Ways and Means Committee of each house of the legislature prior to December 31, 1973.....\$((25,530,776)) 23,924,489

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter ((~~---~~ {SSB 2854})) 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 1,032,000

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Sec. 21. Section 8, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation.....\$ 2,042,714

Community College Capital Projects Fund: For bond sale expenses.....\$ 44,800

For distribution to the Community Colleges in accordance with chapter 28B.50 RCW. General Fund Appropriation: PROVIDED, That up to \$150,000 shall be used for the design of a viable plan for a comprehensive management information system for the community college system and the

development of a cost benefit analysis: PROVIDED, That none of these moneys shall be expended for the training of personnel: PROVIDED, That \$900,000 of this appropriation shall be administered by the State Board and used exclusively for disadvantaged programs: PROVIDED, That Olympia Vocational-Technical Institute shall not become a comprehensive community college and shall offer only those courses essential to vocational-technical education: PROVIDED, That those community college districts conducting community involvement programs during the 1971-73 biennium shall continue to conduct such programs at least at the existing level of program operation: PROVIDED FURTHER, That up to (((\$1,430,430)) \$300,000 shall be distributed by the State Board to the respective district boards of trustees as reimbursement for tuition fees, operating fees, and services and activities fees waived for any student who has not completed the twelfth grade and who is so enrolled for the purpose of pursuing a high school diploma or certificate and who qualifies as a "needy student" pursuant to RCW

28B.15.520-28B.15.525.....\$ ((435,400,246)) 134,270,086

General Fund Appropriation: PROVIDED, That the State Board for Community College Education shall use this appropriation or so much as necessary to attract federal matching funds for Vietnam veteran programs and to help supplement the local districts educational efforts directed toward returning Vietnam veterans.....\$ 200,000

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other

authorized by chapter (~~1973~~(SSB 2854))

137, Laws of 1973 1st ex. sess. for faculty and exempt personnel: PROVIDED, That an amount equal to a 2% increase for faculty shall be distributed to each community college district: PROVIDED FURTHER, That each district board of trustees shall be authorized to utilize such funds for salary increases determined by such board to be appropriate.....\$

2,173,112

General Fund Appropriation: For salary increases for part time faculty:

PROVIDED, That these funds are for distribution to the community college districts to be used exclusively to increase the salaries and benefits of eligible part time faculty up to two-thirds of the average salary and benefits paid to full time faculty by the 1974-75 academic year; recognizing that differences exist in the responsibilities of part time faculty, the State Board for Community College Education is directed to develop a definition of eligible part time faculty prior to distribution of any of these funds to the districts and that such definition shall include a compensation plan that recognizes the specific responsibilities assigned part-time faculty members.....\$

3,456,000

Sec. 22. Section 76, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNCIL ON HIGHER EDUCATION

General Fund Appropriation: PROVIDED, That

((~~\$1,800,000~~ of this appropriation shall be used as authorized by RCW 28B.10.830 through 28B.10.836 to aid Washington residents attending private institutions of higher education on a full-time basis: PROVIDED FURTHER, That)) \$2,800,000 shall be used for the purposes of the state student financial aid program authorized by RCW 28B.10.800 through 28B.10.824: PROVIDED FURTHER, That an amount not to exceed six

percent of all such funds appropriated pursuant to the provisions of ((RCW 28B.10.830 through 28B.10.836 and)) RCW 28B.10.800 through 28B.10.824 may be used for administrative costs of the Council on Higher Education until June 30,

1975.....\$ (5,499,967) 3,699,967

General Fund Appropriation: PROVIDED.

That this appropriation shall be used

for administrative purposes.....\$ 108,000

Sec. 23. Section 2, chapter 134, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

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 more than \$7,919,225 shall be from state funds: PROVIDED, That if any federal funds in excess of those estimated in this appropriation act are received or expended by the central office of the Superintendent of Public Instruction the Superintendent shall place an equal amount of state funds into reserve to be expended only with the approval of the Legislature: PROVIDED FURTHER, That, if all or any portion of budgeted federal funds are not made available pursuant to the elementary and secondary education act (Title V USC) during fiscal year 1973-74, the Superintendent of Public Instruction is authorized to allocate and expend up to the anticipated amount not received but not to exceed \$712,000 from state general fund appropriations for transportation, URRD, and handicapped children education excess cost programs for state office administration during the 1973-74 fiscal year.....\$ 10,815,579

General Fund Appropriation for General Apportionment:

PROVIDED, That the weighting schedule to be used

in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled -1.0; each full time equivalent student; 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; all identified culturally disadvantaged children receiving an approved program, an added -.1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 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 1972-73 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 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 FURTHER, That not to exceed \$400,000 is included for use by the Superintendent for school district emergencies: PROVIDED, That not to exceed \$14,703,380 is included for the five vocational-technical institutes: PROVIDED, That not to exceed \$411,754 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 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.....\$	463,918,054
Federal Revenue Sharing Trust Fund Appropriation for General Apportionment.....\$	105,532,078
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.....\$	3,412,808
General Fund Appropriation for state contribution 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.....\$	12,321,880
General Fund Appropriation of two mills of property tax to be distributed in accordance with RCW 28A.48.....\$	40,482,000
General Fund Appropriation of state forest funds to be distributed.....\$	1,610,000
General Fund Appropriation for allocation to Intermediate School Districts.....\$	1,901,360
General Fund Appropriation for supplementary education and cultural enrichment.....\$	1,000,000
General Fund Appropriation: To provide assurance that the budgeted funding level for the institutional education program for the 1973-74 school year shall maintain the current level of per pupil expenditure as was provided in the 1972-73 school year: PROVIDED, That the receipt of any federal funds in excess of \$1,387,488 for the institutional education program for 1973-75 will result in an equal amount of this appropriation being reverted to the State General Fund: PROVIDED FURTHER, That the Superintendent of Public Instruction shall submit to the 1974 Legislature an institutional education budget request for the 1974-75 school year which shall be based on new data regarding enrollment projections, federal funding, and cost per pupil.....\$	603,972

General Fund Appropriation for state institutional education program: PROVIDED, That not more than \$5,701,178 shall be from state funds.....\$	9,169,898
General Fund Appropriation for Handicapped Children- Excess Costs: PROVIDED, That not more than \$62,869,753 shall be from state funds: PROVIDED, That there shall be appointed a nine member commission to review the handicapped education program, three members to be chosen by the governor and six members by the superintendent of public instruction: PROVIDED, That the commission shall submit its findings and recommendations, including an evaluation of the adequacy of funds for handicapped children education excess costs for 1974-75, to the governor and the legislature prior to January 1, 1974: PROVIDED FURTHER, That the superintendent of public instruction shall not make tentative obligations of more than fifty percent of this appropriation until the commission submits its report.....\$	64,756,137
General Fund Appropriation for Urban, Racial, Rural and Disadvantaged educational programs.....\$	9,247,800
General Fund Appropriation of Mobile Home Excise Tax to be distributed to local school districts in accordance with chapter 82.50 RCW.....\$	3,771,000
General Fund Appropriation for Career education and occupational exploration projects.....\$	250,000
General Fund Appropriation for the Cerebral Palsy Center.....\$	408,940
General Fund Appropriation for the Cerebral Palsy Center: PROVIDED, That this appropriation shall be used for development and implementation of field services to expand the Center's program to off site locations.....\$	25,000
General Fund Appropriation for the encumbrance of federal grants: PROVIDED, That any expenditures from this appropriation shall be from federal funds.....\$	10,486,940
General Fund Appropriation:	

Elementary and Secondary Education Act of 1965.....\$	39,367,500
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958).....\$	1,500,000
Education of Indian children.....\$	2,000,000
Adult Basic Education.....\$	1,230,000
School Food Services Programs: PROVIDED, That not more than \$934,967 shall be from state funds....\$	27,699,626
General Fund Appropriation for Assistance to Blind Students (RCW 28B.10.215).....\$	5,000
General Fund Appropriation for Environmental Education.....\$	536,277
General Fund Appropriation for gifted program.....\$	330,000
((General Fund Appropriation for state grants to needy and disadvantaged students: PROVIDED; That these funds shall be used by the Superintendent of Public Instruction for individual grants to needy and disadvantaged elementary and secondary pupils attending public and private schools approved by the state board of education who demonstrate a financial inability to meet the total cost of supplies, books, tuition, incidental and other fees for any school term, or who because of adverse cultural, educational, environmental or other circumstances, are deemed as being highly improbable of continuing in the schools in which such pupils are enrolled and that such financial assistance, after other scholarships, grants and assistance are deducted, shall not exceed three hundred dollars per secondary pupil (grades 9-12) and one hundred dollars per elementary pupil (grades 4-8).....\$	
General Fund--Traffic Safety Education Account Appropriation, of which \$602,936 is for administration.....\$	750,000 8,825,936

General Fund Appropriation: PROVIDED,

That this appropriation shall be used for administrative expenditures associated with the office of nonpublic schools and to conduct studies relating to the staffing, curriculum, and financial status of nonpublic common schools within the state of Washington.....\$

150,000

Sec. 24. Section 16, chapter 114, Laws of 1973 1st ex. sess.

(uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON STATE COLLEGE

	Reappro- priations	From the Fund Designated	From the General Fund
(1) Land acquisition (354,826)			
Western Washington State College Capital Projects Account	196,426	158,400	
(2) Preplanning for projects in 1975-77 Capital Budget (108,076)			
Western Washington State College Capital Projects Account	70,076	8,000	
State Higher Education Construction Account		30,000	
(3) Utility expansion and modernization (3,642,031)			
General Fund	1,631,590		
Western Washington State College Capital Projects Account	1,246,541	763,900	
(4) Remodel college buildings and improvements to buildings and facilities(580,675)			
General Fund	47,740		
Western Washington State College Capital Projects Account	432,935	100,000	
(5) Purchase necessary moveable equipment for ((State Building Authority))			

buildings
(771,406)

General Fund	675,000
Western Washington State College Capital Projects Account	96,406

(6) Construct and
equip addition
to Arts building

Western Washington State College Capital Projects Account	22,579
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(7) Construct and
equip Music/
Auditorium addition

State Building and Higher Education Construction Account	1,059,208
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(8) Fairhaven Unit
academic facilities

Western Washington State College Capital Projects Account	34,572
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(9) Construct and
equip library
addition, Phase III

Western Washington State College Capital Projects Account	362,477
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(10) Renovation of Old
Main Building
(1,681,005)

State Building and Higher Education Construction Account	842,005
Western Washington State College	

Capital Projects	
Account	839,000
(11) Construct and equip Social Science building (2,880,561)	
General Fund	400,000
State Building and Higher Education Construction Account	1,449,561
Western Washington State College Capital Projects Account	500,000
State Higher Education Construction Account	531,000
(12) Design for applied arts and sciences building	
State Higher Education Construction Account	197,500
(13) Renovation of Old Main building, Phase II	
State Higher Education Construction Account	2,754,000
(14) Equipment for Leona M. Sundquist marine laboratory at Shannon Point	
State Higher Education Construction Account	85,000

Sec. 25. Section 17, chapter 114, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	Reappro- priations	From the Community College Capital Projects Account	From the Commu- nity College Capital Improve- ment Account
(1) Removal of Edison South and con- struction of replacement facilities designated as Phase II of Seattle Central Campus		8,001,601	
(2) Construct voca- tional and academic facili- ties designated as Phase II of Walla Walla Community College		2,002,399	386,839
(3) Remodel and equip a portion of existing space for vocational programs at North Seattle Campus			836,505
(4) Construct voca- tional facili- ties designated as Human Services Building, Vocational Arts Building, and photography laboratory at Spokane Falls Campus			1,670,515
(5) Construct vocational facilities designated as Buildings 1, 2,			

and 3 at Highline
Community
College 3,806,543

(6) Construct
vocational and
academic
facilities
designated as
Science Building,
Campus Service
Building, and
Food Services
Training Building at
South Seattle
Campus 4,554,099

(7) Construct
vocational and
academic
facilities
designated as
Group A and Group
B at Tacoma
Community College(~~+~~
~~PROVIDED~~, That no
funds shall be
expended or
obligated from
this appropriation
pending completion
of legislative
study of existing
and proposed
community college
facilities in
Pierce County
and in no event
shall any
expenditures be
made or obligations
incurred until
after September
30, 1973)) 1,246,317

(8) Construct
vocational
facilities

designated as
 Group A, Phase III
 at Fort Steilacoom
 Community
 College: PROVIDED,
 That no funds shall
 be expended or
 obligated from this
 appropriation
 pending completion
 of legislative study
 of existing and
 proposed community
 college facilities
 in Pierce County
 and in no event
 shall any
 expenditures be
 made or obligations
 incurred until
 after September 30,
 1973

1,132,585

(9) Construct
 vocational
 facilities
 designated as
 additions to Phase
 II at Bellevue
 Community
 College

1,881,544

(10) Construct
 vocational and
 academic facilities
 designated as
 Mechanics Complex
 and addition to
 Glenn Hall at
 Yakima Community
 College

2,224,748

(11) Construct
 vocational
 facilities
 designated as
 Science Building
 at Edmonds

Campus	1,141,992
(12) Construct vocational and support facilities designated as Phase I of permanent campus at Olympia Vocational Technical Campus: PROVIDED, That \$20,000 of this appropriation shall be available for development of schematic plans for support facilities	2,264,789
(13) Remodel a portion of existing space for vocational programs at Clark Community College	339,269
(14) Construct Health Occupation Building, including site acquisition at Olympic Community College	724,291
(15) Develop and construct general academic, vocational and support facilities at Centralia College	917,698
(16) Preplanning for schematic plans for 1975-77 new capital projects	150,000
(17) Costs of administering the relocatable pool of facilities	324,000
(18) Emergency Capital Repairs	500,000

It is the intent
of the
Legislature that
the State Board
for Community
College Education
shall prepare prior
to January 1, 1974,
a system wide
priority list of
individual
community college
capital projects
for submission
to the Legislative
Budget Committee,
Council on Higher
Education, and
the Office of
Program Planning
and Fiscal
Management and
such lists shall
be reviewed
and evaluated
prior to the
appropriation
of any
planning funds
(19) Construction,
remodeling,
conversion,
removal and
replacement of
vocational,
academic and
other community
college
facilities

Community College

Capital projects

Account 14,638,151

NEW SECTION. Sec. 26. The appropriations contained within this 1973 act shall be administered, where applicable, pursuant to those rules, regulations, and administrative procedures established

by chapters 114, 131, 134, 137, 215, and 222, Laws of 1973 1st ex. sess., and chapter 43.88 RCW.

NEW SECTION. Sec. 27. If any provision of this 1973 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. 28. This 1973 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 September 13, 1973.

Passed the House September 11, 1973.

Approved by the Governor September 26, 1973 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State September 27, 1973.

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to certain items, Engrossed Substitute Senate Bill No. 2956 entitled:

Veto
Message

"AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations."

The specific items which I have vetoed are as follows:

1. Insurance Commissioner.

On page 5, Section 13, I have vetoed the proviso starting on line 1 and ending on line 6.

This proviso would require the Insurance Commissioner to sign his name on informational material distributed by him in a print not larger in size than the smallest print on such material. I have vetoed this item because I believe that substantive legislation of this kind does not properly belong in an appropriations bill and should be enacted separately. I further believe that if such a standard is to be set it should be applied to all elective officials and not just one elected official. If

there is indeed a problem of abuse of elective or personal authority in such a way as to gain personal recognition, the citizens of this state are quite capable of dealing with such problem at the next election.

Veto
Message

I have chosen not to veto the amendment which reduced the Insurance Commissioner's budget by \$467,000. These funds were added by the Legislature during the First Extraordinary Session in 1973 in anticipation of passage of a no-fault insurance law. Since the law has not been enacted, the removal of these funds by the Legislature is certainly understandable. In fairness, however, it should be pointed out that the Insurance Commissioner has initiated a voluntary no-fault insurance program which will have a fiscal impact beyond the amount of funds remaining in the Insurance Commissioner's budget. I believe that serious consideration should be given during the next session of the Legislature to provide the necessary funds to meet the additional work load of the Office of the Insurance Commissioner as a result of implementation of the voluntary nofault plan.

2. Department of Social and Health Services.

On page 5, beginning on line 7, I have vetoed the entire Section 14 which ends on page 16.

Section 14 contains a series of amendments resulting in a total reduction of \$12.1 million from the appropriation to the Department of Social and Health Services made by the Legislature during the First Extraordinary Session in 1973. These reductions were made presumably on the assumption by the Legislature that the federal government will provide the same funds either through the Federal Social Security Act or the food stamp and commodity program.

These budget reductions are entirely premature. We simply do not know at this time what amount of state support will be necessary for the Social Services Program and food stamp program until federal regulations governing participation in these programs are adopted later this year. I do not quarrel with either the need or the desirability of effecting such a substantial savings should federal funding be realized. I further intend to work

closely with the Legislature as soon as information is available which will allow us to determine more precisely the amount of state funds which can be saved. I believe it is far more sound budgeting procedure and policy to provide assured biennial funding for such essential programs as day care, drug abuse, alcoholism, mental retardation and mental health, rather than to risk severe cutbacks in these programs if the federal funds do not materialize, in which event the Legislature would have to reappropriate the amounts reduced at its next session.

Veto
Message

I further consider it to be bad budgetary practice to make budget cuts in a departmental appropriation while at the same time authorizing the department to overspend its reduced budget until the next session of the Legislature if federal funding does not materialize. This type of budget adjustment is the best indication that the Legislature has no knowledge at this time whether federal funding will indeed be available prior to its next session.

3. Four-Year Colleges and Universities.

I have vetoed the entire Sections 15, 17, 18, 19 and 20, and also the proviso in Section 16, at page 18, beginning on line 25 and ending on page 19, line 5.

The items vetoed consist principally of: (1) budget reductions for Eastern, Western and Central Washington State Colleges, and (2) provisos requiring the governing board of each four-year college or university to limit advance notice for non-renewal of faculty contracts to six months.

It is expected that Eastern, Western and Central Washington State Colleges will experience an enrollment decline to a level below that for which state support was provided during the 1973-75 biennium. While budget reductions to match reduced enrollment may eventually be necessary, it is premature of the Legislature to reduce arbitrarily the budgets for these colleges based on assumed enrollment declines which may or may not prove to be accurate. Actual and accurate enrollment information at these colleges for this fall will be available within a few short weeks, at which time a more realistic base for the necessary reductions can be taken. In addition, it has

been recognized in a statement made on the record for the House Journal that fiscal computations used to compute the reduction for each college were in error. These computations did not adequately recognize the full amount of the corresponding student operating fees which will be lost to the colleges as a result of the lower enrollment levels. While I am now vetoing the budget cuts made by the Legislature, it is incumbent upon the administrators of the effected colleges to seek every possible way to limit spending and take such action as may be necessary to limit contract renewals to assure that every economy is achieved while not denying enrolled students the opportunity to complete their educational programs.

Veto
Message

The provisos which would require the governing boards of the four-year colleges and universities to limit advance notice for non-renewal of faculty contracts to six months were adopted in a precipitous manner with little research or forethought. Moreover, adequate opportunity was not provided to representatives of the colleges and universities to comment upon the effect of the provisos.

Based upon an institution by institution review of faculty codes, handbooks and contracts, it is apparent that while there is some variation in institutional policies regarding advanced notification of termination or non-renewal, such policies are conditioned on the existence of financial exigencies. In actuality, under the existing policies at these institutions in the event of financial exigency such as would be occasioned by an abrupt and unanticipated decline in enrollment, no advance notice is provided. In short, if a faculty member were terminated with no notification whatsoever by reason of insufficient funds to operate the institution at its existing staffing level, there would be no breach of contract because the right to receive advance notice of termination or nonrenewal is a right conditioned on the institution having sufficient funds to maintain its existing staffing level.

The net effect of the provisos is thus to provide a legislated sixmonth advance notice requirement for non-renewal of faculty contracts if a college or university experiences financial difficulties as a result of lower enrollment levels. It is ironic indeed that this right to notice currently does not exist.

I am not convinced that the Legislature intended to confer this additional benefit upon the faculty at our colleges and universities. I am convinced, however, of the need for the governing boards of the four-year state colleges and universities to adopt necessary and proper retrenchment procedures for the termination or non-renewal of faculty contracts in the event financial exigencies created by reduced enrollment or discontinuance of funded programs necessitate such action. I further believe that such operating policies and procedures are properly the delegated responsibility of the governing board of each institution and not a matter to be legislated in an appropriations bill.

Veto
Message

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 40

[Engrossed Substitute Senate Bill No. 2959]

PROPERTY TAX EXEMPTIONS

AN ACT Relating to property taxes; amending section 84.36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1971 ex. sess. and RCW 84.36.020; reenacting and amending section 84.36.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1971 ex. sess. and by section 70, chapter 292, Laws of 1971 ex. sess. and RCW 84.36.030; amending section 84.36.040, chapter 15, Laws of 1961 as last amended by section 119, chapter 154, Laws of 1973 1st ex. sess. and RCW 84.36.040; amending section 84.36.050, chapter 15, Laws of 1961 as last amended by section 2, chapter 206, Laws of 1971 ex. sess. and RCW 84.36.050; amending section 84.36.060, chapter 15, Laws of 1961 and RCW 84.36.060; adding new sections to chapter 84.36 RCW; making an appropriation; and declaring an emergency and making certain effective dates.

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

Section 1. Section 84.36.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 64, Laws of 1971 ex. sess. and RCW 84.36.020 are each amended to read as follows:

The following property shall be exempt from taxation:

All lands, and buildings required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race,

color, national origin or ancestry;

All churches (~~(if 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)~~) a church of any nonprofit 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 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 church, parsonage, and convent, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. 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)~~) property must be wholly used for church purposes; PROVIDED, That the loan or rental of property otherwise exempt under this paragraph to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity shall not nullify the exemption provided in this paragraph if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

Sec. 2. Section 84.36.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 64, Laws of 1971 ex. sess. and by section 70, chapter 292, Laws of 1971 ex. sess. and RCW 84.36.030 are each reenacted and amended to read as follows:

The following real and personal property shall be exempt from taxation:

Property owned by nonprofit, nonsectarian organizations or associations, organized and conducted (~~(primarily and chiefly)~~) for (~~(religious)~~) nonsectarian purposes (~~(and not for profit)~~), which shall be solely 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)~~) character-building, benevolent, protective or rehabilitative social services directed at persons of all ages;

Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if (~~(solely)~~) exclusively and/or jointly used for organized and supervised (~~(educational and)~~) recreational activities and church purposes as related to such camp facilities. The rental of property otherwise exempt under this

paragraph to another nonprofit church or ((to an organization described in REW 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)) a nonsectarian organization or association, nonprofit school or college exempt under this chapter 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, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of 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)) and solely used, or to the extent used, for such purposes and uses, provided such purposes and uses are for the general public good ((such properties are devoted to the general public benefit)); PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified pursuant to this section. 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 nonprofit church organization ((or to an organization described in REW 84.36.050)), a nonsectarian organization or association, or school or college exempt under this chapter, 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.

Sec. 3. Section 84.36.040, chapter 15, Laws of 1961 as last amended by section 119, chapter 154, Laws of 1973 1st ex. sess. and RCW 84.36.040 are each amended to read as follows:

((The following property shall be exempt from taxation:

All free public libraries, orphanages, orphan asylums, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits thereof are devoted, after paying the expenses thereof, to the purposes of such institutions; and the grounds, together with all real and personal property owned or used as a part of such institutions, whenever such libraries, orphanages, institutions, homes, and hospitals are built and used exclusively for the purposes herein enumerated:

In order to determine whether such libraries, orphanages, institutions, homes, and hospitals are exempt from taxes within the intent of this chapter, the director of revenue shall have access to their books and the superintendent or manager of the library, orphanage, institution, home, or hospital claiming exemption from taxation shall file, with the assessor on forms furnished by the director, a signed statement that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also under oath, make annual report to the department of revenue of its receipts and disbursements. Such report shall be made upon a form supplied by the director of revenue on or before the fifteenth day of the fifth calendar month following the close of the accounting period for which the return is required to be filed. The assessor shall remove the tax exemption from the property and assets of any hospital which does not file with the assessor said annual report within forty-five days of the due date. The department of revenue shall make a copy of such report available to other governmental agencies upon request.

A hospital, within the meaning of this section, includes any portion of the hospital building, or other buildings in connection therewith, used as a nurses' home or as a residence for persons engaged or employed in the operation of the hospital, or operated as a portion of the hospital unit:))

The real and personal property to the extent used by nonprofit

(1) day care centers as defined pursuant to RCW 74.15.020 as now or hereafter amended; (2) free public libraries; (3) orphanages and orphan asylums; (4) homes for the aged; (5) homes for the sick or infirm; and, (6) hospitals for the sick, which are exclusively used for the purposes of such organizations shall be exempt from taxation; PROVIDED, That the benefit of the exemption inures to the user.

Sec. 4. Section 84.36.050, chapter 15, Laws of 1961 as last amended by section 2, chapter 206, Laws of 1971 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 nonprofit 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)) the educational, athletic, or social programs of said institution, the housing of students, the housing of religious faculty, the housing of the chief administrator, 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;))

Sec. 5. Section 84.36.060, chapter 15, Laws of 1961 and RCW 84.36.060 are each amended to read as follows:

The following property shall be exempt from taxation:

All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; PROVIDED, That to qualify for this exemption an organization must be organized and operated exclusively for artistic, scientific, historical, literary or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public;

All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein;

Property owned by humane societies in this state in actual use by such societies ((not exceeding ten thousand dollars in taxable value)).

NEW SECTION. Sec. 6. As used in this 1973 amendatory act:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and

bylaws and the salary or compensation paid to officers *[officers] of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor.

NEW SECTION. Sec. 7. In order to be exempt pursuant to sections 2 through 5 of this 1973 amendatory act, said nonprofit organizations, associations or corporations shall satisfy the following conditions:

(a) The property is used for the actual operation of the activity for which exemption is granted and does not exceed an amount reasonably necessary for that purpose;

(b) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the provision of this subsection shall not apply to those qualified for exemption pursuant to section 3 of this 1973 amendatory act if the property used for the purpose stated is either leased or rented;

(c) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(d) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(e) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(f) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of sections 2 through 5 of this 1973 amendatory act.

NEW SECTION. Sec. 8. Upon cessation of a use under which an exemption has been granted pursuant to sections 2 through 5 of this 1973 amendatory act, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That if the cessation of use involves a portion of the total property exemptions the provisions of this section shall apply only to that

portion: PROVIDED FURTHER, That such additional tax shall not be imposed if the cessation of use resulted solely from:

(1) Transfer to an organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(2) 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;

(3) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(4) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(5) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under section 2 of this 1973 amendatory act.

NEW SECTION. Sec. 9. In order to qualify or requalify for exempt status for real or personal property pursuant to the provisions of chapter 84.36 RCW, as now or hereafter amended, all foreign national governments, churches, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, private schools or colleges, and soil and water conservation districts must file an annual renewal application verifying the facts in the original claim with the state department of revenue. All application forms shall be signed by an authorized agent of the applicant. Such applications must be filed on forms prescribed by the department of revenue no later than March 31 of each year. The department of revenue may provide by rule that such applications may be available at and filed with each county assessor and forwarded to the department of revenue for review.

NEW SECTION. Sec. 10. On or before January 1 of each year, the department of revenue shall mail application forms to owners of record of property exempted from property taxation at their last known address who must make a renewal application for continued exemption. The department of revenue shall notify the assessor of the county in which the property is located who shall remove the tax exemption from any property if an application has not been received for the exemption of such property as required by section 9 of this 1973 amendatory act on or before the due date: PROVIDED, That the department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the due date, and for good cause shown therein: PROVIDED FURTHER, That failure to file and subsequent removal of exemption shall not be subject to review as

provided in section 16 of this 1973 amendatory act.

NEW SECTION. Sec. 11. An application fee of thirty-five dollars for each annual application for exemption shall be deposited within the general fund. Applications made for assessment year 1974 will be considered initial applications whether or not an exemption has previously been approved.

NEW SECTION. Sec. 12. The department of revenue shall review each application for exemption and make a determination thereon prior to August 1st of the assessment year for which such application is made. The department of revenue may request such additional relevant information as it deems necessary. The department of revenue shall make a physical inspection of the property and satisfy itself as to the use of all parcels prior to approving or denying the application, and thereafter at least once each four years. When the department of revenue has examined the application and the subject property, it shall either approve or deny the request and clearly state the reasons for approval or denial in written notification by certified mail to the applicant. The department shall also notify the assessor of the county in which the property is located. The county assessor shall place such property on the assessment roll for the current year.

NEW SECTION. Sec. 13. On or before August 31st, the department of revenue shall prepare a list by county of those properties exempted under this 1973 amendatory act, and shall forward a list to each county assessor of the property exempt in that county.

NEW SECTION. Sec. 14. In order to determine whether organizations, associations, corporations or institutions except those exempted under sections 1 and 2 of this 1973 amendatory act are exempt from taxes within the intent of this chapter, and before the exemption shall be allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation or institution claiming exemption from taxation shall file, with the department of revenue on forms furnished by the director, a signed statement made under oath that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. Such forms shall also include a statement of the receipts and disbursements of said organization: PROVIDED, That institutions claiming exemption under section 4 of this 1973 amendatory act shall file in addition 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.

Such report shall be submitted on or before April 1st following the close of the accounting period for the fiscal year ended during the previous calendar year. The department of revenue shall remove the tax exemption from the property and assets of any organization, association, corporation, or institution which does not file such report with the department of revenue on or before the due date: PROVIDED, That the department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the required filing date and for good cause shown therein.

NEW SECTION. Sec. 15. If subsequent to the time that the exemption of any property is initially approved or renewed, it shall be determined that such exemption was approved or renewed as the result of inaccurate information provided by the authorized agent of the applicant, the exemption shall be revoked and taxes shall be levied against such property pursuant to the provisions of section 8 of this 1973 amendatory act.

NEW SECTION. Sec. 16. Any applicant aggrieved by the department of revenue's denial of an exemption application may petition the state board of tax appeals to review an application for either real or personal property tax exemption and the board shall consider any appeals to determine (1) if the property is entitled to an exemption, and (2) the amount or portion thereof.

A county assessor of the county in which the exempted property is located shall be empowered to appeal to the state board of tax appeals to review any real or personal property tax exemption approved by the department of revenue which he feels is not warranted.

Appeals from a department of revenue decision must be made within thirty days of the notification of the approval or denial.

NEW SECTION. Sec. 17. Property which changes from exempt to taxable status shall be subject to the provisions of section 8 of this 1973 amendatory act and RCW 84.40.350 through 84.40.390, and the assessor shall also place the property on the assessment roll for taxes due and payable in the following year.

NEW SECTION. Sec. 18. Each county assessor and the director of the department of revenue shall each issue public notice of the provisions of this 1973 amendatory act in such a manner as will give constructive notice to all taxpayers of that county or of the state, as the case may be, prior to the first year in which an application for exemption is required by sections 9 through 15 of this 1973 amendatory act.

NEW SECTION. Sec. 19. The department of revenue of the state of Washington shall make such rules and regulations consistent with

chapter 34.04 RCW and the provisions of this 1973 amendatory act as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 20. Sections 6 through 19 of this 1973 amendatory act are each added to chapter 84.36 RCW.

NEW SECTION. Sec. 21. There is hereby appropriated to the Department of Revenue \$450,000 from the general fund to administer the provisions of this 1973 amendatory act for the biennium ending June 30, 1975.

NEW SECTION. Sec. 22. If any provision of this 1973 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. 23. This 1973 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, shall take effect immediately and shall be effective for assessment in 1973 for taxes due and payable in 1974.

Passed the Senate September 15, 1973.
Passed the House September 15, 1973.
Approved by the Governor September 27, 1973.
Filed in Office of Secretary of State September 27, 1973.

CHAPTER 41
[Second Substitute House Bill No. 487]
GAMBLING

AN ACT Relating to lotteries; amending section 1, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.010; amending section 2, chapter 218, Laws of 1973 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.070; amending section 11, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.110; amending section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46___; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; and repealing section 28, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.280; and declaring an emergency.

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

V Section 1. Section 1, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.010 are each amended 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, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull tabs, games of Mah Jongg, social card games, and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

Sec. 2. Section 2, chapter 218, Laws of 1973 ex. sess. and RCW 9.46.020 are each amended to read as follows:

(1) "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 or said game is conducted ((on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition)) in connection with a civic center of a city of the first class, world's fair or similar exposition approved by the Bureau of International Expositions at Paris, France, or a community festival sponsored or approved by a city or town.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee 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.

(3) "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, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter, or any corporation which has been incorporated under any act of the Congress of the United States of America 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, floods, and other national calamities and to devise and carry on measures for preventing the same.

The fact that contributions to an organization do not qualify for

charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "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.

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. Engaging in "social card games" shall not be deemed gambling for the purposes of this chapter.

(9) "Gambling device" other than for the purposes of subsection (18) of this section means: (a) Any device or mechanism 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 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

V designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

Any device or equipment used in the playing of Mah Jongg shall not be included in the definition contained in this subsection.

Any device, mechanism, furniture or premises used for "social card games" shall not be deemed gambling devices for the purposes of this chapter.

(10) "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.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling, except rooms or parlors where games of Mah Jongg are played. 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. Premises used for "social card

games" shall not be deemed gambling premises for the purposes of this chapter.

(12) "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.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper, or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program.

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state ((not more than once a year over a period of not more than ninety days));

(d) Visitation to any business establishment to obtain a coupon, entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material; or

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and 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 initial opening of any such outlet.

(h) Furnishing proof of purchase if the proof required does not consist of more than the container of any product as packaged by the manufacturer, or a part thereof, provided that a facsimile of either is acceptable in lieu thereof.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal

V statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" 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".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030, he knowingly engages in conduct which materially aids any other form of gambling activity, or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030, 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;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030, 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 gambling activities as set forth in RCW 9.46.030, 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: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "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.

(18) "Social card game" shall mean any card game played upon the premises of, or under the authority of, a bona fide charitable or nonprofit organization in which 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, and in which no percentage of the money is returned to any individual or organization other than the participants.

(19) "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.

(20) "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 chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(21) "Mah Jongg" means a game of Chinese origin played usually

V- by four persons, with one hundred thirty-six or one hundred forty-four pieces marked in suits and called "tiles" which by drawing, discarding and exchanging are built into combinations or sets.

V- Sec. 3. Section 3, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and Mah Jongg games and social card games, to utilize punch boards and pull-tabs, when licensed and conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) The legislature hereby authorizes any person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(3) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted (upon any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition) in connection with a civic center of a city of the first class, world's fair or similar exposition approved by the Bureau of International Expositions at Paris, France, or a community festival sponsored or approved by a city or town.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, or Mah Jongg games or social card games when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 4. Section 7, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said

V- organizations to conduct bingo games, raffles, amusement games, games

V- of Mah Jongg, and social card games, to utilize punch board and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter

or any rules and regulations adopted pursuant thereto: PROVIDED,

((That any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated areas of any county, unless a county, or any first class city located therein with respect to such city, shall prohibit such gambling activity: PROVIDED, FURTHER,))

That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, creed, color, sex or national origin:

PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of the policies of any applicant with regard to race, creed, color, sex or national origin:

ALSO PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant and to operate rooms where Mah Jongg may be

played, in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED, FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) Any license to engage in any of the gambling activities authorized by RCW 9.46.030 as now exists or is later amended issued under the authority of this section shall be the legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated area of any county, unless a county with respect to all areas within the county except any cities, or any city located therein with respect to such city, shall absolutely prohibit any or all gambling activities authorized by RCW 9.46.030.

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by

RCW 9.46.030.

~~((3))~~ (5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

~~((4))~~ (6) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having an interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity:

PROVIDED FURTHER, That with respect to the duly elected officers and directors of a bona fide charitable or nonprofit organization the commission shall not require any information beyond such current information as is normally required for purposes of identification;

V

~~((5))~~ (7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

~~((6))~~ (8) To require that all income from bingo games, raffles, and amusement games be receipted for at the time the income is received from each individual player and that all prizes be receipted for at the time the prize is distributed to each individual

player and to require that all raffle tickets be consecutively numbered and accounted for: PROVIDED, That in lieu of the requirements of this subsection, agricultural fairs as defined herein shall report such income not later than thirty days after the termination of said fair.

~~((17))~~ (9) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

~~((18))~~ (10) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

~~((19))~~ (11) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

~~((110))~~ (12) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030; and

~~((111))~~ (13) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 5. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

In addition to other powers and duties under this chapter, and notwithstanding any other provision of this chapter, the commission may authorize and issue licenses for a period not to exceed one year to any organization, whether incorporated or otherwise, which the commission determines to be established for charitable, benevolent, eleemosynary, educational, civic, political, social, fraternal, athletic or agricultural purposes and which is operated primarily for purposes other than the operation of gambling activities as authorized under this chapter, and upon such commission determination, such organization shall be deemed a "bona fide charitable or nonprofit organization" for the purposes of this chapter, and until the expiration of the aforesaid licensing period.

Sec. 6. Section 11, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the

V— provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That the tax rate established by any county, except for any first class city located therein with respect to such city, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas; FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the ((gross income)) anticipated gross receipts ((of the business in which the punch boards and pull-tabs are displayed)) from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs 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 for the purposes of this chapter; and (4) when any person shall win over five dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo, raffles and amusement games shall never be in an amount greater than ten percent of the gross revenue received therefrom.

V— Sec. 7. Section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.____ are each amended as follows:

In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this act including a director, officer, and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit, ((shall)) may be liable, jointly and severally, for money damages suffered by any person because of any violation of this chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent any such violation from taking place ((the burden of proof thereof shall be on such director, officer, and/or manager, and if such director, officer, and/or manager shall sustain the burden of proof)) he shall not be liable

hereunder. Any civil action under this section may be considered a class action. -V

NEW SECTION. Sec. 8. There is hereby added to chapter 218, Laws of 1973 1st ex. sess. and chapter 9.46 RCW a new section to read as follows:

This chapter constitutes the exclusive legislative authority for the licensing and regulation of any gambling activity and the state preempts such licensing and regulatory functions, except as to the powers and duties of any city, town, city-county, or county which are specifically set forth in this chapter. Any ordinance, resolution, or other legislative act by any city, town, city-county, or county relating to gambling in existence on the effective date of this amendatory act shall be as of that date null and void and of no effect. Any such city, town, city-county, or county may thereafter enact only such local law as is consistent with the powers and duties expressly granted to and imposed upon it by chapter 9.46 RCW and which is not in conflict with that chapter or with the rules of the commission.

NEW SECTION. Sec. 9. Section 28, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.280 are each hereby repealed. -V

NEW SECTION. Sec. 10. Nothing in this act shall be construed as prohibiting a nonprofit corporation from charging an admission charge per person for attending an event at which social card games or bingo are conducted. -V

NEW SECTION. Sec. 11. The provisions of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate September 15, 1973.

Passed the House September 15, 1973.

Approved by the Governor September 27, 1973 with the exception of certain items which are vetoed.

Filed in Office of Secretary of State September 27, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to a number of items Second Substitute House Bill No. 487 entitled: -V
Veto
Message

"AN ACT Relating to lotteries."

This bill contains a number of amendments to Substitute House Bill No. 711 passed by the Legislature during the First Extraordinary Session in 1973 and which consists of the first enactment in the area of gambling

pursuant to the authority of the constitutional amendment approved by the voters in November, 1972.

Veto
Message

It is unfortunate that the Legislature decided to deal with the subject of gambling during the short eight-day period of the September session. It is evident throughout this bill that the Legislature has not devoted enough time to study the many undesirable consequences arising out of gambling legislation that is not carefully drafted. While there is certainly considerable justification for truly social card games, what has been authorized in this bill is a wide-open and blatant form of professional gambling. Most important of all in Section 2 (8) of the bill so-called "social card games" are declared not to be gambling for the purposes of the bill and are therefore activities totally beyond the control or influence of the State Gambling Commission. Thereafter in Section 2 (18) a "social card game" is defined in such a fashion as to permit a professional gambler to set up operations in any club or any nonprofit organization in the State of Washington and to operate his game with a full "house" percentage to himself as long as he does not share that intake with the club or organization whose premises he uses. There is no limitation on the number or size of such operations or the type of person who would be allowed to conduct such operations in the bill. Our state would thereby be opened to all forms of card games associated with professional gambling, without any of the necessary controls by the state.

In approving SJR 5 in 1972, the people of this state gave clear indication that they favor gambling activities such as bingo, raffle and truly social card games. The Legislature was thereby mandated to enact a responsible bill by which the wishes of the people could be fulfilled. Again the Legislature has failed in that task by enacting so-called "social card game" provisions which go far beyond the responsible legislation that is required. I would urge the Legislature, if it truly wishes to fulfill the mandates given by the people, to commence at an early date, and in advance of the next legislative session, to draft and prepare the type of language that would allow our citizens to engage in truly social card games. I would not hesitate to approve such a bill, and I am certain that the law enforcement officials in this state would willingly accept

such a bill. I will not hesitate, however, and I have not hesitated in the past, to veto bills that are hastily drafted and lacking due consideration of all possible consequences.

Veto
Message

I have no objection to other forms of gambling such as Mah Jongg, but regrettably the provisions relating to Mah Jongg in this bill were so closely tied to the social card game provisions that they also suffer the adverse results of poor draftsmanship. I would again urge the Legislature to begin preparing language in consultation with law enforcement authorities and the State Gambling Commission to the end that Mah Jongg and other games may become permitted forms of gambling duly regulated by our Gambling Commission.

The bill contains two provisions, Section 4 (4) and (5), and Section 8, which are desirable and necessary and which were in fact requested and drafted by the Gambling Commission. With the exception of those provisions, I have determined to veto the rest of the bill in its entirety. The time has come for those individuals who have a sense of direction and responsibility to cooperate in producing responsible legislation aimed at answering the desires of our citizens, and further to see such legislation through the next session and prevent it from being burdened by either poorly drafted or irresponsible amendments."

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 1973 2nd extraordinary session (43rd 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 at Olympia, Washington, this fifteenth day of October, 1973.



Richard O. White

RICHARD O. WHITE
Code Reviser

CROSS REFERENCE TABLES

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28A.41	ADD	33	4-6	47.01.140	REP	12	8
28A.41	ADD	33	17	47.01.160	AMD	12	2
28A.41.130	AMD	4	1	47.01.220	AMD	12	3
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28A.41.145	AMD	33	7	47.05.060	REP	12	8
28A.44.040	AMD	33	8	47.05.070	AMD	12	7
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28A.47.802	AMD	33	10	47.12	ADD	18	1
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28A.57.342	AMD	21	2	49.12.020	AMD	16	3
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28A.57.357	AMD	21	10	49.12.040	REP	16	19
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28A.57.425	AMD	21	5	49.12.060	REP	16	19
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29.21.180	AMD	21	7	49.12.090	REP	16	19
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29.68.100	AMD	36	5	49.12.170	AMD	16	16
29.68.110	AMD	36	6	49.12.190	REP	16	19
29.68.120	AMD	36	7	49.12.215	REP	16	19
41.32.310	AMD	32	2	49.12.217	REP	16	19
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41.32.520	AMD	32	4	49.12.230	REP	16	19
41.32.580	AMD	32	5	49.46.020	AMD	9	1
41.40.195	AMD	14	1	49.66.010	AMD	3	1
41.40.280	AMD	14	2	49.66.020	AMD	3	2
42.04.060	AMD	1	2	49.66.030	AMD	3	3
43	ADD	29	1-10	49.66.050	AMD	3	4
43	ADD	37	1-6,	49.66.070	AMD	3	5
			9	49.66.080	AMD	3	6
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43.22.260	AMD	16	11	50.04.323	AMD	7	2
43.22.270	AMD	16	12	50.20.130	AMD	7	3
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43.43.040	AMD	20	1	67.28.130	AMD	34	2

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LAWS OF 1943 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
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LAWS OF 1945 1973 2nd Ex.S.

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35	81	AMD	7	3

LAWS OF 1947 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
80	31	AMD	32	2
80	52	AMD	32	4
80	58	AMD	32	5
274	29	AMD	14	2

LAWS OF 1949 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
195	1	REP	16	19

LAWS OF 1955 Ex.S. 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
9	3	AMD	1	2

LAWS OF 1959 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
26		ADD	10	1-5
26	74.12.010	AMD	31	1
28	72.23.070	AMD	24	1
294	2	AMD	9	1
321	3	AMD	7	3

LAWS OF 1961 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
12	46.44.080	AMD	15	1
12	46.56.040	AMD	38	2
13	47.01.140	REP	12	8
13	47.01.160	AMD	12	2
13	47.01.220	AMD	12	3
15		ADD	8	2
15		ADD	35	22, 23
15		ADD	35	25
15	82.08.030	AMD	35	4
15	82.12.030	AMD	35	5
15	84.36.020	AMD	40	1
15	84.36.030	AMD	40	2

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
15	84.36.040	AMD	40	3
15	84.36.050	AMD	40	4
15	84.36.060	AMD	40	5
15	84.69.050	AMD	5	1
15	84.69.060	AMD	5	2
15	84.69.070	AMD	5	3
15	84.50.080	AMD	8	1
15	84.69.100	AMD	5	4

LAWS OF 1963 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
114	1	AMD	5	3
173	3	AMD	12	4
173	4	AMD	12	5
173	5	AMD	12	6
173	6	REP	12	8
173	7	AMD	12	7
173	8	REP	12	8

LAWS OF 1965 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
8	43.22.260	AMD	16	11
8	43.22.270	AMD	16	12
8	43.22.280	AMD	16	4
8	43.43.040	AMD	20	1
8	43.43.270	AMD	14	3
8	43.43.270	REP	14	4
9	29.13.010	AMD	36	1
9	29.21.210	AMD	21	8
9	29.21.230	AMD	21	9
9	29.68.080	AMD	36	3
9	29.68.090	AMD	36	4
9	29.68.100	AMD	36	5
9	29.68.110	AMD	36	6
9	29.68.120	AMD	36	7

LAWS OF 1967 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
144	2	AMD	22	1
151	6	AMD	32	3
236	5	AMD	34	1
236	6	AMD	34	2
236	9	AMD	34	3
236	10	AMD	34	4
236	11	AMD	34	5
236	14	AMD	34	6

LAWS OF 1967 Ex.S. 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
41	2	AMD	17	1
41	3	AMD	17	2

LAWS of 1967 Ex.S. (Cont.) 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
41	4	AMD	17	3
80	1	AMD	9	1

LAWS OF 1969 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
11	1	AMD	1	1
12	6	REP	14	4
131	2	AMD	21	8
131	3	AMD	21	9
131	8	AMD	21	1
131	9	AMD	21	5
131	10	AMD	21	6

LAWS OF 1969 Ex.S. 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
39	3	AMD	12	4
39	4	AMD	12	5
39	5	AMD	12	6
39	6	REP	12	8
150	9	AMD	32	2
173	13	AMD	31	1
217	4	AMD	33	7
223		ADD	27	1
223		ADD	33	4-6
223		ADD	33	17
223	28A.44.040	AMD	33	8
223	28A.57.312	AMD	21	1
223	28A.57.342	AMD	21	2
223	28A.57.344	AMD	21	3
244	2	AMD	33	9
244	3	AMD	33	10
244	4	AMD	33	11
244	6	AMD	33	12
244	8	AMD	33	13
244	9	AMD	33	14
244	10	AMD	33	15
244	11	AMD	33	16
244	14	REP	33	18

LAWS OF 1970 Ex.S. 1973 2nd Ex.S.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
2	19	AMD	7	2
10	2	AMD	21	7
42	5	AMD	33	9
49	5	AMD	38	2
62		ADD	30	1-4
68	1	AMD	14	1
89	1	AMD	34	5
89	3	AMD	34	6

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67	2	AMD	21	2	137	31	AMD	39	13
67	5	AMD	21	10	137	76	AMD	39	22
67	6	AMD	21	4	141		ADD	35	20
67	8	AMD	21	3	141		ADD	35	26
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					141	3	AMD	35	2
					141	4	REP	35	3
					141	5	AMD	35	4
					141	6	AMD	35	5
					141	82A-3	AMD	35	6
					141	82A-4	AMD	35	7
					141	82A-5	AMD	35	8
					141	82A-6	AMD	35	9
					141	82A-8	AMD	35	10
					141	82A-9	AMD	35	11
					141	82A-10	AMD	35	12
					141	82A-11	AMD	35	13
					141	82A-22	AMD	35	14
					141	82A-26	AMD	35	15
					141	82A-30	AMD	35	16
					141	82A-31	AMD	35	17
					141	82A-33	AMD	35	18
					141	82A-34	AMD	35	19
					142	4	AMD	24	1
					142	8	AMD	24	2
					142	14	AMD	24	3
					142	15	AMD	24	4
					142	17	AMD	24	5
					142	45	AMD	24	6
					142	46	AMD	24	7
					154	76	AMD	32	4
					154	82	AMD	16	11
					154	83	AMD	16	12
					154	84	AMD	16	4
					154	119	AMD	40	3
					167	1	AMD	7	2
					180	4	AMD	14	3
					189	9	AMD	32	1
					190	11	AMD	14	1
					191	1	AMD	4	4
					193	9	AMD	11	1
					195	9	AMD	4	1
					195	9	REP	33	18
					195	86	AMD	4	5
					195	136	REP	33	18
					195	137	AMD	33	3
					195	138	REP	33	18
					195	139	REP	33	18
					195	152	AMD	4	2
					195	154	AMD	4	3
					218		ADD	41	8
					218	7	AMD	41	4
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					<u>1973 2nd Ex.S.</u>				
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CHAPTER 1

[Senate Bill No. 3041]

CITIES OVER 300,000—FREEHOLDERS'
ELECTION—CHARTER PREPARATION

AN ACT Relating to elections; amending section 35.22.150, chapter 7, Laws of 1965 and RCW 35.22.150; adding a new section to chapter 7, Laws of 1965 and to chapter 35.22 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 7, Laws of 1965 and to chapter 35.22 RCW a new section to read as follows:

Notwithstanding any other provision of law, whenever the population of a city is 300,000 persons or more, not less than ten days before the time for filing declarations of candidacy for election of freeholders under Article XI, section 10 (Amendment 40), of the state Constitution, the city clerk shall designate the positions to be filled by consecutive number, commencing with one. The positions to be designated shall be dealt with as separate offices for all election purposes, and each candidate shall file for one, but only one, of the positions so designated.

In the printing of ballots, the positions of the names of candidates for each numbered position shall be changed as many times as there are candidates for the numbered positions, following insofar as applicable the procedure provided for in RCW 29.30.040 for the rotation of names on primary ballots, the intention being that ballots at the polls will reflect as closely as practicable the rotation procedure as provided for therein.

Sec. 2. Section 35.22.150, chapter 7, Laws of 1965 and RCW 35.22.150 are each amended to read as follows:

Within ten days after the results of the election have been determined, if a majority of the votes cast favor the proceeding, the members of the board of freeholders elected thereat shall convene and prepare a new charter by altering, revising, adding to, or repealing the existing charter including all amendments thereto and within (~~six months~~) one year thereafter file it with the city clerk.

NEW SECTION. Sec. 3. If any provision of this 1974 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 1974 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 18, 1974.
Passed the House January 18, 1974.
Approved by the Governor January 18, 1974.
Filed in Office of Secretary of State January 18, 1974.

CHAPTER 2

[Engrossed Senate Bill No. 3100]

STATE PATROL SALARIES—

HIGHWAY SAFETY FUND TRANSFER

AN ACT Relating to the support of state government and authorizing the transfer of state funds; and declaring an emergency.

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

NEW SECTION. Section 1. The state treasurer is hereby authorized to transfer up to \$1,313,871 from the Highway Safety Fund to the Special Fund Salary Increase Revolving Fund for salary increases during the 1973-75 biennium for state patrol commissioned personnel pursuant to the provisions of RCW 43.43.020.

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 January 28, 1974.
Passed the House January 31, 1974.
Approved by the Governor January 31, 1974.
Filed in Office of Secretary of State January 31, 1974.

CHAPTER 3

[Engrossed Senate Bill No. 2046]

HOST-GUEST STATUTES—

REPEALED

AN ACT Relating to motor vehicles; repealing section 46.08.080, chapter 12, Laws of 1961 and RCW 46.08.080; repealing section 1, chapter 18, Laws of 1933 and RCW 46.08.085; repealing section 2, chapter 18, Laws of 1933 and RCW 46.08.086.

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

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

(1) Section 46.08.080, chapter 12, Laws of 1961 and RCW 46.08.080;

(2) Section 1, chapter 18, Laws of 1933 and RCW 46.08.085;
and

(3) Section 2, chapter 18, Laws of 1933 and RCW 46.08.086.

Passed the Senate January 18, 1974.
Passed the House February 2, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 4

[Substitute Senate Bill No. 2120]

COUNCIL ON HIGHER EDUCATION—

CLEARING HOUSE FOR TECHNOLOGICAL EDUCATION—

STUDENT EXCHANGE COMPACT PROGRAMS COORDINATION

AN ACT Relating to the council on higher education; and adding new sections to chapter 277, Laws of 1969 ex. sess. and to chapter 28B.80 RCW.

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

NEW SECTION. Section 1. There is added to chapter 277, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

In addition to the functions delegated to the council by RCW 28B.80.030, the council is hereby specifically directed to be the clearinghouse for technological education, with responsibilities for compilation and distribution of information to support:

- (1) Career guidance information of all programs and levels of technology;
- (2) Assistance in curriculum development;
- (3) Coordination of long-range technological planning; and
- (4) Assistance in maximizing federal and other nonstate funding grants for program development in technology.

The council shall not duplicate the efforts of the coordinating council for occupational education which shall serve as the clearinghouse source for the compilation of all information for technological programs under the state plan for vocational education.

The council shall incorporate within its long-range planning consideration of the delivery systems of advanced technological programs, the need for new or additional programs, and their proper organizational location.

NEW SECTION. Sec. 2. There is added to chapter 277, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

A special advisory council on technological education shall be appointed by the council. It shall assist in the initial

establishment and direction of the clearinghouse for technological education and be available to provide consultation to the council in its continuing study of technological education. Such advisory council should contain representation from industry and labor, as well as representation from the post secondary agencies conducting technological programs.

NEW SECTION. Sec. 3. There is added to chapter 277, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

In addition to the functions delegated to the council by RCW 28B.80.030, the council is hereby specifically directed to develop such state plans as are necessary to coordinate the state of Washington's participation within the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70 RCW. In addition to establishing such plans the council shall designate the state certifying officer for student programs.

NEW SECTION. Sec. 4. There is added to chapter 277, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

In the development of any such plans as called for within section 3 of this 1973 [1974] act, the council shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance grants;

(2) If appropriations are insufficient to fund all students qualifying under subsection (1) hereof, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

NEW SECTION. Sec. 5. There is added to chapter 277, Laws of 1969 ex. sess. and to chapter 28B.80 RCW a new section to read as follows:

The council shall periodically advise the governor and the legislature of the policy implications of the state of Washington's participation in the Western Interstate Commission for Higher Education student exchange programs as they affect long-range planning for post-secondary education, together with recommendations on the most efficient way to provide high cost or special educational programs to Washington residents.

NEW SECTION. Sec. 6. If any provision of this 1973 [1974] act, or its application to any person or circumstance is held

invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate January 24, 1974.
Passed the House February 4, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 5
[Senate Bill No. 2937]
CITIES--LEGAL AID
AUTHORITY

AN ACT Relating to legal aid; adding a new section to chapter 93, Laws of 1939 and to chapter 2.50 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 93, Laws of 1939 and chapter 2.50 RCW a new section to read as follows:

A city of any class or any code city may appropriate funds in any amount for the purposes of this chapter.

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 January 21, 1974.
Passed the House February 4, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 6
[Engrossed Senate Bill No. 2961]
PROSECUTING ATTORNEYS--
LEGAL INTERN EMPLOYMENT

AN ACT Relating to prosecuting attorneys; adding a new section to chapter 36.27 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 36.27 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, nothing in this chapter shall be deemed to prevent a prosecuting attorney from employing legal interns as otherwise authorized by statute or court rule.

NEW SECTION. Sec. 2. This 1974 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 18, 1974.
Passed the House February 2, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 7
[Engrossed Senate Bill No. 2962]
CITY ATTORNEYS--
LEGAL INTERN EMPLOYMENT

AN ACT Relating to cities [and] towns; and adding a new section to chapter 35.21 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 35.21 RCW a new section to read as follows:

Notwithstanding any other provision of law, the city attorney, corporation counsel, or other chief legal officer of any city or town may employ legal interns as otherwise authorized by statute or court rule.

NEW SECTION. Sec. 2. This 1974 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 18, 1974.
Passed the House February 2, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 8
[Substitute Senate Bill No. 3032]
SCHOOL DISTRICTS—GIFTS—
ACCEPTANCE—DISBURSEMENTS

AN ACT Relating to school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

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

The board of directors of any school district may accept, receive and administer for scholarship and student aid purposes such gifts, grants, conveyances, devises and bequests of personal or real property, in trust or otherwise, for the use or benefit of the school district or its students; and sell, lease, rent or exchange and invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof, if any, for the foregoing purposes; and enter into contracts and adopt regulations deemed necessary by the board to provide for the receipt and expenditure of the foregoing.

Passed the Senate January 29, 1974.
Passed the House February 4, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 9
[Engrossed Senate Bill No. 2551]
MOTOR VEHICLE FUND--
AUTHORIZED EXPENDITURES

AN ACT Relating to motor vehicles; and amending section 46.68.130, chapter 12, Laws of 1961 as last amended by section 7, chapter 103, Laws of 1972 ex. sess. and RCW 46.68.130.

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

Section 1. Section 46.68.130, chapter 12, Laws of 1961 as last amended by section 7, chapter 103, Laws of 1972 ex. sess. and RCW 46.68.130 are each amended to read as follows:

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended ((by the department of highways)), subject to proper appropriation and reappropriation, for ((state highways and other proper department of highways purposes, including the purposes of RCW 47.30.030)) highway purposes of the state, including the purposes of RCW 47.30.030.

Passed the Senate January 29, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 10
[Senate Bill No. 3037]
STATE FERRIES—
NO SMOKING AREAS

AN ACT Relating to the Washington state ferry system; and adding a new section to chapter 47.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 47.56 RCW a new section to read as follows:

The legislature finds that the public health, safety, and welfare requires that "No Smoking" areas be established on all state ferries since there is a significant number of our citizens who are nonsmokers. The state highway commission is hereby authorized and directed to promulgate rules and regulations pursuant to the administrative procedure act, chapter 34.04 RCW, to establish and clearly designate areas on all state operated ferries which are expressly reserved for use by nonsmokers.

Passed the Senate January 29, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 11
[Substitute Senate Bill No. 3049]
SCHOOL DISTRICT EMPLOYEES—
DEFERRED COMPENSATION PROGRAM

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

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

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

In addition to any other powers and duties, any school district may contract with any classified or certificated employee to defer a portion of that employee's income, which deferred portion shall in no event exceed twenty-five percent of such income, and shall subsequently with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, or purchase life insurance, shares of an investment company, or a fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life

underwriter or registered representative duly licensed by this state who represents an insurance company or an investment company licensed to contract business in this state. In no event shall the total investments or payments, and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such 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 January 31, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 12
[Substitute House Bill No. 1469]
CRUELTY TO ANIMALS--
EXPENSES--RECOVERY

AN ACT Relating to animals; amending section 5, chapter 146, Laws of 1901 and RCW 16.52.080; adding a new section to chapter 16.52 RCW; and prescribing penalties and declaring an emergency.

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

Section 1. Section 5, chapter 146, Laws of 1901 and RCW 16.52.080 are each amended to read as follows:

~~((f))~~ Any person ~~((shall carry))~~ who wilfully transports~~((r))~~ or confines~~((r))~~ or causes to be ~~((carriedr))~~ transported or confined ~~((upon any wagon, railway, car, vehicle, boat, vessel or otherwise))~~ any domestic animal~~((r))~~ or animals in a cruel or unnecessarily painful manner, posture or confinement~~((r he))~~ shall be guilty of a misdemeanor. And whenever any such person shall be taken into custody or be subject to arrest pursuant to a valid warrant therefor by any officer or authorized person, such officer or person may take charge of ~~((such car, wagon, vehicle, boat or vessel and its contents together with the horse or team attached to any such wagon or vehicle, and place or leave the same in some reasonably safe place of custody))~~ the animal or animals; and any necessary expense ~~((which may be incurred for taking care of and keeping the same))~~

thereof shall be a lien thereon((?)) to be paid before the ((same can)) animal or animals may be ((lawfully)) recovered; and if the ((said)) expense((s; or any part thereof; remain unpaid; they)) is not paid, it may be recovered((; by the person incurring the same; of)) from the owner of ((such domestic)) the animal((?)) or ((of)) the person guilty((; as aforesaid; in any action therefor)).

NEW SECTION. Sec. 2. If the county sheriff shall find that said domestic animal has been neglected by its owner, he may authorize the removal of the animal to a proper pasture or other suitable place for feeding and restoring to health.

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

Passed the House February 5, 1974.
Passed the Senate February 4, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 11, 1974.

CHAPTER 13
[Reengrossed Senate Bill No. 2095]
PORT DISTRICT TREASURER--
BONDING REQUIREMENT

AN ACT Relating to port districts; providing that a district may appoint a treasurer; and amending section 5, chapter 348, Laws of 1955 and RCW 53.36.010.

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

Section 1. Section 5, chapter 348, Laws of 1955 and RCW 53.36.010 are each amended to read as follows:

The treasurer of the county in which a port district is located shall be treasurer of the district unless the treasurer authorizes the commission to designate by resolution some other person having experience in financial or fiscal matters as treasurer of the port district to act with the same powers and under the same restrictions as provided by law for a county treasurer acting on behalf of a port district. The commission may, and if the treasurer is not the county treasurer it shall, require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the commission by resolution from time to time finds will protect the district against loss. The premium on such bonds shall be paid by the district. All district funds shall be paid to ((him as such)) the treasurer and shall be disbursed by him upon warrants signed by a port auditor

appointed by the port commission, upon vouchers approved by the commission.

Passed the Senate January 25, 1974.
Passed the House February 4, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 12, 1974.

CHAPTER 14
[Senate Bill No. 2574]
EASTERN WASHINGTON STATE COLLEGE—
MASTER OF SOCIAL WORK PROGRAM

AN ACT Relating to Eastern Washington State College; and amending section 1, chapter 28, Laws of 1971 ex. sess. and RCW 28B.40.226.

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

Section 1. Section 1, chapter 28, Laws of 1971 ex. sess. and RCW 28B.40.226 are each amended 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 the degree of master of social work and 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.

Passed the Senate January 25, 1974.
Passed the House February 2, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 12, 1974.

CHAPTER 15
[Senate Bill No. 3029]
DIVORCE ACTIONS—
PROCEDURE—SAVING

AN ACT Relating to domestic relations; adding new sections to chapter 157, Laws of 1973 1st ex. sess. and to chapter 26.09 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. Notwithstanding the repeals of prior laws enumerated in section 30, chapter 157, Laws of 1973 1st ex. sess., actions for divorce which were properly and validly pending in the superior courts of this state as of the effective date of such repealer (July 15, 1973) shall be governed and may be pursued to

conclusion under the provisions of law applicable thereto at the time of commencement of such action and all decrees and orders heretofore or hereafter in all other respects regularly entered in such proceedings are declared valid: PROVIDED, That upon proper cause being shown at any time before final decree, the court may convert such action to an action for dissolution of marriage as provided for in section 2 of this act.

NEW SECTION. Sec. 2. Any divorce action which was filed prior to July 15, 1973 and for which a final decree has not been entered on the effective date of this act, may, upon order of the superior court having jurisdiction over such proceeding for good cause shown, be converted to a dissolution proceeding and thereafter be continued under the provisions of this chapter.

NEW SECTION. Sec. 3. The provisions of sections 1 and 2 of this act are remedial and procedural and shall be construed to have been in effect as of July 16, 1973.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall be added to chapter 157, Laws of 1973 1st ex. sess. and to chapter 26.09 RCW.

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 January 29, 1974.
Passed the House February 4, 1974.
Approved by the Governor February 11, 1974.
Filed in Office of Secretary of State February 12, 1974.

CHAPTER 16
[House Bill No. 1302]
INDUSTRIAL DEVELOPMENT CORPORATIONS

AN ACT Relating to industrial development corporations; amending section 2, chapter 162, Laws of 1963 and RCW 31.24.020; amending section 5, chapter 162, Laws of 1963 as amended by section 1, chapter 90, Laws of 1973 1st ex. sess. and RCW 31.24.050; amending section 9, chapter 162, Laws of 1963 and RCW 31.24.090; and declaring an emergency.

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

Section 1. Section 2, chapter 162, Laws of 1963 and RCW 31.24.020 are each amended to read as follows:

Fifteen or more persons, a majority of whom shall be residents of this state, who may desire to create an industrial development corporation under the provisions of this chapter, for the purpose of

promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(1) The name of the corporation, which shall include the words "~~(Industrial)~~ Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens; to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state.

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles in [of] incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses of the subscribers of

stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than fifty thousand dollars. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this chapter.

The secretary of state shall not approve articles of incorporation for a corporation organized under this chapter until a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state. Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by him and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Sec. 2. Section 5, chapter 162, Laws of 1963 as amended by section 1, chapter 90, Laws of 1973 1st ex. sess. and RCW 31.24.050 are each amended to read as follows:

Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

Each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed ~~((ten))~~ fifteen times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) Thirty percent of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or thereafter on the basis of the preceding fiscal year, or in the case of an insurance company, its last annual statement to the state insurance commissioner; or thereafter on the basis of its last annual statement to the insurance commissioner, two and one-half percent of the capital and surplus of commercial banks and trust companies; one-half of one percent of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one-half percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one-half percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one-tenth of one percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to subsection (3) (a) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable

at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

Sec. 3. Section 9, chapter 162, Laws of 1963 and RCW 31.24.090 are each amended to read as follows:

The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than eleven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by the members and the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, (~~which annual meeting shall be held during the month of January,~~) the day and month of which shall be established by the bylaws of the corporations, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

NEW SECTION. Sec. 4. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and

safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 26, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 17
[House Bill No. 1273]
FIRE PROTECTION DISTRICT
BOARD OF COMMISSIONERS—VACANCIES

AN ACT Relating to fire commissioners; and amending section 26, chapter 34, Laws of 1939 as amended by section 1, chapter 153, Laws of 1971 ex. sess. 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 as amended by section 1, chapter 153, Laws of 1971 ex. sess 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, within thirty days, be filled by appointment of a resident elector of the district by the county legislative authority ((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 herein 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 January 29, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 18
[House Bill No. 1240]
CUSTOM SLAUGHTERERS—
LICENSING REQUIREMENTS

AN ACT Relating to agriculture; and amending section 49, chapter 145, Laws of 1969 and RCW 16.49A.490.

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

Section 1. Section 49, chapter 145, Laws of 1969 ex. Sess. and RCW 16.49A.490 are each amended to read as follows:

It shall be unlawful for any person, firm, or corporation to ~~((carry on any of the following enumerated activities, without first having obtained a license from the department:~~

- ~~{1} To operate a meat food animal slaughtering establishment;~~
- ~~{2} To prepare (as defined in RCW 16.49A.400) carcasses or parts of carcasses of meat food animals;~~
- ~~{3} To act as a meat broker;~~
- ~~{4} To act as an animal food manufacturer;~~
- ~~{5} To act as a meat food product manufacturer;~~

~~{6} To) act as a custom slaughterer at any mobile or fixed location without first obtaining a license from the department. Such license shall be an annual license and shall expire on June 30th of each year. A separate license shall be required for ~~((every location))~~ each mobile unit or establishment ~~((where any such enumerated activities are carried on))~~. Application for a license shall be on a form prescribed by the department and accompanied by a twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location where one or more of the enumerated activities will be carried on by the applicant. If such applicant is an individual, receiver, trustee, firm or corporation, the full name of each member of the firm, or the names of the officers of the corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and 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 department. Upon approval of the application by the department and compliance with the provisions of this chapter, including applicable regulations adopted hereunder by the department the applicant shall be issued a license or renewal thereof.~~

Passed the House January 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 19
[House Bill No. 1211]
PORT DISTRICTS--ALTERNATIVE
BUDGET FILING DATE

AN ACT Relating to port districts; providing an alternative date for filing of final budgets; and adding a new section to chapter 159, Laws of 1959 and to chapter 53.35 RCW.

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

NEW SECTION. Section 1. There is added to chapter 159, Laws of 1959 and to chapter 53.35 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, the board of commissioners of a port district may file with the clerk of the county legislative authority a certified copy of the port district final budget, provided for in RCW 53.35.040, on the first Monday in December. The board of port commissioners may also set other dates relating to the budget process, including but not limited to the dates set in RCW 53.35.010 and 53.35.020 to conform to the alternate date for final budget filing.

Passed the House January 28, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 20
[House Bill No. 1031]
PESTICIDE ADVISORY BOARD--
COMPOSITION

AN ACT Relating to the agricultural pesticide advisory board; and amending section 23, chapter 249, Laws of 1961 as last amended by section 8, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.230.

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

Section 1. Section 23, chapter 249, Laws of 1961 as last amended by section 8, chapter 191, Laws of 1971 ex. sess. 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 (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 licensed pest control consultant, one licensed

pesticide dealer manager, one entomologist in public service, 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, 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. The board shall also include the director of the department of labor and industries or his duly authorized representative, 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.

Passed the House January 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 21

[House Bill No. 761]

DEFRAUDING OF RESTAURANT
KEEPER—PENALTIES

AN ACT Relating to crimes and criminal penalties; and amending section 2, page 96, Laws of 1890 as last amended by section 6, chapter 216, Laws of 1929 and RCW 19.48.110.

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

Section 1. Section 2, page 96, Laws of 1890 as last amended by section 6, chapter 216, Laws of 1929 and RCW 19.48.110 are each amended to read as follows:

Any person who shall wilfully obtain food, money, credit, lodging or accommodation at any hotel, inn, restaurant, boarding house or lodging house, without paying therefor, with intent to defraud the proprietor, owner, operator or keeper thereof; or who obtains food, money, credit, lodging or accommodation at such hotel, inn, restaurant, boarding house or lodging house, by the use of any false pretense; or who, after obtaining food, money, credit, lodging, or accommodation at such hotel, inn, restaurant, boarding house, or lodging house, removes or causes to be removed from such hotel, inn[,] restaurant, boarding house or lodging house, his or her

baggage, without the permission or consent of the proprietor, manager or authorized employee thereof, before paying for such food, money, credit, lodging or accommodation, shall be guilty of a gross misdemeanor: PROVIDED, That if the aggregate amount of food, money, lodging or accommodation, or credit so obtained is seventy-five dollars or more such person shall be guilty of a felony. Proof that food, money, credit, lodging or accommodation were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that the person refused or neglected to pay for such food, money, credit, lodging or accommodation on demand, or that he or she gave in payment for such food, money, credit, lodging or accommodation, negotiable paper on which payment was refused, or that he or she absconded, or departed from, or left, the premises without paying for such food, money, credit, lodging or accommodation, or that he or she removed, or attempted to remove, or caused to be removed, or caused to be attempted to be removed his or her property or baggage, shall be prima facie evidence of the fraudulent intent hereinbefore mentioned.

Passed the House January 22, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 22
[House Bill No. 566]
SAVINGS AND LOANS ASSOCIATIONS—
EXAMINATION AND SUPERVISION
COST SUPERVISION

AN ACT Relating to savings and loan associations; and amending section 77, chapter 235, Laws of 1945 as last amended by section 6, chapter 107, Laws of 1969 and RCW 33.28.020.

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

Section 1. Section 77, chapter 235, Laws of 1945 as last amended by section 6, chapter 107, Laws of 1969 and RCW 33.28.020 are each amended to read as follows:

Every savings and loan association organized under the laws of this state shall on or before the 31st day of July in each year, pay to the supervisor a license fee, for the ensuing fiscal year commencing July 1st, of fifty dollars. An additional fee of fifty dollars shall also be paid for each branch office.

The supervisor shall also collect from each association the actual cost for ((each)) examination and supervision of its condition ((charging a per diem rate not more than the rate charged federal

savings and loan associations by the examining division of the federal home loan bank board)).

Passed the House January 17, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 23

[House Bill No. 636]

DEPARTMENT OF FISHERIES--

SURPLUS SALMON EGGS—LIMITATION

AN ACT Relating to conservation and propagation; and amending section 4, chapter 35, Laws of 1971 and RCW 75.16.120.

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

Section 1. Section 4, chapter 35, Laws of 1971 and RCW 75.16.120 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus 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)): PROVIDED, That the department of fisheries shall not intentionally create a surplus of salmon to provide eggs for sale.

Passed the House January 18, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 24

[House Bill No. 150]

COUNTY OFFICERS—

TRAVEL EXPENSES

AN ACT Relating to county officers; and repealing section 36.17.030, chapter 4, Laws of 1963 and RCW 36.17.030.

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

Section 1. Section 36.17.030, chapter 4, Laws of 1963 and RCW 36.17.030 are each repealed.

Passed the House January 26, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 25
[House Bill No. 1354]
BUSINESSES AND PROFESSIONS—
CODE CORRECTION

AN ACT Relating to business and professions; reenacting section 2, chapter 281, Laws of 1927 as last amended by section 16, chapter 148, Laws of 1973 1st ex. sess. and by section 21, chapter 154, Laws of 1973 1st ex. sess. and RCW 18.18.010; reenacting section 9, chapter 77, Laws of 1963 as last amended by section 6, chapter 153, Laws of 1973 1st ex. sess. and by section 1, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.090; and declaring an emergency.

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

Section 1. Section 2, chapter 281, Laws of 1927 as last amended by section 16, chapter 148, Laws of 1973 1st ex. sess. and by section 21, chapter 154, Laws of 1973 1st ex. sess. and RCW 18.18.010 are each reenacted to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incidental to retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of cosmetology" or "cosmetology" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting;

(4) "Cosmetologist" means any person, firm or corporation who engages in the practice of cosmetology;

(5) "Practice of manicuring" means the manicuring of nails of the hands and feet, also the administration of facials, by the use of hands and appliances;

(6) "Manicurist" means any person who engages in the practice of manicuring;

(7) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, and who does not receive any wage or commission: PROVIDED, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

(8) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and cosmetology under the direct supervision and direction of a manager operator;

(9) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(10) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and cosmetology is conducted;

(11) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and cosmetology;

(12) An "instructor operator" is a person who gives instruction in the practice of hairdressing and cosmetology in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(13) "Director" means the director of the department of motor vehicles;

(14) "Committee" means the cosmetology examining committee;

(15) "Board" means the hearing board.

Sec. 2. Section 9, chapter 77, Laws of 1963 as last amended by section 6, chapter 153, Laws of 1973 1st ex. sess. and by section 1, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.090 are each reenacted to read as follows:

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the public service commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than two hundred fifty dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than two hundred fifty dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the highway department to perform highway construction, reconstruction, or maintenance work.

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

Section 1. RCW 18.18.010 was amended twice during the 1973 first extraordinary session of the legislature.

(a) 1973 1st ex.s. c 148 sec. 16:
(i) In subsection (1) changed the phrase "incident to original retail sales" to "incidental to retail sales"; and deleted the phrase "on female persons";

(ii) Throughout the section "beauty culture" and "beauty culturist" were changed to "cosmetology" and "cosmetologist";

(iii) Subsections (5) and (6) defining "practice of manicuring" and "manicurist" were added; and

(iv) "director of licenses" was changed to "director of motor vehicles".

(b) 1973 1st ex.s. c 154 sec. 21:
(i) Deleted the phrase "on female persons" in subsections (1) and (3); and

(ii) Changed "director of licenses" to "director of the department of motor vehicles".

Sec. 2. RCW 18.27.090 was amended twice during the 1973 first extraordinary session of the legislature.

(a) 1973 1st ex.s. c 153 sec. 6 added commas in subsections (1), (3), (4), (5), (6), (8), (13), and (16) in series of three or more words.

(b) 1973 1st ex.s. c 161 sec. 1 amended subsection (14) of the section by changing "an electrician ... or plumber licensed under the laws of the state" to "an

electrical contractor as licensed under the laws of the state of Washington and chapter 19.28 RCW". As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting these sections with each amendment included therein.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 26
[House Bill No. 1355]
VOLUNTEER FIREMEN PENSIONS—
CODE CORRECTION

AN ACT Relating to volunteer firemen; reenacting section 18, chapter 261, Laws of 1945 as last amended by section 75, chapter 154, Laws of 1973 1st ex. sess. and by section 3, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.180; and declaring an emergency.

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

Section 1. Section 18, chapter 261, Laws of 1945 as last amended by section 75, chapter 154, Laws of 1973 1st ex. sess. and by section 3, chapter 170, Laws of 1973 1st ex. sess. and RCW 41.24.180 are each reenacted to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he or she shall have served, there

shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by himself or herself.

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 41.24.180 was amended twice in the 1973 first extraordinary session of the legislature.
(1) 1973 1st ex.s. c 154 sec. 75 was a part of an extensive equal rights bill, and added phrases such as "himself or herself", "him or her", and "widow or widower" throughout the section.
(2) 1973 1st ex.s. c 170 sec. 3 deleted the proviso at the end of subsection (1) relating to firemen completing years of service after attaining age 65.
As these amendments appear to be in different respects, the purpose of this act is to give effect to each by reenacting the section with each amendment included therein.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 27

[House Bill No. 1356]

DEPARTMENT OF LABOR AND INDUSTRIES—

CODE CORRECTION

AN ACT Relating to the department of labor and industries; reenacting section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 52, Laws of 1973 1st ex. sess. and by section 8, chapter 153, Laws of 1973 1st ex. sess. and RCW 43.22.010; and declaring an emergency.

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

Section 1. Section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 52, Laws of 1973 1st ex. sess. and by section 8, chapter 153, Laws of 1973 1st ex. sess. and RCW 43.22.010 are each reenacted to read as follows:

The department of labor and industries shall be organized into five divisions, to be known as, (1) the division of industrial insurance, (2) the division of industrial safety and health, (3) the division of industrial relations, (4) the division of apprenticeship, and (5) the division of building and construction safety inspection services, which division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and registration and regulation of contractors.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

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 43.22.010 was amended twice during the 1973 first extraordinary session of the legislature.

(1) 1973 1st ex.s. c 52 sec. 2 deleted the division of mining safety from the section and changed the name of "the division of safety" to "the division of industrial safety and health".

(2) 1973 1st ex.s. c 153 sec. 8 deleted the phrase "last mentioned" in subdivision (5) referring to the division of building and construction safety inspection services; and also deleted the responsibility for hotel inspection but added the responsibility for "registration and regulation of contractors".

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

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 28

[House Bill No. 1358]

FUEL TAXES—

CODE CORRECTION

AN ACT Relating to revenue and taxation; reenacting section 82.36.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 124, Laws of 1973 1st ex. sess. and by section 1,

chapter 160, Laws of 1973 1st ex. sess. and RCW 82.36.020; reenacting section 19, chapter 22, Laws of 1963 ex. sess. as last amended by section 6, chapter 95, Laws of 1973 and by section 3, chapter 124, Laws of 1973 1st ex. sess. and RCW 82.37.190; and declaring an emergency.

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

Section 1. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 124, Laws of 1973 1st ex. sess. and by section 1, chapter 160, Laws of 1973 1st ex. sess. and RCW 82.36.020 are each reenacted to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

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

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to

such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Sec. 2. Section 19, chapter 22, Laws of 1963 ex. sess. as last amended by section 6, chapter 95, Laws of 1973 and by section 3, chapter 124, Laws of 1973 1st ex. sess. and RCW 82.37.190 are each reenacted to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund.

The proceeds of the motor vehicle fuel importer use tax imposed by chapter 82.37 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of chapter 124, Laws of 1973 first extraordinary session.

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

Section 1. RCW 82.36.020 was amended twice during the 1973 first extraordinary session of the legislature:

(1) 1973 1st ex.s. c 124 sec. 2 deleted the first part of subsection (1) providing that seven cents of the excise tax collected on net gallonage "be distributed between the state, cities, counties, and Puget Sound ferry operations account..."; and in subsection (4) deleted the provision that "One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account."

(2) 1973 1st ex.s. c 160 sec. 1 in subsection (5) provided that the funds allocated to cities and towns for construction, improvement and repair of "arterial highways" also be used for "city streets".

Sec. 2. RCW 82.37.190 was amended during the 1973 regular session of the legislature by 1973 c 95 sec. 6, and again during the 1973 first extraordinary session by 1973 1st ex.s. c 124 sec. 3, each without reference to the other.

(1) 1973 c 95 sec. 6 deleted the last sentence of the first paragraph which provided that a duplicate statement be sent to the state auditor.

(2) 1973 1st ex.s. c 124 sec. 3 changed "chapter 83, Laws of 1967 extraordinary session" to "this 1973 amendatory act", herein translated to "chapter 124, Laws of 1973 first extraordinary session".

As the amendments to these sections appear to be in different respects the purpose of this act is to give

effect to each by reenacting the sections with each amendment included therein.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 29
[House Bill No. 1357]
STATE HIGHWAY COMMISSION--
CODE CORRECTION

AN ACT Relating to the state highway commission; reenacting section 47.01.160, chapter 13, Laws of 1961 as last amended by section 21, chapter 106, Laws of 1973 and by section 2, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.160; and declaring an emergency.

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

Section 1. Section 47.01.160, chapter 13, Laws of 1961 as last amended by section 21, chapter 106, Laws of 1973 and by section 2, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.01.160 are each reenacted 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.

(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 treasurer.

(6) 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.

(7) 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.

(8) To exercise all other powers and perform all other duties now or hereafter provided by law.

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 47.01.160 was amended during the 1973 regular session of the legislature by 1973 c 106 sec. 21, and again during the 1973 second extraordinary session by 1973 2nd ex.s. c 12 sec. 2, each without reference to the other.

(1) 1973 c 106 sec. 21 provided, in subsection (5), for the certification of claims to the state treasurer instead of the state auditor.

(2) 1973 2nd ex.s. c 12 sec. 2 deleted the duty of the highway commission to submit a report to the governor before each regular session of the legislature regarding work constructed or under construction. Subsection (6) requiring biennial publication of a report of the commission was also deleted.

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

Passed the House January 31, 1974.

Passed the Senate February 6, 1974.

Approved by the Governor February 13, 1974.

Filed in Office of Secretary of State February 14, 1974.

CHAPTER 30

[House Bill No. 1360]

INDUSTRIAL INSURANCE—

CODE CORRECTION

AN ACT Relating to industrial insurance; amending and reenacting section 51.32.040, chapter 23, Laws of 1961 as last amended by section 95, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.040; and declaring an emergency.

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

Section 1. Section 51.32.040, chapter 23, Laws of 1961 as last amended by section 95, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.040 are each amended and reenacted to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from

some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury 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 the surviving spouse, or to the child or children if there is no surviving spouse: 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 the surviving spouse, or to the child or children if there is no surviving spouse: 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 injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

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

In the amendment of RCW 51.32.040 by 1973 1st ex.s. c 154 sec. 95 the underlined material indicated above was not included but appears necessary to complete the

sentence. The purpose of this act is to correct this apparent error.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 31
[House Bill No. 1361]
WATER DISTRICTS—
CODE CORRECTION

AN ACT Relating to water districts; amending and reenacting section 7, chapter 18, Laws of 1959 as last amended by section 69, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.16.020; and declaring an emergency.

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

Section 1. Section 7, chapter 18, Laws of 1959 as last amended by section 69, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.16.020 are each amended and reenacted to read as follows:

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of any part or all of the general comprehensive plan. The amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. When the general comprehensive plan has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.

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 57.16.020 was amended by 1973 1st ex. sess. c 195 sec. 69. During the course of passage the phrase beginning the last sentence of the section "When the general comprehensive plan" was omitted but not indicated as deleted by double parentheses and strike-through deletion marks.

It is the purpose of this act to restore the deleted material and correct the apparent clerical error.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 32
[House Bill No. 1508]
INSURANCE—RATE DIFFERENTIALS—
SEX BASIS

AN ACT Relating to insurance; amending section 2, chapter 183, Laws of 1949 as last amended by section 3, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.030; and amending section 6, chapter 141, Laws of 1973 and RCW 49.60.178.

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

Section 1. Section 2, chapter 183, Laws of 1949 as last amended by section 3, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit ~~((or insurance))~~ transactions without discrimination;

(e) The right to engage in insurance transactions without discrimination: PROVIDED HOWEVER, that different insurance rates may be continued and/or applied on the basis of sex when bona fide statistical differences in risk or exposure are substantiated.

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including a reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter related to sex discrimination which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 2. Section 6, chapter 141, Laws of 1973 and RCW 49.60.178 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself or another in connection with an insurance transaction to fail or refuse to issue or renew insurance to any person because of sex, marital status, race, creed, color or national origin. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060.

The fact that ((rates charged may have been filed and approved pursuant to Title 48 RCW does not constitute a defense to an action under this section and the fact that)) such unfair practice may also be a violation of chapter 48.30 RCW does not constitute a defense to an action brought under this section.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 33
[House Bill No. 556]
COMMUNITY COLLEGES—REVIEW
COMMITTEE—STUDENT REPRESENTATION

AN ACT Relating to community colleges; amending section 33, chapter 283, Laws of 1969 ex. sess. as amended by section 3, chapter 5, Laws of 1970 ex. sess. and RCW 28B.50.851; and amending section 45, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.869.

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

Section 1. Section 33, chapter 283, Laws of 1969 ex. sess. as amended by section 3, chapter 5, Laws of 1970 ex. sess. and RCW 28B.50.851 are each amended by read as follows:

As used in RCW 28B.50.850 through 28B.50.869:

(1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate cause and by due process;

(2) "Faculty appointment" shall mean full time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian;

(3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationer's terms of employment;

(4) "Probationer" shall mean an individual holding a probationary faculty appointment;

(5) "Administrative appointment" shall mean employment in a specific administrative position as determined by the appointing authority;

(6) "Appointing authority" shall mean the board of trustees of a community college district;

(7) "Review committee" shall mean a committee composed of the probationer's faculty peers, a student representative, and the administrative staff of the community college ((providing)); PROVIDED, That the majority of the committee shall consist of the probationer's faculty peers.

Sec. 2. Section 45, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.869 are each amended to read as follows:

The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff, a student representative, and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting in a body. The student representative, who shall be a full time student, shall be chosen by the student association of the particular community college in such manner as the members thereof shall determine.

Passed the House January 24, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 34

[House Bill No. 767]

WASHINGTON STATE MILITIA--
PROMOTIONS-BEST-QUALIFIED BASIS--
OFFICER PROMOTION BOARD

AN ACT Relating to the state military; adding new sections to chapter 38.12 RCW; repealing section 22, chapter 130, Laws of 1943 and RCW 38.12.080; repealing section 24, chapter 130, Laws of 1943 and RCW 38.12.100; repealing section 25, chapter 130, Laws of 1943 and RCW 38.12.110; repealing section 26, chapter 130, Laws of 1943 and RCW 38.12.120; repealing section 27, chapter 130, Laws of 1943 and RCW 38.12.130; repealing section 28, chapter 130, Laws of 1943 and RCW 38.12.140; and repealing section 32, chapter 130, Laws of 1943 and RCW 38.12.190.

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

NEW SECTION. Section 1. Whenever a commissioned officer is to be appointed or promoted either to fill a vacancy in the organized militia (Washington army national guard, Washington air national guard and the Washington state guard) or for any other reason, the officer to be appointed or promoted shall be selected by the officer promotion board: PROVIDED, HOWEVER, That this in no way will change the powers of the governor under RCW 38.12.060: AND PROVIDED FURTHER, HOWEVER, That this section in no way applies to appointments or promotions to adjutant general or assistant adjutant general.

NEW SECTION. Sec. 2. All promotions of commissioned officers in the organized militia will be made on a best-qualified basis. The officer promotion board will select the best-qualified officer for each promotion from among those officers fully qualified for promotion. To be promoted, the selected officer must also meet the requirements of RCW 38.12.070. In no event will seniority be the sole guideline for selecting the officer to be promoted. The officer promotion board will, in determining the best qualified officer, consider the overall qualifications of an officer and not just the qualifications for one position.

NEW SECTION. Sec. 3. The officer promotion board will meet from time to time as directed by the adjutant general. The board will select the best qualified officer for each promotion to be made in the organized militia, will approve or disapprove the appointment of all of the commissioned officers in the organized militia, and will do any other act pertaining thereto directed by the adjutant general or allowed or directed by statute.

NEW SECTION. Sec. 4. The officer promotion board shall be composed as follows:

(1) For promotions or appointments of army national guard officers, the board will consist of the adjutant general, the assistant adjutant general army, and the five senior commanders in the Washington army national guard: PROVIDED, HOWEVER, That if the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced: PROVIDED FURTHER, HOWEVER, That if the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

(2) For promotions or appointments of air national guard officers, the board will consist of the adjutant general, the assistant adjutant general air, and the five senior commanders in the Washington air national guard: PROVIDED, HOWEVER, That if the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced: PROVIDED FURTHER, HOWEVER, That if the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

(3) For promotions or appointments of state guard officers, the board will consist of the adjutant general, the assistant adjutant general army, and the five senior officers in the state guard: PROVIDED, HOWEVER, That if the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced: PROVIDED FURTHER, HOWEVER, That if the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

NEW SECTION. Sec. 5. To be an official act of the officer promotion board, an act of that board must be approved by not less than four of the members of the board: PROVIDED, HOWEVER, That if the board consists of less than four officers, the approval of the board shall be unanimous.

An action of an officer promotion board may be an official act of the board without a meeting if all members of the board approve in writing the act in question.

The adjutant general will from time to time fix the rules under which the board will operate.

NEW SECTION. Sec. 6. There are added to chapter 38.12 RCW new sections as set forth in sections 1 through 5 of this 1974 amendatory act.

NEW SECTION. Sec. 7. The following acts or parts of acts are each hereby repealed:

- (1) Section 22, chapter 130, Laws of 1943 and RCW 38.12.080;
- (2) Section 24, chapter 130, Laws of 1943 and RCW 38.12.100;
- (3) Section 25, chapter 130, Laws of 1943 and RCW 38.12.110;
- (4) Section 26, chapter 130, Laws of 1943 and RCW 38.12.120;
- (5) Section 27, chapter 130, Laws of 1943 and RCW 38.12.130;
- (6) Section 28, chapter 130, Laws of 1943 and RCW 38.12.140;

and

- (7) Section 32, chapter 130, Laws of 1943 and RCW 38.12.190.

Passed the House January 28, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 35

[Engrossed Substitute Senate Bill No. 2429]

ABSENTEE VOTING

AN ACT Relating to elections; amending section 29.36.010, chapter 9, Laws of 1965 as amended by section 37, chapter 202, Laws of 1971 ex. sess. and RCW 29.36.010; amending section 6, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.120; and amending section 8, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.140.

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

Section 1. Section 29.36.010, chapter 9, Laws of 1965 as amended by section 37, chapter 202, Laws of 1971 ex. sess. 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 no earlier than forty-five days nor

later than the day prior to any election or primary: PROVIDED, That an application honored for a primary ballot shall also be honored as an application for a ballot for the following election if the voter so indicates on his application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger(~~r~~ 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. 2. Section 6, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.120 are each amended to read as follows:

The county auditor, as ex officio supervisor of elections, or other officer having jurisdiction of the election, may, with regard to any precinct having less than one hundred registered voters at the time of closing of the registration files as provided in RCW 29.07.160, order the voting in said precinct for the next ensuing election, whether a primary election, general election, special election, or any other election, be by ((absentee)) mail ballot only.

Whenever such officer shall so order, he shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter within said precinct his notice that voting within said precinct shall be by ((absentee)) mail voting only. Accompanied with such notice shall be an application form together with a postage prepaid envelope preaddressed to the issuing officer. In order to be honored such application form, properly executed, must reach the issuing officer no later than the day of the election concerned.

The county auditor may continue to honor such application for all subsequent elections held in the same manner as long as the voter concerned remains qualified to vote at such elections.

Sec. 3. Section 8, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.140 are each amended to read as follows:

Whenever an election is to be held for the organization of a new district, including but not limited to the organization of a water, fire, or sewer district, or for the purpose of addition of territory to an existing city, town, or district and the total number of registered voters qualified to vote at such election is less than ((one)) five hundred, and the names and addresses of all such voters can be determined not less than fifteen days prior to the election concerned, the county auditor, as ex officio supervisor of elections,

or other officer having jurisdiction of the election, may order that all voting be done by ((absentee)) mail ballot in the same manner and with like penalties as provided in RCW 29.36.120 and 29.36.130 as now or hereafter amended.

Passed the Senate January 31, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 36
[Senate Bill No. 3022]
VEHICLE IDENTIFICATION NUMBER—
CERTIFICATE REPLACEMENT FEE

AN ACT Relating to motor vehicles; amending section 46.12.060, chapter 12, Laws of 1961 and RCW 46.12.060; and providing an effective date.

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

Section 1. Section 46.12.060, chapter 12, Laws of 1961 and RCW 46.12.060 are each amended to read as follows:

Before the director shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the ((motor)) identification number of which((; in case of a motor vehicle; or the serial number of which; in case of a trailer;)) has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the director, accompanied by a fee of ((one dollar)) five dollars, upon a form provided, and containing such facts and information as shall be required by the director for the assignment of a special number for such vehicle. Upon receipt of such application, the director, if he is satisfied the applicant is entitled to the assignment of ((a motor number)) an identification number, ((or serial number)) shall designate a special ((motor number)) identification number((; or serial number; as the case may be; together with a symbol indicative of this state;)) for such vehicle, which ((symbol followed by such number)) shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the director. ((The applicant for such assignment of number shall be; in case of a motor vehicle; promptly notified of the number assigned and the symbol to be prefixed thereto; and such applicant shall thereupon cause such symbol and motor number to be to be pressed or cut in a conspicuous position upon the motor; if the assigned number is a motor number; or frame or other permanent part of the motor vehicle; if the number assigned is

an identification number. The applicant for such assignment of number shall be, in case of a trailer,) This assigned ((a proper)) identification number ((which)) shall be placed or stamped in a conspicuous position upon the ((outside of the trailer)) vehicle in such manner and form as may be prescribed by the director. Upon receipt by the director of a certificate by an officer of the Washington state patrol, or other person authorized by the director, that he has inspected such vehicle and that the ((motor number; or)) identification number((; together with the symbol so assigned;)) or the special ((serial)) number plate, ((have)) has been ((legally pressed or cut in a conspicuous position upon the motor or upon the most permanent part of the motor vehicle most readily accessible for inspection; or)) stamped or securely attached in a conspicuous position upon the ((outside of the trailer)) vehicle, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the director shall use such number ((and such symbol)) as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership he may thereafter issue therefor.

NEW SECTION. Sec. 2. This 1974 amendatory act shall take effect on July 1, 1974.

Passed the Senate January 29, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 37

[Engrossed Third Substitute Senate Bill No. 2843]

LOCAL GOVERNMENTS—FEDERALLY ASSISTED
PROGRAM PARTICIPATION—PUBLIC
CORPORATIONS, COMMISSIONS, AUTHORITIES

AN ACT Relating to local government; authorizing counties, cities, and towns to participate in and implement federally-assisted programs, including revenue sharing; providing for public corporations, commissions, and authorities in connection therewith; adding new sections to chapter 35.21 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 35.21 RCW a new section to read as follows:

The legislature hereby recognizes that an increasing number of federal grants or programs are available to the cities, towns, and

counties of this state and that such programs provide our cities, towns, and counties with the opportunity and ability to render substantially improved services to their residents.

NEW SECTION. Sec. 2. There is added to chapter 35.21 RCW a new section to read as follows:

In order to improve the administration of authorized federal grants or programs, including revenue sharing, improve governmental efficiency, services, and the general living conditions in the urban areas of the state, any city, town, or county utilizing federal or private funds may by lawfully adopted ordinance or resolution:

(1) Transfer to any public corporation, commission, or authority, with or without consideration, any funds, real or personal property, property interests, or services, all of which are received from the federal government or from private sources;

(2) Organize and participate in joint operations or cooperative organizations funded by the federal government when acting solely as coordinators or agents of the federal government;

(3) Continue federally-assisted programs, projects, and activities after expiration of contractual term or after expending allocated federal funds as deemed appropriate to fulfill contracts made in connection with such agreements or as may be proper to permit an orderly readjustment by participating corporations, associations, or individuals: PROVIDED, HOWEVER, That nothing herein shall be construed in a manner contrary to the provisions of Article VIII, section 7, of the Washington state constitution;

(4) Create public corporations, commissions, and authorities to administer and execute federal grants or programs; to receive and administer private funds, goods, or services for any lawful public purpose; and to limit the liability of such public corporations, commissions, and authorities to the assets and properties of such public corporation, commission, or authority in order to prevent recourse to such cities, towns, or counties or their assets or credit.

NEW SECTION. Sec. 3. There is added to chapter 35.21 RCW a new section to read as follows:

The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for such a public corporation. The provisions of this 1974 act and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of this 1974 act.

All cities, towns and counties shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government

or its political subdivisions, and pursuant to such agreements may receive and expend federal or private funds for any lawful public purpose.

NEW SECTION. Sec. 4. There is added to chapter 35.21 RCW a new section to read as follows:

Powers, authorities, or rights expressly or impliedly granted to any city, town, or county or their agents under any provision of this 1974 act shall not be operable or applicable, or have any effect beyond the limits of the incorporated area of any city or town implementing the 1974 act, unless so provided by contract between the city and another city or county.

NEW SECTION. Sec. 5. There is added to chapter 35.21 RCW a new section to read as follows:

Any city, town, or county which shall create a public corporation, commission, or authority pursuant to section 2 of this 1974 act or RCW 35.21.660, shall provide for its organization and operations and shall control and oversee its operation and funds in order to correct any deficiency and to assure that the purposes of each program undertaken are reasonably accomplished.

Any public corporation, commission, or authority created as provided in section 2 of this 1974 act 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; transfer, with or without consideration, any funds, real or personal property, property interests, or services received from the federal government, private sources or, if otherwise legal, from a city or county; to do anything a natural person may do; and to perform all manner and type of community services utilizing federal or private funds: PROVIDED, That such public corporation, commission, or authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

NEW SECTION. Sec. 6. There is added to chapter 35.21 RCW a new section to read as follows:

In the event of the insolvency or dissolution of a public corporation, commission, or authority, the superior court of the county in which the public corporation, commission, or authority is or was operating shall have jurisdiction and authority to appoint trustees or receivers of corporate property and assets and supervise such trusteeship or receivership: PROVIDED, That all liabilities incurred by such public corporation, commission, or authority shall be satisfied exclusively from the assets and properties of such public corporation, commission, or authority and no creditor or other person shall have any right of action against the city, town, or

county creating such corporation, commission or authority on account of any debts, obligations, or liabilities of such public corporation, commission, or authority.

NEW SECTION. Sec. 7. There is added to chapter 35.21 RCW a new section to read as follows:

A public corporation, commission, or authority created pursuant to section 2 of this 1974 act or RCW 35.21.660 shall receive the same immunity or exemption from taxation as that of the city, town, or county creating the same: PROVIDED, That, except for any property listed on, or which is within a district listed on any federal or state register of historical sites, any such public corporation, commission, or authority shall pay to the county treasurer an annual excise tax equal to the amounts which would be paid upon real property and personal property devoted to the purposes of such public corporation, commission, or authority were it in private ownership, and such real property and personal property is acquired and/or operated under this 1974 act, and the proceeds of such excise tax shall be allocated by the county treasurer to the various taxing authorities in which such property is situated, in the same manner as though the property were in private ownership.

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.

Passed the Senate January 24, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 38
[Senate Bill No. 3077]
HORSE IDENTIFICATION--MANDATORY
BRAND INSPECTION POINTS--FEES--
BRAND REGISTRATION

AN ACT Relating to identification of horses; and adding new sections to chapter 16.57 RCW.

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

NEW SECTION. Section 1. There is added to chapter 16.57 RCW a new section to read as follows:

Brand inspection of horses 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 horses are exempt from brand inspection by law or regulations adopted by the director because of prior brand inspection or if such horses are shipped directly to a public livestock market from another state and accompanied by a brand inspection certificate specifically identifying such horses issued by the state of origin or a lawful agency thereof.

(3) Prior to slaughter at any point of slaughter unless such horses are exempt from such brand inspection by law or regulations adopted by the director because of prior brand inspection or if such horses are immediate slaughter horses shipped directly to a point of slaughter from another state and accompanied by a brand inspection certificate specifically identifying such horses issued by the state of origin or a lawful agency thereof.

(4) Prior to the branding of any horses except as otherwise provided by law or regulation.

(5) Prior to the sale of any horses 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 horses or the furnishing of proof that horses passing or being transported through such points have been brand inspected and are lawfully being moved. Further, the director may stop vehicles carrying horses to determine if such horses are identified or branded as immediate slaughter horses, and if so that such horses are not being diverted for other purposes to points other than the specified point of slaughter.

NEW SECTION. Sec. 2. There is added to chapter 16.57 RCW a new section to read as follows:

The director shall cause a charge to be made for all brand inspections of horses required under this chapter and rules and regulations adopted hereunder. Such charges shall be paid to the department by the owner or person in possession 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 constitute a prior lien on the horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspections of horses shall establish schedules by days and hours

when a brand inspector will be on duty or perform brand inspections of horses at established inspection points. The fees for brand inspections of horses performed at inspection points according to schedules established by the director shall be not more than two dollars as prescribed by the director subsequent to a hearing. Fees for brand inspections of horses 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. 3. There is added to chapter 16.57 RCW a new section to read as follows:

The director may provide by rules and regulations adopted pursuant to chapter 34.04 RCW for the issuance of individual horse identification certificates or other means of horse identification deemed appropriate. Such certificates or other means of identification shall be valid only for the use of the horse owner in whose name it is issued.

Horses identified pursuant to the provisions of this section and the rules and regulations adopted hereunder shall not be subject to brand inspection except when sold at points provided for in section 1 of this act. The director shall charge an annual fee for the certificates or other means of identification authorized pursuant to this section and no identification shall be issued until the director has received the fee. The schedule of fees shall be established in accordance with the provisions of chapter 34.04 RCW.

Passed the Senate January 24, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 39
[Reengrossed Senate Bill No. 2584]
DIKING COMMISSIONERS—
COMPENSATION LIMITATION

AN ACT Relating to diking districts; and amending section 41, chapter 117, Laws of 1895 as last amended by section 1, chapter 30, Laws of 1951 and RCW 85.05.410.

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

Section 1. Section 41, chapter 117, Laws of 1895 as last amended by section 1, chapter 30, Laws of 1951 and RCW 85.05.410 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of eight dollars per day for attendance at meetings, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties; PROVIDED, That such compensation shall not exceed one thousand dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be approved and made at a regular meeting of said board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against said district.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 40
[Engrossed Senate Bill No. 3002]
SHELTERED WORKSHOP PRODUCTS—
DIRECT NEGOTIATED STATE PURCHASES

AN ACT Relating to state government; authorizing the purchase of products and/or services from sheltered workshops and programs of the department of social and health services which operate rehabilitation facilities serving the handicapped and disadvantaged; and adding new sections to chapter 43.19 RCW.

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

NEW SECTION. Section 1. It is the intent of the legislature to encourage state agencies and departments to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services which operate facilities serving the handicapped and disadvantaged.

NEW SECTION. Sec. 2. As used in sections 1 and 3 of this act the term "sheltered workshops" shall have the meaning ascribed to it by RCW 82.04.385 and "programs of the department of social and health services" shall mean the group training homes and day training centers defined in RCW 72.33.800.

NEW SECTION. Sec. 3. The state agencies and departments are hereby authorized to purchase products and/or services manufactured

or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by the division of purchasing of the department of general administration. To determine the fair market price the division shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. Upon the establishment of the fair market price as provided for in this section the division is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or services.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall be added to chapter 43.19 RCW.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 41
[Senate Bill No. 3055]
PROPERTY TAXES—CURRENT USE
CLASSIFICATION—APPLICATION DEADLINE EXTENSION

AN ACT Relating to revenue and taxation; adding a new section to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 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 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Notwithstanding any provision of RCW 84.34.030 to the contrary, applications for current use classification in 1974 may be made up to March 15, 1974.

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 January 31, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 42
[House Bill No. 1272]
DISABILITY, GROUP DISABILITY INSURANCE—
ORAL SURGEON COVERAGE

AN ACT Relating to insurance; 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 18.32 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 has [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 18.32 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. If any provision of this 1974 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, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 43
[Substitute House Bill No. 135]
GEOTHERMAL RESOURCES ACT

AN ACT Relating to conservation of geothermal resources; authorizing the department of natural resources to administer this act and defining its powers and duties; authorizing certain practices subject to the provisions of this act and departmental rules and regulations; requiring performance bonds or in lieu securities; requiring the keeping and filing of certain records; prescribing certain fees and providing for the disposition thereof; adding a new chapter to Title 79 RCW; providing certain civil and criminal remedies; and prescribing penalties.

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

NEW SECTION. Section 1. The public has a direct interest in the safe, orderly and nearly pollution-free development of the geothermal resources of the state, as hereinafter in section 3 (1) of this 1974 act defined. The legislature hereby declares that it is in the best interests of the state to further the development of geothermal resources for the benefit of all of the citizens of the state while at the same time fully providing for the protection of the environment. The development of geothermal resources shall be so conducted as to protect the rights of landowners, other owners of interests therein, and the general public. In providing for such development, it is the purpose of this chapter to provide for the orderly exploration, safe drilling, production and proper abandonment of geothermal resources in the state of Washington.

NEW SECTION. Sec. 2. This chapter shall be known as the Geothermal Resources Act.

NEW SECTION. Sec. 3. For the purposes of this chapter, unless the text otherwise requires, the following terms shall have the following meanings:

(1) "Geothermal resources" means only that natural heat energy of the earth from which it is technologically practical to produce electricity commercially and the medium by which such heat energy is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines and associated gas, but excluding oil, hydrocarbon gas and other hydrocarbon substances.

(2) "Waste", in addition to its ordinary meaning, shall mean "physical waste" as that term is generally understood and shall include:

(a) The inefficient, excessive, or improper use of, or unnecessary dissipation of, reservoir energy; or the locating, spacing, drilling, equipping, operating or producing of any geothermal energy well in a manner which results, or tends to result, in reducing the quantity of geothermal energy to be recovered from any geothermal area in this state;

(b) The inefficient above-ground transporting or storage of geothermal energy; or the locating, spacing, drilling, equipping, operating, or producing of any geothermal well in a manner causing, or tending to cause, unnecessary excessive surface loss or destruction of geothermal energy;

(c) The escape into the open air, from a well of steam or hot water, in excess of what is reasonably necessary in the efficient development or production of a geothermal well.

(3) "Geothermal area" means any land that is, or reasonably appears to be, underlain by geothermal resources.

(4) "Energy transfer system" means the structures and enclosed fluids which facilitate the utilization of geothermal energy. The system includes the geothermal wells, cooling towers, reinjection wells, equipment directly involved in converting the heat energy associated with geothermal resources to mechanical or electrical energy or in transferring it to another fluid, the closed piping between such equipment, wells and towers and that portion of the earth which facilitates the transfer of a fluid from reinjection wells to geothermal wells: PROVIDED, That the system shall not include any geothermal resources which have escaped into or have been released into the nongeothermal ground or surface waters from either man-made containers or through leaks in the structure of the earth caused by or to which access was made possible by any drilling, redrilling, reworking or operating of a geothermal or reinjection well.

(5) "Operator" means the person supervising or in control of the operation of a geothermal resource well, whether or not such person is the owner of the well.

(6) "Owner" means the person who possesses the legal right to drill, convert or operate any well or other facility subject to the provisions of this chapter.

(7) "Person" means any individual, corporation, company, association of individuals, joint venture, partnership, receiver, trustee, guardian, executor, administrator, personal representative, or public agency that is the subject of legal rights and duties.

(8) "Pollution" means any damage or injury to ground or surface waters, soil or air resulting from the unauthorized loss, escape, or disposal of any substances at any well subject to the provisions of this chapter.

(9) "Department" means the department of natural resources.

(10) "Well" means any excavation made for the discovery or production of geothermal resources, or any special facility, converted producing facility, or reactivated or converted abandoned facility used for the reinjection of geothermal resources, or the residue thereof underground.

(11) "Core holes" are holes drilled or excavations made expressly for the acquisition of geological or geophysical data for the purpose of finding and delineating a favorable geothermal area prior to the drilling of a well.

(12) A "completed well" is a well that has been drilled to its total depth, has been adequately cased, and is ready to be either plugged and abandoned, shut-in, or put into production.

(13) "Plug and abandon" means to place permanent plugs in the well in such a way and at such intervals as are necessary to prevent future leakage of fluid from the well to the surface or from one zone in the well to the other, and to remove all drilling and production equipment from the site, and to restore the surface of the site to its natural condition or contour or to such condition as may be prescribed by the department.

(14) "Shut-in" means to adequately cap or seal a well to control the contained geothermal resources for an interim period.

NEW SECTION. Sec. 4. Notwithstanding any other provision of law, geothermal resources are found and hereby determined to be sui generis, being neither a mineral resource nor a water resource.

NEW SECTION. Sec. 5. (1) The department shall administer and enforce the provisions of this chapter and the rules, regulations, and orders relating to the drilling, operation, maintenance, abandonment and restoration of geothermal areas, to prevent damage to and waste from underground geothermal deposits, and to prevent damage to underground and surface waters, land or air that may result from improper drilling, operation, maintenance or abandonment of geothermal resource wells.

(2) In order to implement the terms and provisions of this chapter, the department under the provisions of chapter 34.04 RCW, as now or hereafter amended, may from time to time promulgate those rules and regulations necessary to carry out the purposes of this chapter, including but not restricted to defining geothermal areas; establishing security requirements, which may include bonding; providing for liens against production; providing for casing and

safety device requirements; providing for site restoration plans to be completed prior to abandonment; and providing for abandonment requirements.

NEW SECTION. Sec. 6. This chapter is intended to preempt local regulation of the drilling and operation of wells for geothermal resources but shall not be construed to permit the locating of any well or drilling when such well or drilling is prohibited under state or local land use law or regulations promulgated thereunder. Geothermal resources, byproducts and/or waste products which have escaped or been released from the energy transfer system and/or a mineral recovery process shall be subject to provisions of state law relating to the pollution of ground or surface waters (Title 90 RCW), provisions of the state fisheries law (Title 75 RCW), and the state game laws (Title 77 RCW), and any other state environmental pollution control laws. Authorization for use of byproduct water resources for all beneficial uses, including but not limited to greenhouse heating, warm water fish propagation, space heating plants, irrigation, swimming pools, and hot springs baths, shall be subject to the appropriation procedure as provided in Title 90 RCW.

NEW SECTION. Sec. 7. (1) Any person proposing to drill a well or redrill an abandoned well for geothermal resources shall file with the department a written application for a permit to commence such drilling or redrilling on a form prescribed by the department accompanied by a permit fee of two hundred dollars. The department shall forward a duplicate copy to the department of ecology within ten days of filing.

(2) Upon receipt of a proper application relating to drilling or redrilling the department shall set a date, time, and place for a public hearing on the application, which hearing shall be in the county in which the drilling or redrilling is proposed to be made, and shall instruct the applicant to publish notices of such application and hearing by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the drilling or redrilling is proposed to be made and in such other appropriate information media as the department may direct.

(3) Any person proposing to drill a core hole for the purpose of gathering geothermal data, including but not restricted to heat flow, temperature gradients, and rock conductivity, shall be required to obtain a single permit for each geothermal area according to subsection (1) of this section, except that no permit fee shall be required, no notice need be published, and no hearing need be held.

Such core holes that penetrate more than seven hundred and fifty feet into bedrock shall be deemed geothermal test wells and subject to the payment of a permit fee and to the requirement in subsection (2) of this section for public notices and hearing. In the event geothermal energy is discovered in a core hole, the hole shall be deemed a geothermal well and subject to the permit fee, notices, and hearing. Such core holes as described by this subsection are subject to all other provisions of this chapter, including a bond or other security as specified in section 13 of this act.

(4) All moneys paid to the department under this section shall be deposited with the state treasurer for credit to the general fund.

NEW SECTION. Sec. 8. A permit shall be granted only if the department is satisfied that the area is suitable for the activities applied for; that the applicant will be able to comply with the provisions of this chapter and the rules and regulations enacted hereunder; and that a permit would be in the best interests of the state.

The department shall not allow operation of a well under permit if it finds that the operation of any well will unreasonably decrease ground water available for prior water rights in any aquifer or other ground water source for water for beneficial uses, unless such affected water rights are acquired by condemnation, purchase or other means.

The department shall have the authority to condition the permit as it deems necessary to carry out the provisions of this chapter, including but not limited to conditions to reduce any environmental impact.

The department shall forward a copy of the permit to the department of ecology within five days of issuance.

NEW SECTION. Sec. 9. Any operator engaged in drilling or operating a well for geothermal resources shall equip such well with casing of sufficient strength and with such safety devices as may be necessary, in accordance with methods approved by the department.

No person shall remove a casing, or any portion thereof, from any well without prior approval of the department.

NEW SECTION. Sec. 10. Any well drilled under authority of this chapter from which:

(1) It is not technologically practical to derive the energy to produce electricity commercially, or the owner or operator has no intention of deriving energy to produce electricity commercially, and

(2) Usable minerals cannot be derived, or the owner or operator has no intention of deriving usable minerals, shall be plugged and abandoned as provided in this chapter or, upon the

owner's or operator's written application to the department of natural resources and with the concurrence and approval of the department of ecology, jurisdiction over the well may be transferred to the department of ecology and, in such case, the well shall no longer be subject to the provisions of this chapter but shall be subject to any applicable laws and regulations relating to wells drilled for appropriation and use of ground waters. If an application is made to transfer jurisdiction, a copy of all logs, records, histories, and descriptions shall be provided to the department of ecology by the applicant.

NEW SECTION. Sec. 11. (1) The department may authorize the operator to suspend drilling operations, shut-in a completed well, or remove equipment from a well for the period stated in the department's written authorization. The period of suspension may be extended by the department upon the operator showing good cause for the granting of such extension.

(2) If drilling operations are not resumed by the operator, or the well is not put into production, upon expiration of the suspension or shut-in permit, an intention to unlawfully abandon shall be presumed.

(3) A well shall also be deemed unlawfully abandoned if, without written approval from the department, drilling equipment is removed.

(4) An unlawful abandonment under this chapter shall be entered in the department records and written notice thereof shall be mailed by registered mail both to such operator at his last known address as disclosed by records of the department and to the operator's surety. The department may thereafter proceed against the operator and his surety.

NEW SECTION. Sec. 12. (1) Before any operation to plug and abandon or suspend the operation of any well is commenced, the owner or operator shall submit in writing a notification of abandonment or suspension of operations to the department for approval. No operation to abandon or suspend the operation of a well shall commence without approval by the department. The department shall respond to such notification in writing within ten working days following receipt of the notification.

(2) Failure to abandon or suspend operations in accordance with the method approved by the department shall constitute a violation of this chapter, and the department shall take appropriate action under the provisions of section 27 of this 1974 act.

NEW SECTION. Sec. 13. Every operator who engages in the drilling, re-drilling, or deepening of any well shall file with the department a reasonable bond or bonds with good and sufficient

surety, or the equivalent thereof, acceptable to the department, conditioned on compliance with the provisions of this chapter and all rules and regulations and permit conditions adopted pursuant to this chapter. This performance bond shall be executed in favor of and approved by the department.

In lieu of a bond the operator may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account in a Washington bank on an assignment form prescribed by the department. The department, in its discretion, may accept a single surety or security arrangement covering more than one well.

NEW SECTION. Sec. 14. The department shall not consent to the termination and cancellation of any bond by the operator, or change as to other security given, until the well or wells for which it has been issued have been properly abandoned or another valid bond for such well has been submitted and approved by the department. A well is properly abandoned when abandonment has been approved by the department.

NEW SECTION. Sec. 15. The owner or operator of a well shall notify the department in writing within ten days of any sale, assignment, conveyance, exchange, or transfer of any nature which results in any change or addition in the owner or operator of the well on such forms with such information as may be prescribed by the department.

NEW SECTION. Sec. 16. The department has the authority, through rules and regulations, to promulgate combining orders, unitization programs, and well spacing, and establish proportionate costs among owners or operators for the operation of such units as the result of said combining orders, if good and sufficient reason is demonstrated that such measures are necessary to prevent the waste of geothermal resources.

NEW SECTION. Sec. 17. Each owner or operator of a well shall designate a person who resides in this state as his agent upon whom may be served all legal processes, orders, notices, and directives of the department or any court.

NEW SECTION. Sec. 18. The department shall have the authority to conduct or authorize investigations, research, experiments, and demonstrations, cooperate with other governmental and private agencies in making investigations, receive any federal funds, state funds, and other funds and expend them on research programs concerning geothermal resources and their potential development within the state, and to collect and disseminate information relating to geothermal resources in the state: PROVIDED, That the department shall not construct or operate commercial geothermal facilities.

NEW SECTION. Sec. 19. The department shall have the authority, and it shall be its duty, to employ all personnel necessary to carry out the provisions of this chapter pursuant to chapter 41.06 RCW.

NEW SECTION. Sec. 20. (1) The owner or operator of any well shall keep or cause to be kept careful and accurate logs, records, descriptions, and histories of the drilling, redrilling, or deepening of the well.

(2) All logs, records, histories, and descriptions referred to in subsection (1) of this section shall be kept in the local office of the owner or operator, and together with other reports of the owner or operator shall be subject during business hours to inspection by the department. Each owner or operator, upon written request from the department, shall file with the department a copy of the logs, records, histories, descriptions, or other records or portions thereof pertaining to the geothermal drilling or operation underway or suspended.

NEW SECTION. Sec. 21. Upon completion or plugging and abandonment of any well or upon the suspension of operations conducted with respect to any well for a period of at least six months, one copy of the log, core record, electric log, history, and all other logs and surveys that may have been run on the well, shall be filed with the department within thirty days after such completion, plugging and abandonment, or six months' suspension.

NEW SECTION. Sec. 22. The owner or operator of any well producing geothermal resources shall file with the department a statement of the geothermal resources produced. Such report shall be submitted on such forms and in such manner as may be prescribed by the department.

NEW SECTION. Sec. 23. (1) The records of any owner or operator, when filed with the department as provided in this chapter, shall be confidential and shall be open to inspection only to personnel of the department for the purpose of carrying out the provisions of this chapter and to those authorized in writing by such owner or operator, until the expiration of a twenty-four-month confidential period to begin at the date of commencement of production or of abandonment of the well.

(2) Such records shall in no case, except as provided in this chapter, be available as evidence in court proceedings. No officer, employee, or member of the department shall be allowed to give testimony as to the contents of such records, except as provided in this chapter for the review of a decision of the department or in any proceeding initiated for the enforcement of an order of the department, for the enforcement of a lien created by the enforcement

of this chapter, or for use as evidence in criminal proceedings arising out of such records or the statements upon which they are based.

NEW SECTION. Sec. 24. No person shall, for the purpose of evading the provision of this chapter or any rule, regulation or order of the department made thereunder, remove from this state, or destroy, mutilate, alter or falsify any such record, account, or writing.

NEW SECTION. Sec. 25. Whenever it appears with probable cause to the department that:

(1) A violation of any provision of this chapter, regulation adopted pursuant thereto, or condition of a permit issued pursuant to this chapter has occurred or is about to occur, or

(2) That a modification of a permit is deemed necessary to carry out the purpose of this chapter, the department shall issue a written order in person to the operator or his employees or agents, or by certified mail, concerning the drilling, testing, or other operation conducted with respect to any well drilled, in the process of being drilled, or in the process of being abandoned or in the process of reclamation or restoration, and the operator, owner, or designated agent of either shall comply with the terms of the order and may appeal from the order in the manner provided for in section 28 of this 1974 act. When the department deems necessary the order may include a shutdown order to remain in effect until the deficiency is corrected.

NEW SECTION. Sec. 26. Any person who violates any of the provisions of this chapter, or fails to perform any duty imposed by this chapter, or violates an order or other determination of the department made pursuant to the provisions of this chapter, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state, shall be liable to pay the state damages including an amount equal to the sum of money necessary to restock such waters, replenish such resources, and otherwise restore the stream, lake, other water source, or land to its condition prior to the injury, as such condition is determined by the department. Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of the county in which such damages occurred: PROVIDED, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damage occurred. Any moneys so recovered by the attorney general shall be transferred to the department under whose jurisdiction the damaged resource occurs, for the purposes of restoring the resource.

NEW SECTION. Sec. 27. Whenever it shall appear that any person is violating any provision of this chapter, or any rule, regulation, or order made by the department hereunder, and if the department cannot, without litigation, effectively prevent further violation, the department may bring suit in the name of the state against such person in the court in the county of the residence of the defendant, or in the county of the residence of any defendant if there be more than one defendant, or in the county where the violation is alleged to have occurred, to restrain such person from continuing such violation. In such suit the department may, without bond, obtain injunctions prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, as the facts may warrant.

NEW SECTION. Sec. 28. (1) Any person adversely affected by any rule, regulation, order, or permit entered by the department pursuant to this chapter may obtain judicial review thereof in accordance with the applicable provisions of chapter 34.04 RCW.

(2) The court having jurisdiction, insofar as is practicable, shall give precedence to proceedings for judicial review brought under this chapter.

NEW SECTION. Sec. 29. Violation of any provision of this chapter or of any rule, regulation, order of the department, or condition of any permit made hereunder is punishable, upon conviction, by a fine of not more than two thousand five hundred dollars or by imprisonment in the county jail for not more than six months, or both.

NEW SECTION. Sec. 30. No person shall knowingly aid or abet any other person in the violation of any provision of this chapter or of any rule, regulation or order of the department made hereunder.

NEW SECTION. Sec. 31. Sections 1 through 30 of this 1974 act shall constitute a new chapter in Title 79 RCW.

NEW SECTION. Sec. 32. If any provision of this 1974 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, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 44
[House Bill No. 385]
VETERINARY MEDICINE—
ANIMAL TECHNICIAN REGULATION

AN ACT Relating to the practice of veterinary medicine; amending section 21, chapter 71, Laws of 1941 as last amended by section 1, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.015; amending section 4, chapter 71, Laws of 1941 as last amended by section 3, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.030; amending section 13, chapter 124, Laws of 1907 as last amended by section 4, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.040; amending section 20, chapter 71, Laws of 1941 as last amended by section 5, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.060; amending section 6, chapter 71, Laws of 1941 as amended by section 28, chapter 292, Laws of 1971 ex. sess. and RCW 18.92.070; amending section 13, chapter 71, Laws of 1941 as last amended by section 10, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.160; and adding a new section to chapter 18.92 RCW.

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

Section 1. Section 21, chapter 71, Laws of 1941 as last amended by section 1, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.015 are each amended to read as follows:

The term "board" used in this chapter shall mean the Washington state veterinary board of governors; and the term "director" shall mean the director of motor vehicles of the state of Washington. "Animal technician" shall mean a person who has successfully completed a post high school course approved by the board, in consultation with the coordinating council for occupational education, in the care and treatment of animals, or a person who has had five years practical experience with a licensed veterinarian and who has successfully completed an examination administered by the board.

Sec. 2. Section 4, chapter 71, Laws of 1941 as last amended by section 3, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.030 are each amended to read as follows:

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. The board shall supervise the conduct of those practicing veterinary medicine, surgery and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension or revocation of licenses. It shall be the duty of the board to adopt ((as the)) a code of ethics for the practice of the

veterinary profession in this state((7 the principles of veterinary medical ethics adopted by the house of delegates of the American veterinary medical association on August 13, 1960)). The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this 1974 amendatory act including the performance of the duties and responsibilities of animal technicians: PROVIDED, HOWEVER, That no animal technician shall be allowed to diagnose, prognose, prescribe or perform surgery, other than inoculations, on any animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

The board may employ a secretary who shall be exempt from the provisions of chapter 41.06 RCW and whose duties shall include carrying on correspondence of the board, maintaining records of board proceedings, and such other duties as may be assigned from time to time to him by the board. The department shall be the official office of record.

The board shall have the power to conduct hearings for the revocation or suspension of licenses and shall have the authority to appoint a hearing officer to conduct such hearings.

Sec. 3. Section 13, chapter 124, Laws of 1907 as last amended by section 4, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.040 are each amended to read as follows:

Each member of the board and secretary shall receive twenty-five dollars per day as compensation for each day spent upon official business of the board, and necessary travel expenses as provided for state officials and employees generally in chapter 43.03 RCW; PROVIDED, That no expense may be incurred by members of the board or secretary except in connection with board meetings without prior approval of the director.

Sec. 4. Section 20, chapter 71, Laws of 1941 as last amended by section 5, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.060 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to:

(1) Commissioned veterinarians in the United States ((army) military services, veterinarians employed by ((the Animal Disease Eradication Division of the United States Agricultural Research Service, or federal employees)) Washington state and federal agencies while performing official duties;

(2) ((An owner of livestock treating his own animals)) Persons practicing veterinary medicine upon a person's own animals;

(3) A person advising with respect to or performing the castrating and dehorning of cattle, castrating and docking of sheep, castrating of swine or caponizing of poultry or artificial insemination of animals;

(4) A person who is a ((regular)) regularly enrolled student in a veterinary school, or regularly enrolled in a training course approved under the provisions of RCW 18.92.015 and while performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period or a person performing assigned duties under supervision of a veterinarian within the established framework of an internship program recognized by the board;

(5) A veterinarian regularly licensed in another state consulting with a licensed veterinarian in this state;

(6) An animal technician acting under the supervision and control of a licensed veterinarian: PROVIDED, HOWEVER, That the practice of an animal technician is limited to the performance of those services which are authorized by the board;

(7) An owner being assisted in such practice by his employees when employed in the conduct of such person's business;

(8) An owner being assisted in such practice by some other person gratuitously.

Sec. 5. Section 6, chapter 71, Laws of 1941 as amended by section 28, chapter 292, Laws of 1971 ex. sess. 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)) thirty days prior to date of examination upon a form furnished by the director of motor vehicles, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he is at least 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 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.

NEW SECTION. Sec. 6. There is added to chapter 18.92 RCW a new section to read as follows:

Any veterinarian licensed pursuant to this chapter shall make application to the board to permit him to use the services of an animal technician. Such application shall be accompanied by an annual fee in an amount to be determined by the board, with the approval of the director, and shall set forth such information as the board may require. No veterinarian practicing in this state shall utilize the services of an animal technician without prior approval of the board. Whenever it appears to the board that an animal technician 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 the procedures established under RCW 18.92.180.

No veterinarian who uses the services of an animal technician in accordance with and within the terms of any permission granted by the board shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine within the meaning of RCW 18.92.160: PROVIDED, HOWEVER, That any such veterinarian shall retain professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ.

Sec. 7. Section 13, chapter 71, Laws of 1941 as last amended by section 10, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.160 are each amended to read as follows:

The license of any person heretofore or hereafter granted to practice veterinary medicine, surgery and dentistry in this state may be suspended for a certain period of time or revoked by the board for any of the following causes, which shall be deemed to be unprofessional conduct within the meaning of this chapter:

- (1) The employment of fraud, misrepresentation or deception in obtaining such license, including animal technician application.
- (2) Found guilty of a crime involving moral turpitude.
- (3) Chronic inebriety or habitual use of drugs.
- (4) Fraud in representation as to skill or ability.

(5) Use of untruthful or improbable statements in advertisements, publicity material or interviews.

(6) Distribution of alcohol or drugs for any other than legitimate purposes.

(7) Personation of another licensed practitioner.

(8) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter and any rules or regulation promulgated by the board pursuant to RCW 18.92.160 as amended by this 1974 amendatory act.

(9) Gross incompetency in the practice of his profession.

(10) Violation of the ethics of the profession. The code of ethics adopted by the board of governors shall be the standard of ethics for the licensed veterinarians of this state.

(11) Revocation of a license to practice veterinary medicine for cause by another state, territory, or district of the United States on grounds other than nonpayment of registration or license fees.

Passed the House January 22, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 45

[Substitute House Bill No. 671]

BOXING--CHAMPIONSHIP

MATCH EXTENSIONS

AN ACT Relating to boxing; and amending section 14, chapter 184, Laws of 1933 as amended by section 5, chapter 305, Laws of 1959 and RCW 67.08.080.

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

Section 1. Section 14, chapter 184, Laws of 1933 as amended by section 5, chapter 305, Laws of 1959 and RCW 67.08.080 are each amended to read as follows:

No boxing contest or sparring exhibition held in this state whether under the provisions of this chapter or otherwise shall be for more than ten rounds and no one round of any such contest or exhibition shall be for a longer period than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state or regional championships the commission may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds, and in bouts involving national championships the commission may grant an extension of no more than five additional rounds to allow total bouts of fifteen

rounds. No contestant in any boxing contest or sparring match or exhibition whether under this chapter or otherwise shall be permitted to wear gloves weighing less than six ounces. The length and duration for wrestling matches whether held under the provisions of this chapter or otherwise shall be regulated by order of the commission. The commission shall promulgate rules and regulations to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the contest in all respects, and to otherwise make rules and regulations consistent with this chapter, but such rules and regulations shall apply only to contests held under the provisions of this chapter.

Passed the House January 22, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 46
[House Bill No. 717]
WASHINGTON STATE MILITIA--
ACTIVE STATE SERVICE--
COMPENSATION-REEMPLOYMENT RIGHTS

AN ACT Relating to the organized militia of Washington; amending section 43, chapter 130, Laws of 1943 and RCW 38.24.050; and adding a new section to chapter 130, Laws of 1943 and to chapter 38.24 RCW.

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

Section 1. Section 43, chapter 130, Laws of 1943 and RCW 38.24.050 are each amended to read as follows:

Commissioned officers, warrant officers, and enlisted men of the organized militia of Washington, while in active service, during encampment or other periods of field training, or on any ordered state duty, or on any active duty, shall be entitled to and shall receive the pay and allowances provided by federal laws and regulations for commissioned officers, warrant officers and enlisted men of the United States army: PROVIDED, That for travel, officers shall receive only their actual necessary expenses; PROVIDED, FURTHER, That for periods of active state service other than for annual field training, commissioned officers, warrant officers and enlisted men of the organized militia of Washington shall receive either such pay and allowances or twenty-five dollars per day, whichever is greater.

Extra duty pay or allowances to enlisted men rated as cooks, may be authorized by the commander-in-chief during periods of field

service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two dollars per day.

The value of articles issued to any enlisted man and not returned in good order on demand, and legal fines or forfeitures, may be deducted from such enlisted man's pay.

All officers not regular state employees detailed to serve on any board or commission ordered by the governor, or on any court of inquiry or court martial ordered by proper authority, shall be paid a sum equal to one days active duty for each day actually employed on such board or court or engaged in the business thereof, or in traveling to and from the same; and in addition thereto all necessary traveling expenses and subsistence when such duty shall be at a place other than the city or town of his residence.

NEW SECTION. Sec. 2. There is added to chapter 130, Laws of 1943 and to chapter 38.24 RCW a new section to read as follows:

All members of the organized militia of Washington who are called to state active duty shall, upon return from such duty, have the same rights of employment or reemployment as they would have if they had been called to active duty in the United States Army.

Passed the House January 28, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 47

[Substitute House Bill No. 757]

SCHOOL SAFETY PATROL—

ADULT SUPERVISORS—AUTHORITY—

INSURANCE COVERAGE

AN ACT Relating to motor vehicles; amending section 46.48.160, chapter 12, Laws of 1961 and RCW 46.61.385; and providing penalties.

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

Section 1. Section 46.48.160, chapter 12, Laws of 1961 and RCW 46.61.385 are each amended to read as follows:

The superintendent of public instruction, through the superintendent of schools of any ((city or town or)) school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school

patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear ((a badge or other appropriate insignia marked #)) an appropriate designation or insignia identifying them as members of the school patrol((#)) when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW 28A.58.425, as now or hereafter amended.

Passed the House January 29, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 48
[House Bill No. 804]
THE TRUTH IN SPENDING ACT OF 1974

AN ACT Relating to state government; and adding new sections to Title 43 RCW.

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

NEW SECTION. Section 1. The legislature finds that knowledge of the expenditures made by state government is of importance to the people of this state. It is the intent of the legislature that this act require state agencies to prepare information to inform the people of the disposition of state revenues on a per capita basis. This act shall be known and may be cited as "The Truth in Spending Act of 1974".

NEW SECTION. Sec. 2. Within 120 days after the close of each fiscal biennium, the office of Program Planning and Fiscal Management shall prepare a report which indicates as accurately as possible the total operating expenditures of each commission, committee, agency or department on a per capita basis for the two immediately preceding fiscal biennia. The report shall be based on population figures prepared by the Office of Program Planning and Fiscal Management and shall be distributed to each member of the legislature and to at least one newspaper of general circulation in each county of this state.

NEW SECTION. Sec. 3. Sections 1 through 2 of this act shall be added to chapter [Title] 43 RCW.

Passed the House January 23, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 49
[Substitute House Bill No. 967]
WASHINGTON POISON PREVENTION
ACT OF 1974

AN ACT Relating to the public health and safety; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. The purpose of this chapter is to provide for special packaging to protect children from personal injury, serious illness or death resulting from handling, using or ingesting household substances, and to provide penalties.

NEW SECTION. Sec. 2. This 1974 act shall be cited as the Washington Poison Prevention Act of 1974.

NEW SECTION. Sec. 3. The definitions in sections 4 through 9 of this 1974 act unless the context otherwise requires shall govern the construction of this chapter.

NEW SECTION. Sec. 4. "Director" means the director of the department of agriculture of the state of Washington, or his duly authorized representative.

NEW SECTION. Sec. 5. "Sale" means to sell, offer for sale, hold for sale, handle or use as an inducement in the promotion of a household substance or the sale of another article or product.

NEW SECTION. Sec. 6. "Household substance" means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is:

(1) A "hazardous substance", which means (a) any substance or mixture of substances or product which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; (b) any substances which the director by regulation finds to meet the requirements of subsection (1) (a) of this section; (c) any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the director determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health, safety or welfare; and (d) any toy or other article intended for use by children which the director by regulation determines presents an electrical, mechanical or thermal hazard.

(2) A pesticide as defined in the Washington Pesticide Control Act, chapter 15.58 RCW as now or hereafter amended;

(3) A food, drug, or cosmetic as those terms are defined in the Uniform Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW as now or hereafter amended; or

(4) A substance intended for use as fuel when stored in portable containers and used in the heating, cooking, or refrigeration system of a house; or

(5) Any other substance which the director may declare to be a household substance subsequent to a hearing as provided for under the provisions of chapter 34.04 RCW, Administrative Procedure Act, for the adoption of rules.

NEW SECTION. Sec. 7. "Package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 11 (1) (b) of this 1974 act,

also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include:

(1) Any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof; or

(2) Any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

NEW SECTION. Sec. 8. "Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

NEW SECTION. Sec. 9. "Labeling" means all labels and other written, printed, or graphic matter upon any household substance or its package, or accompanying such substance.

NEW SECTION. Sec. 10. (1) The director may establish in accordance with the provisions of this chapter, by regulation, standards for the special packaging of any household substance if he finds that:

(a) The degree or nature of the hazard to children in the availability of such substance, by reason of its packaging is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using or ingesting such substance; and

(b) The special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(2) In establishing a standard under this section, the director shall consider:

(a) The reasonableness of such standard;

(b) Available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

(c) The manufacturing practices of industries affected by this chapter; and

(d) The nature and use of the household substance.

(3) In carrying out the provisions of this chapter, the director shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(4) Nothing in this chapter authorizes the director to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 11 (1) (b) of this 1974 act, labeling. In the case of a household substance for which special packaging is required pursuant to a regulation under this section, the director may in such regulation prohibit the packaging of such substance in packages which he determines are unnecessarily attractive to children.

(5) The director shall cause the regulations promulgated under this chapter to conform with the requirements or exemptions of the Federal Hazardous Substances Act and with the regulations or interpretations promulgated pursuant thereto.

NEW SECTION. Sec. 11. (1) For the purpose of making any household substance which is subject to a standard established under section 10 of this 1974 act readily available to elderly or handicapped persons unable to use such substance when packaged in compliance with such standard, the manufacturer or packer, as the case may be, may package any household substance, subject to such a standard, in packaging of a single size which does not comply with such standard if:

(a) The manufacturer or packer also supplies such substance in packages which comply with such standard; and

(b) The packages of such substance which do not meet such standard bear conspicuous labeling stating: "This package for households without young children"; except that the director may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such labeling.

(2) In the case of a household substance which is subject to such a standard and which is dispensed pursuant to an order of a physician, dentist, or other licensed medical practitioner authorized to prescribe, such substance may be dispensed in noncomplying packages only when directed in such order or when requested by the purchaser.

(3) In the case of a household substance subject to such a standard which is packaged under subsection (1) of this section in a noncomplying package, if the director determines that such substance is not also being supplied by a manufacturer or packer in popular size packages which comply with such standard, he may, after giving the manufacturer or packer an opportunity to comply with the purposes of this chapter, by order require such substance to be packaged by such manufacturer or packer exclusively in special packaging complying with such standard if he finds, after opportunity for hearing, that such exclusive use of special packaging is necessary to accomplish the purposes of this chapter.

NEW SECTION. Sec. 12. One of the purposes of this chapter is to promote uniformity with the Poison Prevention Packaging Act of 1970 and rules and regulations adopted thereunder. In accordance with such declared purpose, all of the special packaging rules and regulations adopted under the Poison Prevention Packaging Act of 1970 (84 Stat. 1670; 7 U.S.C. Sec. 135; 15 U.S.C. Sec. 1261, 1471-1476; 21 U.S.C. Sec. 343, 352, 353, 362) on the effective date of this 1974 act, are hereby adopted as rules and regulations applicable to this chapter. In addition, any rule or regulation adopted hereafter under said Federal Poison Prevention Act of 1970 concerning special packaging and published in the federal register shall be deemed to have been adopted under the provisions of this chapter. The director may, however, within thirty days of the publication of the adoption of any such rule or regulation under the Federal Poison Prevention Packaging Act of 1970, 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 conducted in accord with the provisions of chapter 34.04 RCW, Administrative Procedure Act, as now enacted or hereafter amended.

NEW SECTION. Sec. 13. For the purpose of carrying out the provisions of this chapter the director shall, within one hundred eighty days of the effective date of this 1974 act, appoint a technical advisory committee and appoint a chairman thereof, said committee to consist of one representative from each of the following:

- (1) The secretary of the department of social and health services;
- (2) The pharmacy board;
- (3) A hospital specializing in child welfare and poison care;
- (4) The packaging closures industry;
- (5) University of Washington Medical School;
- (6) University of Washington School of Pharmacy;
- (7) A specialist in pesticide and chemical handling and control from Washington State University;
- (8) The public;
- (9) The dairy and food division of the department of agriculture; and
- (10) A member of the Washington State Society of Pediatrics or its designee.

Members of the technical advisory committee who are not regular full time employees of a public agency or institution 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.

NEW SECTION. Sec. 14. If any provision of this 1974 act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 15. The enactment of this 1974 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 effective date of this 1974 act.

NEW SECTION. Sec. 16. Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and is 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. 17. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 18. There is added to Title 70 RCW a new chapter as set forth in sections 1 through 17 of this 1974 act.

Passed the House January 21, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 50
[House Bill No. 1084]
PUBLIC TIME DEPOSITS—
INTEREST RATE

AN ACT Relating to the deposit and investment of public funds; and amending section 12, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.120.

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

Section 1. Section 12, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.120 are each amended to read as follows:

(The public deposit protection commission shall from time to time fix the rate of interest to be paid by qualified public depositaries upon investment deposits; PROVIDED; That) Time deposits issued pursuant to this chapter shall bear interest at a rate ((which would)) not ((be)) in excess of ((one hundred percent of the average bill rate at the last U. S. Treasury 91-day bill market

auction or in excess of)) the maximum rate permitted by any applicable governmental regulation.

Passed the House January 29, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 51
[House Bill No. 1173]
COUNTY ASSISTANCE TO
MUNICIPAL EMERGENCY SERVICES

AN ACT Relating to counties; and adding a new section to chapter 36.32 RCW.

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

NEW SECTION. Section 1. There is hereby added to chapter 36.32 RCW a new section to read as follows:

The legislative authority of any county shall have the power to furnish, upon such terms as the board may deem proper, with or without consideration, financial or other assistance to any municipal corporation, or political subdivision within such county for the purpose of implementing the fire protection, ambulance, medical or other emergency services provided by such municipal corporation, or political subdivision: PROVIDED, That no such municipal corporation or political subdivision shall be authorized to expend any funds or property received as part of such assistance for any purpose, or in any manner, for which it could not otherwise legally expend its own funds.

Passed the House January 25, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 52
[House Bill No. 1180]
COUNTY PURCHASES—COMPETITIVE
BIDDING, ELECTION PRINTING--EXEMPTION

AN ACT Relating to counties; and amending section 36.32.240, chapter 4, Laws of 1963 as amended by section 15, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.240.

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

Section 1. Section 36.32.240, chapter 4, Laws of 1963 as amended by section 15, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.240 are each amended to read as follows:

In any county the board of county commissioners may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.060, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles: PROVIDED, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

Passed the House January 28, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 53

[House Bill No. 1206]

FEDERAL REVENUE SHARING TRUST FUND

AN ACT Relating to state government; amending section 1, chapter 129, Laws of 1973 1st ex. sess. and RCW 43.79.415; and declaring an emergency.

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

Section 1. Section 1, chapter 129, Laws of 1973 1st ex. sess. and RCW 43.79.415 are each amended to read as follows:

The proceeds from federal revenue sharing shall be deposited in the federal revenue sharing trust fund hereby created in the state treasury and shall be used for purposes as authorized by the legislature and within federal rules and regulations. On the effective date of the appropriation, or if previously appropriated the state treasurer shall transfer out of the trust fund the amount appropriated less amounts previously transferred to the fund out of which such appropriation has been made. In the event that federal revenue sharing trust funds have been appropriated out of more than one fund the first priority shall be to transfer sufficient moneys to meet the ensuing quarters' cash requirements of each appropriation. Interest earnings on ((said)) the federal revenue sharing trust fund

shall be determined and distributed in accordance with RCW 43.85.241 as now or hereafter amended (~~PROVIDED, That the portion deposited into the investment reserve account in accordance with RCW 43.84.090 shall be deposited into the federal revenue sharing trust fund~~).

In administering the conditions set forth in RCW 43.88.110 (2) and 43.88.160, the revenue sharing trust fund shall be treated as a complement to the state's basic general fund.

If any part of this section shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal revenue sharing funds to the state, such conflicting part of this section is declared to be inoperative solely to the extent of such conflict: PROVIDED, That all state agencies and each school district shall comply with the provisions of Public Law 92-512, the federal Revenue Sharing Act, and regulations issued thereunder.

NEW SECTION. Sec. 2. On or after the effective date of this 1974 amendatory act, all appropriations made by the forty-third Legislature from the federal revenue sharing trust fund shall be paid out of the state general fund.

NEW SECTION. Sec. 3. On or after the effective date of this 1974 amendatory act, the state treasurer shall transfer to the general fund all assets in the federal revenue sharing trust fund.

NEW SECTION. Sec. 4. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 54

[House Bill No. 1261]

MOTOR VEHICLE EXCISE FUND,
STATE SCHOOL EQUALIZATION FUND—
ASSETS TRANSFERRED TO GENERAL FUND

AN ACT Relating to motor vehicle excise taxes; amending section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278; amending section 82.44.070, chapter 15, Laws of 1961 as amended by section 5, chapter 139, Laws of 1969 and RCW 82.44.070; amending section 82.44.110, chapter 15, Laws of 1961 as amended by section 1, chapter 121, Laws of 1967 and RCW 82.44.110; amending section 82.44.120, chapter 15, Laws of

1961 as last amended by section 2, chapter 121, Laws of 1967 and RCW 82.44.120; amending section 1, chapter 87, Laws of 1972 ex. sess. and RCW 82.44.150; amending section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 136, Laws of 1973 1st ex. sess. and RCW 82.44.150; amending section 82.44.160, chapter 15, Laws of 1961 as last amended by section 1, chapter 108, Laws of 1969 and RCW 82.44.160; amending section 82.48.080, chapter 15, Laws of 1961 as amended by section 5, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.080; amending section 82.50.170, chapter 15, Laws of 1961 and RCW 82.50.170; creating new sections; prescribing effective dates; and declaring an emergency.

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

Section 1. Section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278 are each amended to read as follows:

Distribution of the special excise taxes paid into the (~~motor vehicle excise tax~~) general fund on behalf of any municipality shall be made to such municipality as provided in RCW 82.44.150, as now or hereafter amended.

This section shall expire on June 30, 1981.

Sec. 2. Section 82.44.070, chapter 15, Laws of 1961 as amended by section 5, chapter 139, Laws of 1969 and RCW 82.44.070 are each amended to read as follows:

Whenever any person shall apply to the utilities and transportation commission for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of Title 81, and it appears to said commission that the vehicle will be operated in the state less than fifty percent of the total mileage it will be operated in such year, said person shall pay the fee for such permit or plates to said commission, and shall also make to the department of motor vehicles a partial payment of fifty percent of the full excise fee payable for that year on the vehicle under the provisions of this chapter, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person furnishes a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application is for a permit or plates for a vehicle, licensed in another state, which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the director of motor vehicles, in accounting to the state treasurer, shall note the reason for noncollection of the excise.

In any case where a person has paid the excise fee for any vehicle for any year and later applies to a county auditor for a motor vehicle license for such year, such auditor shall issue the license without collecting the excise fee but only after verifying such payment from the excise fee receipt, or from a signed statement, issued by the director of motor vehicles, and in accounting to the state treasurer for such noncollection the auditor shall note the number of the receipt or the number of the identification plates issued by the utilities and transportation commission.

The director shall account for and pay over to the state treasurer, at the latest within thirty days after he has received payment, the excise fees he has collected under this chapter, and the state treasurer shall credit the same to the ((motor vehicle excise)) general fund.

It is the intent of this chapter that not more than one excise fee imposed under RCW 82.44.020 shall be collected for any vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the utilities and transportation commission and those applying to the county assessor shall apply to the department of revenue.

Sec. 3. Section 82.44.110, chapter 15, Laws of 1961 as amended by section 1, chapter 121, Laws of 1967 and RCW 82.44.110 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of motor vehicles for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to ((a fund which is hereby created to be known as)) the ((motor vehicle excise)) general fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of motor vehicles in the collection of the excise tax.

Sec. 4. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 121, Laws of 1967 and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of motor vehicles

determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the tax commission and the association of county assessors.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the department of motor vehicles shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of motor vehicles within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the department of motor vehicles within thirteen months after such claimed excessive excise tax was paid.

Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the

same person. Any claim for such refund shall be filed with the department of motor vehicles at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated.

If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the ((~~motor vehicle excise~~)) general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Sec. 5. Section 1, chapter 87, Laws of 1972 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 based upon information provided by the department of motor vehicles shall make the following apportionment and distribution of ~~((all moneys remaining in the))~~ motor vehicle excise ~~((fund: PROVIDED; That the duly apportionment shall be credited to the fiscal year in which the collections are made:))~~ taxes deposited in the general 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))~~ seventy percent of all motor vehicle excise tax receipts ~~((including those levied and collected on behalf of a municipality imposing a tax authorized by REW 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 from the state school equalization fund 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 REW 35-58-273 shall be remitted to the municipality levying such tax:~~

~~{d}))~~ (b) Any remaining amounts in the state school equalization fund 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))~~ (4) 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))~~ (5) 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. 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.

This section shall expire on June 30, 1981.

Sec. 6. Section 1, chapter 87, Laws of 1972 ex. sess. as amended by section 5, chapter 136, Laws of 1973 1st ex. sess. and RCW 82.44.150 are each amended to read as follows:

(1) On the first day of the months of January, April, July, and October of each year, the state treasurer based on information provided by the department of motor vehicles 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:))~~ taxes deposited in the general 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))~~ seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) 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 from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(2) ((Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection (1) of this section shall be transferred to the general fund:

(3)) 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.

((4)) (3) 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.

This section shall be effective on and after June 30, 1981.

Sec. 7. Section 82.44.160, chapter 15, Laws of 1961 as last amended by section 1, chapter 108, Laws of 1969 and RCW 82.44.160 are each amended to read as follows:

Before distributing moneys to the cities and towns from the ((motor vehicle excise)) general fund, as provided in RCW 82.44.150, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be at least seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in said section, which sum shall be apportioned and transmitted to the municipal research council, herein created. The municipal research council may contract with and allocate moneys to any state agency, educational institution, or private consulting firm, which in its judgment is qualified to carry on a municipal research and service program. Moneys may be utilized to match federal funds available for technical research and service programs to cities and towns. Moneys allocated shall be used for studies and

research in municipal government, publications, educational, conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The programs shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its board of directors which is hereby recognized as their official agency or instrumentality.

Funds appropriated to the municipal research council shall be kept in the treasury in the ((motor vehicle excise)) general fund, and shall be disbursed by warrant or check to contracting parties on invoices or vouchers certified by the chairman of the municipal research council or his designee. Payments to public agencies may be made in advance of actual work contracted for, in the discretion of the council.

Any moneys remaining unexpended or uncontracted for by the municipal research council at the end of any fiscal biennium shall be returned to the ((motor vehicle excise)) general fund and be paid to cities and towns under the provisions of RCW 82.44.150.

Sec. 8. Section 82.48.080, chapter 15, Laws of 1961 as amended by section 5, chapter 9, Laws of 1967 ex. sess. and RCW 82.48.080 are each amended to read as follows:

The director shall regularly pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer to the ((motor vehicle excise)) general fund.

Sec. 9. Section 82.50.170, chapter 15, Laws of 1961 and RCW 82.50.170 are each amended to read as follows:

In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the commission for a refund of the amount of the claimed erroneous payment within ninety days of the time of payment of the tax on such a form as is prescribed by the commission. The commission shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the ((motor vehicle excise)) general fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is

not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 10. On or after the effective date of this 1974 amendatory act all appropriations made by the forty-third legislature from the motor vehicle excise fund and the state school equalization fund shall be paid out of moneys in the state general fund.

NEW SECTION. Sec. 11. On the effective date of this 1974 amendatory act the motor vehicle excise fund is hereby abolished and all assets shall be transferred to and all outstanding warrants shall be paid from the general fund.

NEW SECTION. Sec. 12. On the effective date of this 1974 amendatory act the state school equalization fund assets shall be transferred to and all outstanding warrants shall be paid from the general fund.

NEW SECTION. Sec. 13. Section 6 of this 1974 amendatory act shall not take effect until June 30, 1981, and the remainder of this 1974 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. 14. If any provision of this 1974 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 January 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 55
[House Bill No. 1294]
TEACHER CERTIFICATION—
REFUSAL, REVOCATION—GROUNDS

AN ACT Relating to education; amending section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as amended by section 145, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.140; amending section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as amended by section 51, chapter 48, Laws of 1971 and RCW 28A.70.160; and declaring an emergency.

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

Section 1. Section 28A.70.140, chapter 223, Laws of 1969 ex. sess. as amended by section 145, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.140 are each amended to read as follows:

Before registering any certificate, the intermediate school district superintendent of the county in which application is made for certificate shall satisfy himself that the applicant is a person of good moral character ((and)) personal fitness, and has not been convicted of any crimes involving the physical neglect of children, physical injury of children (excepting possible motor vehicle violations), or sexual abuse of children. In the event of a refusal to register a certificate for whatsoever reason, the intermediate school district superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the state board of education.

Sec. 2. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as amended by section 51, chapter 48, Laws of 1971 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 or intermediate school district superintendent for immorality, violation of written contract, intemperance, crime against the law of the state, the conviction of any crime involving the physical neglect of children, the physical injury of children (excepting possible motor vehicle violations) or the sexual abuse of children, or any unprofessional conduct, after the person whose certificate is in question has been given an opportunity to be heard.

NEW SECTION. Sec. 3. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 28, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 56

[House Bill No. 1309]

SCHOOL PLANT FACILITIES AID

AN ACT Relating to the common schools and the support thereof; providing state assistance to school districts for the construction and modernization of common school plant facilities; amending section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801; amending section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802; amending section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803; amending section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805; amending section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807; amending section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808; amending section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809; and amending section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810.

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

Section 1. Section 2, chapter 244, Laws of 1969 ex. sess. as amended by section 5, chapter 42, Laws of 1970 ex. sess. and RCW 28A.47.801 are each amended to read as follows:

Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment as computed for the purposes of RCW 28A.41.140 and the provisions of RCW ((~~28A.44.140~~ and)) 28A.47.800 through 28A.47.811: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015, or such lesser amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 2. Section 3, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW ((~~28A.44.140~~ and)) 28A.47.800 through 28A.47.811, and in accordance with student enrollment as computed for the purposes of RCW 28A.41.140, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW ((28A.47.140 and)) 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Sec. 3. Section 4, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW ((28A.47.140 and)) 28A.47.800 through 28A.47.811 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the district ~~(([s])~~) shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and [a] reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil shall be subtracted from two, and then the result of the foregoing shall be divided by two plus (the ratio of the school district's adjusted valuation per full time equivalent pupil divided by the ratio of the total state adjusted valuation per full time pupil).

$$\begin{array}{r}
 \text{District adjusted} \\
 \text{2- valuation per full} \quad \dagger \\
 \text{time equivalent} \\
 \text{pupil} \\
 \text{Computed} \\
 \text{State} = \frac{\text{District adjusted}}{\text{Total state ad-}} = \text{\% Assist-} \\
 \text{Ratio} \quad \text{valuation per full} \quad \dagger \quad \text{justed valuation} \\
 \text{2+ time equivalent} \quad \text{per full time} \\
 \text{pupil} \quad \text{equivalent pupil} \quad \text{ance}
 \end{array}$$

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW ((28A.47.440 and) 28A.47.800 through 28A.47.811, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in (2) above, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building or [by] properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of

such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state-owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

Sec. 4. Section 6, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW (~~28A.47.800 and~~) 28A.47.800 through 28A.47.811 for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.47.803, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

Sec. 5. Section 8, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.807 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW (~~28A.47.800 and~~) 28A.47.800 through 28A.47.811; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing,

planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811.

Sec. 6. Section 9, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.808 are each amended to read as follows:

The state board of education shall furnish to school districts seeking state assistance under the provisions of RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 7. Section 10, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.809 are each amended to read as follows:

Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 are allotted.

Sec. 8. Section 11, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.810 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 and available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ((28A.47.800 and) 28A.47.800 through 28A.47.811 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

NEW SECTION. Sec. 9. If any provision of this 1974 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 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 57

[House Bill No. 1388]

PERISHABLE PACKAGED FOOD GOODS

AN ACT Relating to food; amending section 1, chapter 112, Laws of 1973 1st ex. sess. and RCW 69.04.900; amending section 2, chapter 112, Laws of 1973 1st ex. sess. and RCW 69.04.905; and declaring an emergency.

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

Section 1. Section 1, chapter 112, Laws of 1973 1st ex. sess. and RCW 69.04.900 are each amended to read as follows:

For the purpose of RCW 69.04.900 through 69.04.920:

(1) "Perishable packaged food goods" means and includes all foods and beverages, except alcoholic beverages, frozen foods, fresh meat, poultry and fish and a raw agricultural commodity as defined in this chapter, intended for human consumption which are canned, bottled, or packaged other than at the time and point of retail sale, which have a high risk of spoilage within a period of thirty days, and as determined by the director of the department of agriculture by rule and regulation to be perishable.

(2) "Pull date" means the latest date a packaged food product shall be offered for sale to the public.

(3) "Shelf life" means the length of time during which a packaged food product will retain its safe consumption quality if stored under proper temperature conditions.

(4) "Fish" as used in subsection (1) of this section shall mean any water breathing animals, including, but not limited to, shellfish such as lobster, clams, crab, or other mollusca which are prepared, processed, sold, or intended or offered for sale.

Sec. 2. Section 2, chapter 112, Laws of 1973 1st ex. sess. and RCW 69.04.905 are each amended to read as follows:

All perishable packaged food goods with a projected shelf life of thirty days or less, which are offered for sale to the public after January 1, 1974 shall state on the package the pull date. The pull date must be stated in day, and month and be in a style and format that is readily decipherable by consumers; PROVIDED, That the director of the department of agriculture may exclude the monthly

requirement on the pull date for perishable packaged food goods which have a shelf life of seven days or less. No perishable packaged food goods shall be offered for sale after the pull date, except as provided in RCW 69.04.910.

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 January 31, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 58
[Engrossed Senate Bill No. 2572]
SEWER DISTRICTS

AN ACT Relating to sewer districts; amending section 1, chapter 210, Laws of 1941 as last amended by section 1, chapter 272, Laws of 1971 ex. sess. and RCW 56.04.020; amending section 10, chapter 210, Laws of 1941 as last amended by section 1, chapter 103, Laws of 1959 and RCW 56.08.010; amending section 22, chapter 210, Laws of 1941 as amended by section 11, chapter 103, Laws of 1959 and RCW 56.16.090; amending section 27, chapter 210, Laws of 1941 as last amended by section 1, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.020; amending section 28, chapter 210, Laws of 1941 as last amended by section 9, chapter 272, Laws of 1971 ex. sess. and RCW 56.20.030; and adding a new section to chapter 56.20 RCW.

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 272, Laws of 1971 ex. sess. 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. A system of sewers means and includes: Sanitary sewage disposal sewers, combined sanitary sewage disposal and storm or surface water sewers, storm or surface water sewers, outfalls for storm or sanitary sewage, and works, plants, and facilities for sanitary sewage treatment and disposal, or any combination of or part of any or all of such

facilities. 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 10, chapter 210, Laws of 1941 as last amended by section 1, chapter 103, Laws of 1959 and RCW 56.08.010 are each amended to read as follows:

A sewer district may acquire by purchase or by condemnation and purchase all lands, property rights, water, and water rights, both within and without the district, necessary for its purposes. A sewer district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of sewer commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessments or reassessment rolls required to be filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer shall be imposed upon the county treasurer for the purposes hereof; it may construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district and inhabitants thereof with an adequate system of sewers for all uses and purposes, public and private, including the drainage of storm or surface waters, public highways, streets, and roads with full authority to regulate the use and operation thereof and the service rates to be charged. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants, within or without the district, and may acquire by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution, from its sewers or its sewage treatment plant. A district may charge property owners seeking to connect to the district system of sewers, as a condition

to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system. A district may compel all property owners within the sewer district located within an area served by the district system of sewers to connect their private drain and sewer systems with the district system under such penalty as the sewer commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served.

Sec. 3. Section 22, chapter 210, Laws of 1941 as amended by section 11, chapter 103, Laws of 1959 and RCW 56.16.090 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

NEW SECTION. Sec. 4. There is added to chapter 56.20 RCW a new section to read as follows:

In addition to all of the powers and authorities set forth in Title 56 RCW, any sewer district shall have all of the powers of cities as set forth in chapter 35.43 RCW and chapter 35.44 RCW.

Sec. 5. Section 27, chapter 210, Laws of 1941 as [last] amended by section 1, chapter 40, Laws of 1965 ex. sess. and RCW 56.20.020 are each amended to read as follows:

Utility local improvement districts to carry out all or any portion of the comprehensive plan, or additions and betterments thereof, adopted for the sewer district may be initiated either by resolution of the board of sewer 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 the land within the limits of the utility local improvement district to be created.

In case the board of sewer commissioners 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, which date shall, unless there is an emergency, be no less than 30 days and no more than 90 days from the day the resolution of intention was adopted.

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 secretary of the board of sewer 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 secretary of the board of sewer 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 the resolution was 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 sewer 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 notices shall refer to the resolution of intention and designate the proposed improvement district by number. Said notices 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 date, time and place of the hearing before the board of sewer 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 secretary of the board of sewer commissioners before the time fixed for said public hearing. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Sec. 6. Section 28, chapter 210, Laws of 1941 as last amended by section 9, chapter 272, Laws of 1971 ex. sess. 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: (a) 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 or (b) by the commissioners not adopting a resolution ordering the improvement at a public hearing held not more than 90 days from the day the resolution of intention was adopted, unless the commissioners file with the county auditor a copy of the notice required by RCW 56.20.020, and in no event at a hearing held more than two years from the day the resolution of intention was adopted.

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.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 59
[Engrossed Senate Bill No. 2969]
WASHINGTON CLEAN AIR ACT—
AIR EMISSIONS VARIANCES

AN ACT Relating to air pollution variances; amending section 31, chapter 238, Laws of 1967 as amended by section 22, chapter

168, Laws of 1969 ex. sess. and RCW 70.94.181; and declaring an emergency.

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

Section 1. Section 31, chapter 238, Laws of 1967 as amended by section 22, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.181 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the ((state board)) department of ecology where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420, or board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the ((state board)) department of ecology or board may require. The ((state board)) department of ecology or board may grant such variance, but only after public hearing or due notice, if it finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the ((state board)) department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the ((state board)) department of ecology or board may prescribe.

(b) If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the ((state board)) department of ecology may impose as to climatic conditions and hours

during which burning of such hulks may be carried out: PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.

(c) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the ((state board)) department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(d) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (a), (b) and (c) of this subparagraph, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the ((state board)) department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the state board or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the ((state board)) department of ecology or board shall give public notice of such application in accordance with rules and regulations of the ((state board)) department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the ((state board)) department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the ((state board)) department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.04 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 to any person or his property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to

this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.

NEW SECTION. Sec. 2. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 25, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 60
[Senate Bill No. 2989]
MUNICIPAL LEGISLATIVE OFFICERS—
VOLUNTEER FIRE FIGHTING SERVICE—
COMPENSATION

AN ACT Relating to cities and towns; authorizing the payment of compensation and other benefits to members of legislative bodies of cities and towns who serve as volunteer firemen; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.11 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 35.21 RCW a new section to read as follows:

Notwithstanding any other provision of law, the legislative body of any city or town, by resolution adopted by unanimous vote, may authorize any of its members to serve as volunteer firemen and to receive the same compensation, insurance and other benefits as are applicable to other volunteer firemen employed by the city or town.

NEW SECTION. Sec. 2. There is added to chapter 35A.11 RCW a new section to read as follows:

Notwithstanding any other provision of law, the legislative body of any code city, by resolution adopted by unanimous vote, may authorize any of its members to serve as volunteer firemen and to receive the same compensation, insurance and other benefits as are applicable to other volunteer firemen employed by the code city.

NEW SECTION. Sec. 3. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the

support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 24, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 61
[Senate Bill No. 3050]
LOCAL GOVERNMENTS--
SHORELINE MANAGEMENT PROGRAM--
DEVELOPMENT DEADLINE EXTENSION

AN ACT Relating to shoreline management; amending section 8, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.080; and declaring an emergency.

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

Section 1. Section 8, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.080 are each amended to read as follows:

Local governments are directed with regard to shorelines of the state within their various jurisdictions as follows:

(1) To complete within eighteen months after June 1, 1971, 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)) twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the guidelines adopted.

NEW SECTION. Sec. 2. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 29, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 62
[Engrossed Senate Bill No. 3059]
AIRPORT POLICE—
LAW ENFORCEMENT AUTHORITY

AN ACT Relating to airports; and adding a new section to chapter 53.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 53.08 RCW a new section to read as follows:

Any port district operating an airport with a police department as authorized by RCW 14.08.120 is authorized to appoint police officers with full police powers to enforce all applicable federal, state, or municipal statutes, rules, regulations, or ordinances upon any port-owned or operated properties or operations: PROVIDED, That such police officers must have successfully graduated from a recognized professional police academy or training institution.

Passed the Senate January 31, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 63
[Senate Bill No. 3075]
VETERANS' ESTATES--
FEDERAL FIDUCIARY AUTHORITY

AN ACT Relating to veterans' estates; and amending section 1, chapter 4, Laws of 1972 ex. sess. and RCW 73.04.130.

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

Section 1. Section 1, chapter 4, Laws of 1972 ex. sess. and RCW 73.04.130 are each amended to read as follows:

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

executor, administrator, (~~or~~) guardian or fiduciary, or to any attorney for the secretary or his designee.

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

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

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CHAPTER 64
[Senate Bill No. 3080]
LIVESTOCK BRANDS

AN ACT Relating to livestock brands; amending section 4, chapter 54, Laws of 1959 and RCW 16.57.040; amending section 8, chapter 54, Laws of 1959 as last amended by section 2, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.080; amending section 9, chapter 54, Laws of 1959 as amended by section 2, chapter 66, Laws of 1965 and RCW 16.57.090; amending section 14, chapter 54, Laws of 1959 and RCW 16.57.140; amending section 15, chapter 54, Laws of 1959 and RCW 16.57.150; adding a new section to chapter 54, Laws of 1959 and to chapter 16.57 RCW; and declaring an emergency.

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

Section 1. Section 4, chapter 54, Laws of 1959 and RCW 16.57.040 are each amended to read as follows:

The director may provide for the use of production record brands. Numbers for such brands shall be issued at the discretion of the director and shall be placed on livestock (~~on a~~) immediately below the registered ownership brand or any other location prescribed by the director.

Sec. 2. Section 8, chapter 54, Laws of 1959 as last amended by section 2, chapter 135, Laws of 1971 ex. sess. and RCW 16.57.080 are each amended to read as follows:

The director shall, on or before the first day of September ((4960)) 1975, and every ((five)) two years thereafter, notify by

letter the owners of brands then of record, that on the payment of ((ten)) twenty-five dollars and application of renewal, the director shall issue ((a renewal receipt granting)) written proof of payment allowing the brand owner exclusive ownership and use of such brand for another ((five)) two year period. The failure of the registered owner to pay the renewal fee 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 one year following such reversion to the public domain, the brand shall not be reissued to any person other than the registered owner)) revert to the department. The director may for a period of one year following such reversion, reissue such brand only to the prior registered owner upon payment of twenty-five dollars and an additional fee of ten dollars for renewal subsequent to the regular renewal period. The director may at his discretion, if such brand is not reissued within one year to the prior registered owner, issue such brand to any other applicant.

Sec. 3. Section 9, chapter 54, Laws of 1959 as amended by section 2, chapter 66, Laws of 1965 and RCW 16.57.090 are each amended to read as follows:

A brand is the personal property of the owner of record. Any instrument affecting the title of such brand shall be acknowledged in the presence of the recorded owner and a notary public. The director shall record such instrument upon presentation and payment of a ((three)) ten dollar recording fee. Such recording shall be constructive notice to all the world of the existence and conditions affecting the title to such brand. A copy of all records concerning the brand, certified by the director, shall be received in evidence to all intent and purposes as the original instrument. The director shall not be personally liable for failure of his agents to properly record such instrument.

Sec. 4. Section 14, chapter 54, Laws of 1959 and RCW 16.57.140 are each amended to read as follows:

The owner of a brand of record may procure from the director a certified copy of the record of his brand upon payment of ((one dollar)) five dollars.

Sec. 5. Section 15, chapter 54, Laws of 1959 and RCW 16.57.150 are each amended to read as follows:

The director shall publish a book to be known as the "Washington State Brand Book", showing all the brands of record. Such book shall contain the name and address of the owners of brands of record and a copy of the brand laws and regulations. Supplements to such brand book showing newly recorded brands, amendments or newly adopted regulations, shall be published biennially, or prior thereto

at the discretion of the director; PROVIDED, That whenever he deems it necessary, the director may issue a new brand book.

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 brand inspection fee for cattle as established under the provisions of RCW 16.57.220 and in effect on the day previous to the effective date of this 1974 amendatory act shall be increased to thirty-five cents and such increase of five cents shall remain in effect until December 31st, 1975.

NEW SECTION. Sec. 7. The provisions of section 6 of this 1974 amendatory act are 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 January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 65
[Substitute Senate Bill No. 3117]
BOWLING ALLEYS—LIQUOR SALES

AN ACT Relating to alcoholic beverages; and adding a new section to chapter 66.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 66.24 RCW a new section to read as follows:

Subject to approval by the board, holders of class A, C, D or H licenses may extend their premises for the sale, service and consumption of liquor authorized under their respective licenses to the concourse or lane areas in a bowling establishment where the concourse or lane areas are adjacent to the food preparation service facility.

Passed the Senate January 31, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 66

[Engrossed Senate Bill No. 3122]

WORLD'S FAIR LIQUOR LICENSES

AN ACT Relating to licenses for the sale of alcoholic beverages; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 10, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.24.010; and declaring an emergency.

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 10, chapter 209, Laws of 1973 1st 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 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 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: PROVIDED, That the foregoing expiration date shall not apply to class A, B, C, D, or H licenses issued for premises located on the site of any world exposition approved by the Bureau of International Expositions held in this state, and such licenses shall be valid without renewal for a period of two hundred days from and including the opening day of such exposition, or from and including such earlier date specified by the applicant.

(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 twenty 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 request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of chapter 34.04 RCW, as now or hereafter amended. 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.

NEW SECTION. Sec. 2. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 67
[Senate Bill No. 3144]
GAME COMMISSION—FISH AND
WILDLIFE LOSSES—COMPENSATION

AN ACT Relating to fish and wildlife losses; and amending section 77.12.320, chapter 36, Laws of 1955 and RCW 77.12.320.

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

Section 1. Section 77.12.320, chapter 36, Laws of 1955 and RCW 77.12.320 are each amended to read as follows:

The commission may enter into agreements with persons, municipal subdivisions of this state, the United States, or any of its agencies or instrumentalities regarding all matters concerning propagation, protection and conservation of wild animals, wild birds and game fish and concerning hunting or fishing therefor.

The commission may at any time on behalf of the state accept compensation for fish and wildlife losses or gifts or grants of personal property for use by the department. Any money, when received by the commission or the department, shall currently be delivered to the state treasurer for deposit in the state game fund: PROVIDED, That any compensation for fish and wildlife losses or gifts or grants of money received by the commission under conditions, limitations or restrictions may be retained or expended by the commission under any such provisions.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 68

[Senate Bill No. 3159]

COUNCIL ON HIGHER EDUCATION--

BLIND STUDENT ASSISTANCE--

VETERANS' CHILDREN'S ASSISTANCE

AN ACT Relating to higher education; amending section 28B.10.215, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.215; amending section 28B.10.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.220; and amending section 28B.10.255, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.255.

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

Section 1. Section 28B.10.215, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.215 are each amended to read as follows:

There is allocated to each and every blind student attending any institution of higher education within the state a sum not to exceed two hundred dollars per quarter, or so much thereof as may be necessary in the opinion of the ((state board of education)) council on higher education in the state of Washington, to provide said blind student with readers, books, recordings, recorders, or other means of reproducing and imparting ideas, while attending said institution of higher education: PROVIDED, That no blind student shall be charged any tuition or laboratory fee while attending any such state institution and said institution shall notify the ((state board of education)) council that it will waive tuition and laboratory fees for said blind student. The said allocation shall be made out of any moneys in the general fund not otherwise appropriated.

Sec. 2. Section 28B.10.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.220 are each amended to read as follows:

All blind student assistance shall be distributed under the supervision of the ((state board of education)) council on higher education in the state of Washington. The moneys or any part thereof allocated in the manner referred to in RCW 28B.10.215 shall, for furnishing said books or equipment or supplying said services, be paid by said ((state board of education)) council directly to the state institution of higher education, directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the ((state board of education)) council.

The ((state board of education)) council shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28B.10.215.

Sec. 3. Section 28B.10.255, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.255 are each amended to read as follows:

The amounts due to any state institution of higher education under the provisions of RCW 28B.10.250 through 28B.10.260 shall be payable to the institution after approval by the ((state board of education)) council on higher education in the state of Washington. Said ((board)) council shall determine the eligibility and need of the persons who may make application for the benefits; satisfy itself of the attendance of the persons at any such institution and of the accuracy of the charge or charges submitted to said ((board)) council by the authorities of any such institution, on account of the attendance thereof of any such person. No fees shall be received for any such service.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 69

[Engrossed Senate Bill No. 3168]

AIR POLLUTION CONTROL HEARINGS BOARD--
HEARINGS EXAMINERS--REGULATIONS

AN ACT Relating to the pollution control hearings board; amending section 39, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.090; amending section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150; amending section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160; amending section 34, chapter 238, Laws of 1967 as last amended by section 57, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.211; adding a new section to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW; and repealing section 51, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.210.

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

Section 1. Section 39, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.090 are each amended to read as follows:

The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings

board when authorized by rule or order of the hearings board. The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.04 RCW as now or hereafter amended: PROVIDED, That the findings of the hearing examiner shall not become final until they have been formally approved by the board. The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

Sec. 2. Section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150 are each amended to read as follows:

In all appeals involving an informal hearing, the hearings board or its hearing examiners shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. In the case of appeals within the scope of this 1970 act the hearings board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board or any member thereof may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners shall be presented only in an open hearing.

Sec. 3. Section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160 are each amended to read as follows:

In all appeals involving a formal hearing, the hearings board or its hearing examiners shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.04 RCW; and the hearings board, and each member thereof, or its hearing examiners, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. In the case of appeals within the scope of this 1970 act, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners, shall be presented only in an open hearing.

Sec. 4. Section 34, chapter 238, Laws of 1967 as last amended by section 57, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.211 are each amended to read as follows:

Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance,

resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the ((hearings)) board ((as provided for in chapter 43.21B RCW;)) for a hearing ((pursuant to the provisions of chapter 34.04 RCW as now or hereafter amended)), or in addition to or in place of an order or hearing, the ((hearings)) board ((created therein)) may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

NEW SECTION. Sec. 5. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW a new section to read as follows:

Activated air pollution control authorities, established under RCW [chapter] 70.94, may file certified copies of their regulations and amendments thereto with the pollution control hearings board of the state of Washington, and the hearings board shall take judicial note of the copies so filed and the said regulations and amendments shall be received and admitted, by reference, in all hearings before the board, as prima facie evidence that such regulations and amendments on file are in full force and effect.

NEW SECTION. Sec. 6. Section 51, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.210 are each hereby repealed.

Passed the Senate January 29, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 70

[Engrossed Senate Bill No. 3229]

METROPOLITAN MUNICIPAL CORPORATIONS—

WATER POLLUTION ABATEMENT

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.010, chapter 7, Laws of 1965 and RCW 35.58.010; amending section 35.58.020, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.020; amending section 35.58.050, chapter 7, Laws of 1965 and RCW 35.58.050; amending section 35.58.080, chapter 7, Laws of 1965 and RCW 35.58.080; amending section 35.58.120, chapter

7, Laws of 1965 as last amended by section 5, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.120; amending section 35.58.200, chapter 7, Laws of 1965 as amended by section 7, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.200; amending section 35.58.210, chapter 7, Laws of 1965 and RCW 35.58.210; amending section 35.58.460, chapter 7, Laws of 1965 as last amended by section 39, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.460; creating a new section; and declaring an emergency.

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

Section 1. Section 35.58.010, chapter 7, Laws of 1965 and RCW 35.58.010 are each amended to read as follows:

It is hereby declared to be the public policy of the state of Washington to provide for the people of the populous metropolitan areas in the state the means of obtaining essential services not adequately provided by existing agencies of local government. The growth of urban population and the movement of people into suburban areas has created problems of ((sewage and)) water pollution abatement, garbage disposal, water supply, transportation, planning, parks and parkways which extend beyond the boundaries of cities, counties and special districts. For reasons of topography, location and movement of population, and land conditions and development, one or more of these problems cannot be adequately met by the individual cities, counties and districts of many metropolitan areas.

It is the purpose of this chapter to enable cities and counties to act jointly to meet these common problems in order that the proper growth and development of the metropolitan areas of the state may be assured and the health and welfare of the people residing therein may be secured.

Sec. 2. Section 35.58.020, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1971 ex. sess. 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.

(15) "Pollution" has the meaning given in RCW 90.48.020.

Sec. 3. Section 35.58.050, chapter 7, Laws of 1965 and RCW 35.58.050 are each amended to read as follows:

A metropolitan municipal corporation shall have the power to perform any one or more of the following functions, when authorized in the manner provided in this chapter:

(1) Metropolitan ~~((sewage disposal))~~ water pollution abatement.

(2) Metropolitan water supply.

(3) Metropolitan public transportation.

(4) Metropolitan garbage disposal.

(5) Metropolitan parks and parkways.

(6) Metropolitan comprehensive planning.

Sec. 4. Section 35.58.080, chapter 7, Laws of 1965 and RCW 35.58.080 are each amended to read as follows:

Upon receipt of a duly certified petition or a valid resolution calling for an election on the formation of a metropolitan municipal corporation, the board of commissioners of the central county shall fix a date for a public hearing thereon which shall be not more than sixty nor less than forty days following the receipt of such resolution or petition. Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the metropolitan area. The notice shall contain a description of the boundaries of the proposed metropolitan area, shall name the initial metropolitan function or functions and shall state the time and place of the hearing and the fact that any changes in the boundaries of the metropolitan area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed municipal metropolitan corporation. The commissioners may make such changes in the boundaries of the metropolitan area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, may not delete a portion of any city, and may not delete any portion of the proposed area which is contributing or may reasonably be expected to contribute to the pollution of any water course or body of water in the proposed area when the petition or resolution names metropolitan ((sewage disposal)) water pollution abatement as a function to be performed by the proposed metropolitan municipal corporation. If the commissioners shall determine that any additional territory should be included in the metropolitan area, a second hearing shall be held and notice given in the same manner as for the original hearing. The commissioners may adjourn the hearing on the formation of a metropolitan municipal corporation from time to time not exceeding thirty days in all. At the next regular meeting following the conclusion of such hearing the commissioners shall adopt a resolution fixing the boundaries of the proposed metropolitan municipal corporation, declaring that the formation of the proposed metropolitan municipal corporation will be conducive to the welfare and benefit of the persons and property therein and providing for the calling of a special election on the formation of the metropolitan municipal corporation to be held not more than one hundred twenty days nor less than sixty days following the adoption of such resolution.

Sec. 5. Section 35.58.120, chapter 7, Laws of 1965 as last amended by section 5, chapter 303, Laws of 1971 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 fifteen thousand or more persons residing in the unincorporated portion of such commissioner district lying within the metropolitan municipal corporation each such appointee to be a resident of such unincorporated portion;

(4) One member from each component 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.

(5) One member representing all component 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.

(6) One additional member selected by the city council of each component city containing a population of fifteen thousand or more for each fifty thousand population over and above the first fifteen thousand, such members to be selected from such city council until all councilmen are members and thereafter to be selected from other officers of such city.

(7) For any metropolitan municipal corporation which shall be authorized to perform the function of metropolitan ((sewage

~~disposal~~) water pollution abatement, one additional member who shall be a commissioner of a sewer district or a water district which is operating a sewer system and 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))~~ water pollution abatement. The commissioners of all such sewer districts and water districts which are component parts of the metropolitan municipal corporation shall meet on the first Tuesday of the month following May 21, 1971 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.

(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 35.58.200, chapter 7, Laws of 1965 as amended by section 7, chapter 303, Laws of 1971 ex. sess. 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))~~ water pollution abatement, it shall have the following powers in addition to the general powers granted by this chapter:

(1) To prepare a comprehensive water pollution abatement plan including provisions for waterborne pollutant removal, water quality improvement, ~~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 water pollution abatement, including but not limited to, removal of waterborne pollutants, water quality improvement, ~~sewage disposal and storm water drainage~~ within or without the metropolitan area, including but not limited to trunk, interceptor and outfall sewers, whether used to carry sanitary waste, storm water, or combined storm and sanitary sewage, lift and pumping stations, pipelines, drains, sewage treatment plants, flow control structures together with all lands, ~~((properties,))~~ property rights, equipment and accessories necessary for such facilities. Sewer facilities which are owned by a county, city, or special district may be acquired or used by the metropolitan municipal corporation only with the consent of the

legislative body of the county, city, or special districts owning such facilities. Counties, 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 county, city, or special district and the metropolitan council, without submitting the matter to the voters of such county, 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)) water pollution abatement facilities, and to expend the moneys so collected for authorized water pollution abatement activities.

(5) To establish minimum standards for the construction of local ((sewer)) water pollution abatement facilities and to approve plans for construction of such facilities by component counties or cities or by special districts, which are ((delivering sewage)) connected to the facilities of 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)) special district operating local public sewer facilities and, with the consent of the legislative body of any such city or ((sewer)) special district, to exercise such powers within such city or ((sewer)) special district and for such purpose to have all the powers conferred by law upon such city or ((sewer)) special district with respect to such local collection facilities; PROVIDED, That such consent shall not be required if the department of ecology certifies that a water pollution problem exists within any such city or special district and notifies the city or special district to correct such problem and corrective construction of necessary local collection facilities shall not have been commenced within six months after notification. All costs of such local collection facilities shall be paid for by the area served thereby.

(7) To participate fully in federal and state programs under the federal water pollution control act (86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.) and to take all actions necessary to secure to itself or its component agencies the benefits of that act and to meet the requirements of that act, including but not limited to the following:

(a) authority to develop and implement such plans as may be appropriate or necessary under the act.

(b) authority to require by appropriate regulations that its component agencies comply with all effluent treatment and limitation requirements, standards of performance requirements, pretreatment requirements, a user charge and industrial cost recovery system conforming to federal regulation, and all conditions of national permit discharge elimination system permits issued to the metropolitan municipal corporation or its component agencies. Adoption of such regulations and compliance therewith shall not constitute a breach of any sewage disposal contract between a metropolitan municipal corporation and its component agencies nor a defense to an action for the performance of all terms and conditions of such contracts not inconsistent with such regulations and such contracts, as modified by such regulations, shall be in all respects valid and enforceable.

Sec. 7. Section 35.58.210, chapter 7, Laws of 1965 and RCW 35.58.210 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan ~~((sewage disposal))~~ water pollution abatement, the metropolitan council shall, prior to the effective date of the assumption of such function, cause a metropolitan ~~((sewer))~~ water pollution abatement advisory committee to be formed by notifying the legislative body of each component city and county which operates a sewer system to appoint one person to serve on such advisory committee and the board of commissioners of each sewer district and water district which operates a sewer system, any portion of which lies within the metropolitan area, to appoint one person to serve on such committee who shall be a ~~((sewer district))~~ commissioner of such a sewer or water district. The metropolitan ~~((sewer))~~ water pollution abatement advisory committee shall meet at the time and place provided in the notice and elect a chairman. The members of such committee shall serve at the pleasure of the appointing bodies and shall receive no compensation other than reimbursement for expenses actually incurred in the performance of their duties. The function of such advisory committee shall be to advise the metropolitan council in matters relating to the performance of the ~~((sewage disposal))~~ water pollution function.

Sec. 8. Section 35.58.460, chapter 7, Laws of 1965 as last amended by section 39, chapter 56, Laws of 1970 ex. sess. and RCW 35.58.460 are each amended to read as follows:

A metropolitan municipal corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan ((sewage disposal)) water pollution abatement, water supply, garbage disposal or transportation purposes, without submitting the matter to the voters of the metropolitan municipal corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan municipal corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine and may obligate the metropolitan municipal corporation to pay such amounts out of otherwise unpledged revenue which may be derived from the ownership, use or operation of properties or facilities owned, used or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes or other sources of payment lawfully authorized for such purpose, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility or any other revenue, fees, tolls, charges, tariffs, fares, special taxes or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan municipal corporation.

Each such revenue bond shall state upon its face that it is payable from such special fund or funds, and all revenue bonds issued under this chapter shall be negotiable securities within the provisions of the law of this state. Such revenue bonds may be registered either as to principal only or as to principal and interest, or may be bearer bonds((?)); shall be in such denominations as the metropolitan council shall deem proper; shall be payable at such time or times and at such places as shall be determined by the metropolitan council; shall bear interest at such rate or rates as shall be determined by the metropolitan council((?)); 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 municipal corporation shall be impressed or imprinted thereon; each of the interest coupons shall be signed by the facsimile signatures of said officials.

Such revenue bonds shall be sold in such manner, at such price and at such rate or rates of interest as the metropolitan council shall deem to be for the best interests of the metropolitan municipal corporation, either at public or private sale.

The metropolitan council may at the time of the issuance of such revenue bonds make such covenants with the purchasers and holders of said bonds as it may deem necessary to secure and guarantee the payment of the principal thereof and the interest thereon, including but not being limited to covenants to set aside adequate reserves to secure or guarantee the payment of such principal and interest, to maintain rates sufficient to pay such principal and interest and to maintain adequate coverage over debt service, to appoint a trustee or trustees for the bondholders to safeguard the expenditure of the proceeds of sale of such bonds and to fix the powers and duties of such trustee or trustees and to make such other covenants as the metropolitan council may deem necessary to accomplish the most advantageous sale of such bonds. The metropolitan council may also provide that revenue bonds payable out of the same source may later be issued on a parity with revenue bonds being issued and sold.

The metropolitan council may include in the principal amount of any such revenue bond issue an amount to establish necessary reserves, an amount for working capital and an amount necessary for interest during the period of construction of any such metropolitan facilities plus six months. The metropolitan council may, if it deems it to the best interest of the metropolitan municipal corporation, provide in any contract for the construction or acquisition of any metropolitan facilities or additions or improvements thereto or replacements or extensions thereof that payment therefor shall be made only in such revenue bonds at the par value thereof.

If the metropolitan municipal corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan municipal corporation and compel the performance of any or all of such covenants.

NEW SECTION. Sec. 9. If any provision of this 1974 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. 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 January 31, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 14, 1974.
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CHAPTER 71
[Engrossed Senate Bill No. 3351]
MENTALLY RETARDED AND
OTHER DEVELOPMENTALLY DISABLED PERSONS—
STATE ASSISTANCE

AN ACT Relating to persons with health problems and designated as mentally retarded or developmentally disabled, or both; amending section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040; amending section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050; amending section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060; amending section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070; amending section 9, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.090; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 85, chapter 195, Laws of 1973 1st ex. sess. and RCW 71.20.110; amending section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800; amending section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805; amending section 3, chapter 251, Laws of 1961 and RCW 72.33.810; amending section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815; and adding new sections to chapter 71.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 71.20 RCW a new section to read as follows:

In order for the community board to coordinate and provide required services for the mentally retarded and other developmentally disabled persons pursuant to this amendatory act, it shall be eligible to obtain such confidential information from public and/or private schools and the department of social and health services as

is necessary to accomplish the purposes of this amendatory act. Such information will be kept in accordance with state law and such rules and regulations promulgated by the secretary of the department of social and health services under chapter 34.04 RCW to permit the use of such information to coordinate and plan such services; all persons permitted access to or the use of such information must sign an oath of confidentiality, substantially as follows:

"As a condition of obtaining information from (fill in facility, agency, or person) I,, agree not to divulge, publish or otherwise make known to unauthorized persons or the public any information obtained in the course of using such confidential information, where release of such information may possibly make the person who received such services identifiable. I recognize that unauthorized release of confidential information may subject me to civil liability under provisions of state law."

NEW SECTION. Sec. 2. There is added to chapter 71.20 RCW a new section to read as follows:

Persons "developmentally disabled" as used in this amendatory act are those persons having a "developmental disability" as defined in Public Law 91-517 [42 USCA 2691 (l)] as now or hereafter amended.

Sec. 3. Section 4, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.040 are each amended to read as follows:

The county commissioners of any county or the boards of county commissioners of more than one county by joint action, are authorized to appoint a community board to (~~coordinate all of the local mental retardation services within the county or counties to provide a continuum of care and services to mentally retarded persons and their families~~) plan services for the mentally retarded and other developmentally disabled, to provide directly or indirectly a continuum of care and services to mentally retarded and other developmentally disabled persons and their families, and to coordinate all of the local mental retardation and developmental disability services within the county or counties served by such community board. Members to be appointed to the board shall include but not be limited to representatives of public, private or voluntary agencies, and local governmental units which participate in a program for mentally retarded and other developmentally disabled persons, and private citizens knowledgeable or interested in services to the mentally retarded and other developmentally disabled in the community.

The board shall consist of not less than nine nor more than fifteen members who shall be appointed by the board or boards of county commissioners for three year terms, and until their successors are appointed and qualified. The members of the community board

shall not be compensated for the performance of their duties as members of the community board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Sec. 4. Section 5, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.050 are each amended to read as follows:

The governor is authorized to designate a state department as the agency to work with the county commissioners and the community boards appointed by the commissioners to coordinate and provide local services for the mentally retarded and other developmentally disabled and their families. The department is authorized to promulgate rules and regulations establishing the eligibility of each community board for state funds to be used for the work of the board in coordinating and providing services to the mentally retarded and other developmentally disabled and their families. The application for state funds shall be made by the community board with the approval of the county commissioners or by the county commissioners on behalf of the community board.

Sec. 5. Section 6, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.060 are each amended to read as follows:

The state agency designated by the governor pursuant to RCW 71.20.050 as now or hereafter amended may require by rule and regulation that in order to be eligible for state funds, community boards shall provide the following indirect services to the community:

(1) Serve as an information and referral agency within the community for mentally retarded and other developmentally disabled persons and their families;

(2) Coordinate all local services for the mentally retarded and other developmentally disabled and their families to insure the maximum utilization of all services available;

(3) Make comprehensive plans for present and future development and reasonable progress toward development of comprehensive plans for the coordination of all local services to the mentally retarded and other developmentally disabled.

((No community board shall provide services or operate any other programs for the benefit of the mentally retarded except as provided in this section.))

Sec. 6. Section 7, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.070 are each amended to read as follows:

Community mental retardation and other developmental disability programs which may be provided directly by community boards authorized by RCW 71.20.040 as now or hereafter amended pursuant to rules and regulations adopted by the secretary of the

department of social and health services may consist of any or all of the following services:

(1) Diagnostic and evaluation services of mentally retarded and other developmentally disabled persons;

(2) Medical and dental services for those mentally retarded and other developmentally disabled individuals unable to obtain private care;

(3) Psychiatric services of those mentally retarded and other developmentally disabled unable to obtain private care in cooperation with any existing community mental health program;

(4) Group training homes providing full or part time care, support and maintenance for mentally retarded and other developmentally disabled persons; PROVIDED, That nothing contained in this amendatory act shall be construed so as to prevent or limit state funding of group training homes or group homes pursuant to chapter 72.33 RCW, as now or hereafter amended;

(5) Facilities for vocational training and education of mentally retarded and other developmentally disabled persons;

(6) Day care centers for mentally retarded and other developmentally disabled persons;

(7) Informational service to the general public and educational services furnished by qualified personnel to schools, courts, health and welfare agencies and other appropriate public or private agencies or groups;

(8) Consultant services to public or private agencies for the promotion and coordination of services to the mentally retarded and other developmentally disabled;

(9) Family counseling services to families with mentally retarded and other developmentally disabled children;

(10) Recreation programs for mentally retarded and other developmentally disabled persons;

(11) Transportation services for the mentally retarded and other developmentally disabled persons;

(12) Legal services for the mentally retarded and other developmentally disabled persons and their families for aiding and insuring services to the mentally retarded or other developmentally disabled person unable to obtain private legal services;

(13) Home care services for the mentally retarded and other developmentally disabled persons;

(14) Any other services or facilities necessary to provide a continuum of care for the mentally retarded and other developmentally disabled persons not otherwise available.

Sec. 7. Section 9, chapter 110, Laws of 1967 ex. sess. and RCW 71.20.090 are each amended to read as follows:

A community board provided for in RCW 71.20.040 as now or hereafter amended is authorized to receive and spend funds received from the state under this chapter, or any federal funds received through any state agency, or any gifts or donations received by it for the benefit of the mentally retarded or other developmentally disabled persons.

Sec. 8. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 85, chapter 195, Laws of 1973 1st 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 and other developmental disability services and to provide community mental retardation, other developmental disability, 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 two and one-half cents per thousand dollars of assessed value against 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, other developmental disability, 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 or community boards 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, all as now or hereafter amended.

Sec. 9. Section 1, chapter 251, Laws of 1961 as amended by section 1, chapter 34, Laws of 1965 and RCW 72.33.800 are each amended to read as follows:

The ((director)) secretary of the department of ((institutions)) social and health services is hereby authorized to enter into agreements with any person, or with any person, corporation or association operating a day training center or group training home or a combination thereof approved by the department, for the payment of all, or a portion of the cost of the care, treatment, maintenance, support and training of mentally ((or physically deficient persons acceptable for admission to a state residential school as hereinafter provided; which agreements shall constitute agreements relating to state operated activities)) retarded or other developmentally disabled persons.

For the purpose of RCW 72.33.800 through 72.33.820, as now or hereafter amended, the terms "day training center" and "group training home" shall have the following meanings:

(1) "Day training center" shall mean a facility equipped, supervised, managed and operated at least three days per week by any person, association or corporation on a nonprofit basis for the day-care, treatment, training and maintenance of mentally retarded or ((physically deficient)) other developmentally disabled persons ((acceptable for admission to state residential schools)), and approved in accordance with RCW 72.33.800 through 72.33.820, as now or hereafter amended, and the standards of the department of ((institutions)) social and health services as set forth in the rules and regulations ((to be)) promulgated by the ((director)) secretary.

(2) "Group training home" shall mean a facility equipped, supervised, managed and operated on a full time basis by any person, association or corporation on a nonprofit basis for the full time care, treatment, training and maintenance of mentally retarded or ((physically deficient)) other developmentally disabled persons ((acceptable for admission to a state residential school)), and approved in accordance with RCW 72.33.800 through 72.33.820, as now or hereafter amended, and the standards of the department of ((institutions)) social and health services as set forth in rules and regulations ((to be)) promulgated by the ((director)) secretary.

Sec. 10. Section 2, chapter 251, Laws of 1961 as amended by section 2, chapter 34, Laws of 1965 and RCW 72.33.805 are each amended to read as follows:

All payments made by the secretary of the department of ((institutions)) social and health services pursuant to RCW 72.33.800 through 72.33.820, as now or hereafter amended, shall be, insofar as possible, supplementary to payments to be made to a day training center or group training home or combination thereof by the parents or guardians of such mentally ((or physically deficient)) retarded or other developmentally disabled persons. Payments made by the ((director)) secretary in accordance with the authority of RCW 72.33.800 through 72.33.820, as now or hereafter amended, shall not exceed ((one hundred twenty-five dollars per month)) actual costs for the care, treatment, support, maintenance and training of any mentally ((or physically deficient)) retarded or developmentally disabled person whether at a day training center or group training home or combination thereof or otherwise.

Sec. 11. Section 3, chapter 251, Laws of 1961 and RCW 72.33.810 are each amended to read as follows:

Any person, corporation, or association may make application to the ((director)) secretary of the department of ((institutions))

social and health services for approval and certification of the applicant's facility as a day training center, or a group training home for mentally ((or physically deficient)) retarded or developmentally disabled persons or a combination of both. The ((director)) secretary may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, treatment, maintenance, training and support of mentally ((or physically deficient)) retarded or developmentally disabled persons, in accordance with standards as set forth in rules and regulations ((to be)) promulgated by the ((director)) secretary.

Sec. 12. Section 4, chapter 251, Laws of 1961 as amended by section 3, chapter 34, Laws of 1965 and RCW 72.33.815 are each amended to read as follows:

The parent or guardian of a ((mentally or physically deficient)) retarded or developmentally disabled person ((acceptable for admission to a state residential school;)) may make application to the ((director)) secretary of ((institutions)) social and health services for the payment of all, or a portion of, the monthly cost of care, treatment, maintenance, support and training of such mentally ((deficient)) retarded or developmentally disabled person, whether in a day training center or a group training home or a combination thereof or otherwise, approved by the department ((= PROVIDED; That such cost shall not exceed one hundred twenty-five dollars per month)). The ((director)) secretary, after investigation, may accept or reject the application, and, if accepted, shall determine the extent and type of care and training and the amount which the department will pay, ((not to exceed one hundred twenty-five dollars per month;)) based upon the needs of such mentally ((or physically deficient)) retarded or developmentally disabled person and the ability of the parent or the guardian to pay, or contribute to the payment of the monthly cost of such care and training. The ((director)) secretary, may, upon application of such parent or guardian, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the department of ((institutions)) social and health services for the care and training of such mentally ((or physically deficient)) retarded or developmentally disabled persons whether at a day training center or group training home or combination thereof or otherwise.

NEW SECTION. Sec. 13. If any provision of this 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 January 31, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 72

[Senate Bill No. 3366]

THERMAL POWER—COMMON FACILITIES--

PRELIMINARY CONSTRUCTION--

COUNTY, TAXING DISTRICT COMPENSATION

AN ACT Relating to public utility districts; and amending section 2, chapter 159, Laws of 1967 as amended by section 2, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.020.

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

Section 1. Section 2, chapter 159, Laws of 1967 as amended by section 2, chapter 7, Laws of 1973 1st ex. sess. and RCW 54.44.020 are each amended to read as follows:

In addition to the powers heretofore conferred upon cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", for the undivided ownership of nuclear and other thermal power generating plants and facilities, and transmission facilities including, but not limited to, related transmission facilities, hereinafter called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money

furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

Each city, public utility district, joint operating agency and regulated utility participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect, and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, pursuant to agreement with such county or taxing district.

Passed the Senate February 5, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 14, 1974.
Filed in Office of Secretary of State February 14, 1974.

CHAPTER 73
[Reengrossed Senate Bill No. 2235]
PRECINCT COMMITTEEMEN—
ABSENTEE VOTING

AN ACT Relating to absentee voting; amending section 29.36.030, chapter 9, Laws of 1965 and RCW 29.36.030; amending section 29.36.070, chapter 9, Laws of 1965 and RCW 29.36.070; and amending section 29.36.095, chapter 9, Laws of 1965 as amended by section 39, chapter 202, Laws of 1971 ex. sess. and RCW 29.36.095.

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

Section 1. Section 29.36.030, chapter 9, Laws of 1965 and RCW 29.36.030 are each amended to read as follows:

Upon receipt of the certificate, either signed by the voter or attached to the voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

At each general election in the even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committeeman provided that two or more candidates have filed for the same political party in the absentee voter's precinct and providing space for writing in the name of additional candidates.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

(1) Instructions for voting.

(2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.

(3) A size #10 envelope, capable of being sealed and preaddressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of }
 } ss.
County of }

I,, do solemnly swear under the penalty as set forth in RCW 29.36.110 (see below), that I am a resident of and qualified voter in precinct of city in county, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19.: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed)
Voter

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.

Sec. 2. Section 29.36.070, chapter 9, Laws of 1965 and RCW 29.36.070 are each amended to read as follows:

Upon the canvass of the votes, if there are on file one or more absentee ballot inner envelopes, the canvassing authority shall cause such envelopes to be opened and the ((ballots to)) absentee precinct committeeman ballot, if any, shall be physically separated from the remainder of the absentee ballot. The absentee precinct committeeman ballot shall be, subject to the provisions of RCW

29.36.075 and 29.36.077, counted separately. The remainder of the absentee ballot shall be grouped and counted without regard as to precinct by legislative districts if the election is a state primary or state election, special or general.

These ballots shall be made a part of the returns and handled accordingly.

Sec. 3. Section 29.36.095, chapter 9, Laws of 1965 as amended by section 39, chapter 202, Laws of 1971 ex. sess. 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. Such lists of absentee voters shall be 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 the absentee ballot~~)).

Passed the Senate January 24, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 15, 1974.
Filed in Office of Secretary of State February 15, 1974.

CHAPTER 74
[Reengrossed Senate Bill No. 2408]
MUNICIPAL COMPETITIVE BIDDING REQUIREMENTS—
REMEDIES—PENALTIES—
PROFESSIONAL SERVICES EXCLUSION

AN ACT Relating to municipal competitive bidding requirements; providing remedies; amending section 35.23.352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23.352; adding a new section to chapter 39.30 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 39.30 RCW a new section to read as follows:

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in wilfull and intentional violation of any law, municipal charter, ordinance, resolution or other enactment requiring competitive bidding upon such contract shall be held liable to a civil penalty of not less than three

hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his office. For purposes of this section, "municipal officer" shall mean an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

Sec. 2. Section 35.23.352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23.352 are each amended to read as follows:

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder; 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 and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the 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 postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 15, 1974.
Filed in Office of Secretary of State February 15, 1974.

CHAPTER 75
[House Bill No. 437]
INTERMEDIATE SCHOOL DISTRICTS

AN ACT Relating to intermediate school districts; amending section 3, chapter 176, Laws of 1969 ex. sess. as amended by section 3, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.030; adding new sections to chapter 28A.21 RCW to be codified as RCW 28A.21.0301 through 28A.21.0306; amending section 4, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.035; amending section 15, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.095; amending section 10, chapter 176, Laws of 1969 ex. sess. as amended by section 16, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.100; amending section 19, chapter 34, Laws of 1969 ex. sess. as amended by section 6, chapter 48, Laws of 1971 and RCW 28A.21.105; amending section 20, chapter

34, Laws of 1969 ex. sess. as amended by section 7, chapter 48, Laws of 1971 and RCW 28A.21.106; amending section 11, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 3, Laws of 1972 1st ex. sess. and RCW 28A.21.110; adding new sections to chapter 28A.21 RCW to be codified as RCW 28A.21.111 through 28A.21.113; amending section 12, chapter 176, Laws of 1969 ex. sess. as amended by section 18, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.120; amending section 18, chapter 176, Laws of 1969 ex. sess. as amended by section 24, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.180; creating new sections; repealing section 43, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.145; repealing section 25, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.185; and repealing section 20, chapter 176, Laws of 1969 ex. sess., section 27, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.190.

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

Section 1. Section 3, chapter 176, Laws of 1969 ex. sess. as amended by section 3, chapter 282, Laws of 1971 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 consisting of seven members elected by the voters of the intermediate school district, one from each of seven intermediate school district board-member districts. Board-member districts in districts reorganized under RCW 28A.21.020, or as provided for in RCW 28A.21.035 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.21.020 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 registered voters of the respective board member district. Beginning in 1971 and every 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 ((May 27, 1974 and the next general school election immediately following)) any reorganization pursuant to this chapter. Such district board, 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, shall decide such questions.

((Election of board members shall be held at the time of the general school election: 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.

The term of office for each board member shall be four years and until 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 number 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: 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. 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.

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. 2. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.0301 to read as follows:

Election of board members shall be held at the time of the general school election. 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.

NEW SECTION. Sec. 3. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.0302 to read as follows:

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.

NEW SECTION. Sec. 4. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.0303 to read as follows:

The term of office for each board member shall be four years and until 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.

NEW SECTION. Sec. 5. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.0304 to read as follows:

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 number 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.

NEW SECTION. Sec. 6. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.0305 to read as follows:

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. 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. 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.

NEW SECTION. Sec. 7. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.0306 to read as follows:

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.

Sec. 8. Section 4, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.035 are each amended to read as follows:

Any intermediate school district board which elects under RCW ((28A.21.030)) 28A.21.0304 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 RCW 28A.21.030, 28A.21.0301 through 28A.21.0303, 28A.21.0305 and 28A.21.0306.

Sec. 9. Section 15, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.095 are each amended 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 1974 amendatory act)) law 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. 10. Section 10, chapter 176, Laws of 1969 ex. sess. as amended by section 16, chapter 282, Laws of 1971 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 the office at such salaries as may be determined by the intermediate school district board (~~of education~~) and shall pay such salaries out of the budget of the district. 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 on an acting basis an assistant superintendent to perform any of the duties of the office.

Sec. 11. Section 19, chapter 34, Laws of 1969 ex. sess. as amended by section 6, chapter 48, Laws of 1971 and RCW 28A.21.105 are each amended to read as follows:

No certificated employee of an 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 intermediate school district superintendent and the other shall be delivered to the employee.

Every 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. 12. Section 20, chapter 34, Laws of 1969 ex. sess. as amended by section 7, chapter 48, Laws of 1971 and RCW 28A.21.106 are each amended to read as follows:

Every 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 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. 13. Section 11, chapter 176, Laws of 1969 ex. sess. as last amended by section 1, chapter 3, Laws of 1972 1st ex. sess. and RCW 28A.21.110 are each amended to read as follows:

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

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

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

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

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

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

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

{7} Require the oath of office of all school district officers be filed as provided in RCW 28A.57.322 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file.

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

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

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

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

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

NEW SECTION. Sec. 14. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.111 to read as follows:

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

(1) 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.

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

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

NEW SECTION. Sec. 15. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.112 to read as follows:

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

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

(2) Require the oath of office of all school district officers be filed as provided in RCW 28A.57.322 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file.

NEW SECTION. Sec. 16. There is added to chapter 28A.21 RCW a new section to be codified as RCW 28A.21.113 to read as follows:

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

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

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

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

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

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

Sec. 17. Section 12, chapter 176, Laws of 1969 ex. sess. as amended by section 18, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.120 are each amended to read as follows:

The intermediate school district board shall designate the headquarters office of the intermediate school district. The board of county commissioners in each county, when so requested by the

intermediate school district board, in each year prior to July 1, 1979, shall provide the intermediate school district superintendent and employees with suitable quarters and office, which shall include heating, contents insurance, electricity, and custodial services, for the operations of the intermediate school district. Commencing July 1, 1979, intermediate school districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the intermediate school district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the intermediate school district superintendent. Whenever the boundaries of any of the intermediate school districts are reorganized pursuant to RCW 28A.21.020, 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 the appropriate intermediate school district.

NEW SECTION. Sec. 18. Prior to November 1, 1974, the state board of education shall make a study of intermediate school district future physical plant needs and recommended methods for the funding thereof, such findings to be presented to the next regular session of the legislature for consideration and action thereon. Prior to November 1, 1974, the office of superintendent of public instruction shall make a study of the maintenance and operation funding for intermediate districts, including the impact of funding arrangements contemplated in this 1974 act, and present its findings along with a model for future funding of intermediate districts to the next regular session of the legislature.

NEW SECTION. Sec. 19. Section 43, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.145 are each hereby repealed.

Sec. 20. Section 18, chapter 176, Laws of 1969 ex. sess. as amended by section 24, chapter 282, Laws of 1971 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 held in any year prior to July 1, 1979, and shall pay each year from their county current expense fund to the intermediate school district 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 or districts and/or intermediate school district or districts for the year 1969: PROVIDED, That after December 31, 1976, the county commissioners of each county shall in each succeeding calendar year

reduce their respective appropriations to the intermediate school districts in level increments of one-fourth the 1969 appropriated amounts. In addition the county commissioners of each county shall pay for services other than those of the county treasurer((?)) and 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; PROVIDED, That after June 30, 1979, the county commissioners of each county may terminate such services or charge the intermediate school districts for such services. The county treasurers((?)) and auditors((, and prosecutors)) shall provide their services without charge to the intermediate school districts.

NEW SECTION. Sec. 21. Section 25, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.185 are each hereby repealed.

NEW SECTION. Sec. 22. Section 20, chapter 176, Laws of 1969 ex. sess., section 27, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.190 are each hereby repealed.

NEW SECTION. Sec. 23. The superintendent of public instruction shall be responsible for the provision of legal services to all intermediate school districts: PROVIDED, That any intermediate school district board may contract with any county for the legal services of its prosecuting attorney.

NEW SECTION. Sec. 24. If any provision of this 1974 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 21, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 15, 1974.
Filed in Office of Secretary of State February 15, 1974.

CHAPTER 76
[House Bill No. 1226]
MUNICIPAL TRANSIT VEHICLES

AN ACT Relating to motor vehicles; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 3, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.095; amending section 46.04.620, chapter 12, Laws of 1961 and RCW 46.04.620; amending section 46.44.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 248, Laws of 1971 ex. sess. and

RCW 46.44.030; adding a new section to chapter 46.04 RCW; and declaring an emergency.

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

Section 1. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 3, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.095 are each amended to read as follows:

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of thirty dollars for each one thousand pounds of excess weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: PROVIDED, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: AND PROVIDED FURTHER, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8	34,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			

23	53,000	57,500	62,500	68,000			
24	54,000	58,000	63,000	68,500	74,000		
25	54,500	58,500	64,500	69,000	74,500		
26	55,500	59,500	65,000	69,500	75,000		
27	56,000	60,000	65,000	70,000	75,500		
28	57,000	60,500	65,500	71,000	76,500	82,000	
29	57,500	61,500	66,000	71,500	77,000	82,500	
30	58,500	62,000	66,500	72,000	77,500	83,000	
31	59,000	62,500	67,500	72,500	78,000	83,500	
32	60,000	63,500	68,000	73,000	78,500	84,500	90,000
33		64,000	68,500	74,000	79,000	85,000	90,500
34		64,500	69,000	74,500	80,000	85,500	91,000
35		65,500	70,000	75,000	80,500	86,000	91,500
36		66,000	70,500	75,500	81,000	86,500	92,000
37		66,500	71,000	76,000	81,500	87,000	93,000
38		67,500	72,000	77,000	82,000	87,500	93,500
39		68,000	72,500	77,500	82,500	88,500	94,000
40		68,500	73,000	78,000	83,500	89,000	94,500
41		69,500	73,500	78,500	84,000	89,500	95,000
42		70,000	74,000	79,000	84,500	90,000	95,500
43		70,500	75,000	80,000	85,000	90,500	96,000
44		71,500	75,500	80,500	85,500	91,000	96,500
45		72,000	76,000	81,000	86,000	91,500	97,500
46		72,500	76,500	81,500	87,000	92,500	98,000
47		73,500	77,500	82,000	87,500	93,000	98,500
48		74,000	78,000	83,000	88,000	93,500	99,000
49		74,500	78,500	83,500	88,500	94,000	99,500
50		75,500	79,000	84,000	89,000	94,500	100,000
51		76,000	80,000	84,500	89,500	95,000	100,500
52		76,500	80,500	85,000	90,500	95,500	101,000
53		77,500	81,000	86,000	91,000	96,500	102,000
54		78,000	81,500	86,500	91,500	97,000	102,500
55		78,500	82,500	87,500	92,000	97,500	103,000
56		79,500	83,000	87,500	92,500	98,000	103,500
57		80,000	83,500	88,000	93,000	98,500	104,000
58			84,000	89,000	94,000	99,000	104,500
59			85,000	89,500	94,500	99,500	105,000
60			85,500	90,000	95,000	100,500	105,500

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such

additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees.

Sec. 2. Section 46.44.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 248, Laws of 1971 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 other than a municipal transit 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.

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 46.04.620, chapter 12, Laws of 1961 and RCW 46.04.620 are each amended to read as follows:

"Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof.

NEW SECTION. Sec. 4. There is added to chapter 46.04 RCW a new section to read as follows:

Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, or metropolitan municipal corporation within the state, and (3) is used for the

purpose of carrying passengers together with incidental baggage and freight on a regular schedule.

NEW SECTION. Sec. 5. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 24, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 15, 1974.
Filed in Office of Secretary of State February 15, 1974.

CHAPTER 77

[House Bill No. 1303]

SECURITIES REGULATION

AN ACT Relating to securities regulation; amending section 4, chapter 282, Laws of 1959 and RCW 21.20.040; amending section 7, chapter 282, Laws of 1959 and RCW 21.20.070; amending section 10, chapter 37, Laws of 1961 and RCW 21.20.135; amending section 23, chapter 282, Laws of 1959 as amended by section 6, chapter 37, Laws of 1961 and RCW 21.20.230; amending section 26, chapter 282, Laws of 1959 and RCW 21.20.260; amending section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 79, Laws of 1972 ex. sess. and RCW 21.20.320; amending section 3, chapter 199, Laws of 1967 and RCW 21.20.325; amending section 34, chapter 282, Laws of 1959 as last amended by section 4, chapter 17, Laws of 1965 and RCW 21.20.340; amending section 38, chapter 282, Laws of 1959 and RCW 21.20.380; amending section 39, chapter 282, Laws of 1959 and RCW 21.20.390; amending section 43, chapter 282, Laws of 1959 as amended by section 2, chapter 199, Laws of 1967 and RCW 21.20.430; adding new sections to chapter 282, Laws of 1959 and to chapter 21.20 RCW; and making an effective date.

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

Section 1. Section 4, chapter 282, Laws of 1959 and RCW 21.20.040 are each amended to read as follows:

It is unlawful for any person to transact business in this state as a broker-dealer or salesman, except in transactions exempt under ((REW 21.20.320)) section 6 of this 1974 amendatory act, unless he is registered under this chapter((=)): PROVIDED, That an exemption from registration as a broker-dealer or salesman to sell or resell condominium units sold in conjunction with an investment contract, may be provided by rule or regulation of the director as to persons who are licensed pursuant to the provisions of chapter 18.85 RCW. It

is unlawful for any broker-dealer or issuer to employ a salesman unless the salesman is registered. It is unlawful for any person to transact business in this state as an investment adviser unless (1) he is so registered under this chapter, or (2) he is registered as a broker-dealer under this chapter, or (3) his only clients in this state are investment companies as defined in the Investment Company Act of 1940, of [or] insurance companies.

Sec. 2. Section 7, chapter 282, Laws of 1959 and RCW 21.20.070 are each amended to read as follows:

If no denial order is in effect and no proceeding is pending under RCW 21.20.110, registration becomes effective when the applicant has successfully passed the written examination required under this section or satisfactorily demonstrated that he is exempt from the written examination requirements of this section. The director shall require as a condition of registration that the applicant (and, in the case of a corporation or partnership, all officers, directors or partners doing securities business in this state) pass a written examination as evidence of knowledge of the securities business: PROVIDED, That not more than two officers of an issuer may be registered as a salesman for a particular original offering of the issuers securities without being required to pass such written examination: AND PROVIDED FURTHER, That no such officer may again register within five years as such salesman for this or any other issuer without passing the written examination. Such examination shall be given twice a year or at such more frequent intervals as the advisory committee shall direct.

Any applicant for registration as a salesman who has successfully passed, within the preceding five years, a salesman examination by a national securities association registered under the Securities and Exchange Act of 1934, (15 U.S.C. Sec. 78-a-78jj), and since the passage of such examination, has been employed by broker-dealers, who were at the time of said employment members of such an association, shall be exempt from the written examination requirements of this section.

Sec. 3. Section 10, chapter 37, Laws of 1961 and RCW 21.20.135 are each amended to read as follows:

No suit or action shall be brought for the collection of a commission for the sale of a security, as defined within this chapter without alleging and proving that the plaintiff was ((either)) a duly licensed salesman for an issuer or a broker-dealer, or exempt under the provisions of section 1 of this 1974 amendatory act, or a duly licensed broker-dealer in this state or another state at the time the alleged cause of action arose.

Sec. 4. Section 23, chapter 282, Laws of 1959 as amended by section 6, chapter 37, Laws of 1961 and RCW 21.20.230 are each amended to read as follows:

A registration statement by qualification under RCW 21.20.210 becomes effective if no stop order is in effect and no proceeding is pending under RCW 21.20.280 and 21.20.300, at three o'clock Pacific standard time in the afternoon of the fifteenth full business day after the filing of the registration statement or the last amendment, or at such earlier time as the director determines. The director may require as a condition of registration under this section that a prospectus containing any ~~((designated part of the))~~ information ~~((specified in RCW 21:20:210))~~ necessary for complete disclosure of any material fact relating to the security offering be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him ~~((otherwise))~~ other than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs; but the director shall accept for use under any such requirement a current prospectus or offering circular regarding the same securities filed under the Securities Act of 1933 or regulations thereunder.

Sec. 5. Section 26, chapter 282, Laws of 1959 and RCW 21.20.260 are each amended to read as follows:

When securities are registered by notification, coordination, or qualification, they may be offered and sold by the issuer, any other person on whose behalf they are registered or by any registered broker-dealer or any person acting within the exemption provided in section 1 of this 1974 amendatory act. Every registration shall remain effective until revoked by the director or until terminated upon request of the registrant with the consent of the director. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any nonissuer transaction.

Sec. 6. Section 32, chapter 282, Laws of 1959 as last amended by section 1, chapter 79, Laws of 1972 ex. sess. and RCW 21.20.320 are each amended to read as follows:

Except as hereinafter in this section expressly provided, ~~((RCW 21:20:040 through 21:20:300; inclusive))~~ sections 1, 2, 3, 4, and 5 of this 1974 amendatory act, RCW 21.20.050, 21.20.060,

21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.140, 21.20.150, 21.20.160, 21.20.170, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.240, 21.20.250, 21.20.270, 21.20.280, 21.20.290 and 21.20.300, shall not apply to any of the following transactions:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offer directed by the offerer to not more than twenty persons (other than those designated in subsection (8) of this section) in this state during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if (a) the seller reasonably believes that all the buyers are purchasing for investment, and (b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to section 1 of this 1974 amendatory act, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such

broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics:

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness or stock for a patronage dividend, or for contributions to capital by such patrons in the association provided that any such receipt, written notice or certificate made pursuant to this paragraph shall be nontransferable except in the case of death or by operation of law and shall so state conspicuously on its face.

The director may by order deny or revoke the exemption specified in subsection (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of an opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

Sec. 7. Section 3, chapter 199, Laws of 1967 and RCW 21.20.325 are each amended to read as follows:

The director or administrator may by order deny ~~((or))~~, revoke, or condition any exemption specified in subsections (9) or

(11) of RCW 21.20.310 or in ((REW 24-20-320)) section 6 of this 1974 amendatory act with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the director or administrator may by order summarily deny ((or)) , revoke, or condition any of the specified exemptions pending final determination of any proceeding under this section. Upon the entry of a summary order, the director or administrator shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director or administrator, the order will remain in effect until it is modified or vacated by the director or administrator. If a hearing is requested or ordered, the director or administrator, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this section may operate retroactively. No person may be considered to have violated RCW 21.20.140 as now or hereafter amended by reason of any offer or sale effected after the entry of an order under this section if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the order.

Sec. 8. Section 34, chapter 282, Laws of 1959 as last amended by section 4, chapter 17, Laws of 1965 and RCW 21.20.340 are each amended to read as follows:

The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a twenty-

five dollar fee renew for an additional twelve month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the fee shall be ((~~twenty-five~~)) fifty dollars for initial filing fee for the first twelve month period plus ((~~twenty-five~~)) fifty dollars for each additional twelve months in which the same offering is continued.

(4) For filing an annual statement, the fee shall be ten dollars.

(5) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and fifty dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(6) For registration of a salesman, the fee shall be twenty-five dollars for original registration with each employer and ten dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For written examination for registration as a salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(8) If the application for a renewal license is not received by the department on or before March 5 of each year the renewal license fee for a late license for a broker-dealer or an investment adviser shall be seventy-five dollars and for a salesman shall be fifteen dollars. Acceptance by the director of an application for renewal after March 5 shall not be a waiver of delinquency.

(9) (a) For the transfer of a broker-dealer license to a successor, the fee shall be twenty-five dollars.

(b) For the transfer of a salesman from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be fifteen dollars.

(10) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(11) All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

Sec. 9. Section 38, chapter 282, Laws of 1959 and RCW 21.20.380 are each amended to read as follows:

For the purpose of any investigation or proceeding under this chapter, 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.

~~((1))~~ In case of contumacy by, or refusal to obey a subpoena issued to, any person; any court of competent jurisdiction; upon application by the director; may issue to that person an order requiring him to appear before the director; or the officer designated by him; there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court:

~~((2))~~ In case of disobedience on the part of any person to comply with any subpoena lawfully issued by the director, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the superior court of any county or the judge thereof, on application of the director, and after satisfactory evidence of wilful disobedience, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such a court on a refusal to testify therein.

No person is excused from attending and testifying or from producing any document or record before the director or in obedience to the subpoena of the director or any officer designated by him, or in any proceeding instituted by the director, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 10. Section 39, chapter 282, Laws of 1959 and RCW 21.20.390 are each amended to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may in his discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice: PROVIDED, That reasonable notice of and opportunity for a hearing shall be given: PROVIDED, FURTHER, That the director may issue a temporary order pending the hearing which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is

addressed does not request a hearing within fifteen days after the receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond.

Sec. 11. Section 43, chapter 282, Laws of 1959 as amended by section 2, chapter 199, Laws of 1967 and RCW 21.20.430 are each amended to read as follows:

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.140 through ~~((21-20-230))~~ 21.20.220 and section 4 of this 1974 amendatory act, or offers or sells a security by means of fraud or misrepresentation is liable to the person buying the security from him, who may sue either at law or in equity to recover the consideration paid for the security, together with interest at six percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at six percent per annum from the date of disposition.

(2) Every person who directly or indirectly controls a seller liable under subsection (1) above, every partner, officer, or director (or person occupying a similar status or performing similar functions) or employee of such a seller who materially aids in the sale, and every broker-dealer ~~((or))~~, salesman or person exempt under the provisions of section 1 of this 1974 amendatory act who materially aids in the sale is also liable jointly and severally with and to the same extent as the seller, unless the nonseller who is so liable sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(3) Any tender specified in this section may be made at any time before entry of judgment. Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant. No person may sue under this section more than three years after the contract of sale. No person may sue under

this section (a) if the buyer received a written offer, before suit and at a time when he owned the security, to refund the consideration paid together with interest at six percent per annum from the date of payment, less the amount of any income received on the security, and he failed to accept the offer within thirty days of its receipt, or (b) if the buyer received such an offer before suit and at a time when he did not own the security, unless he rejected the offer in writing within thirty days of its receipt.

(4) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

NEW SECTION. Sec. 12. There is added to chapter 282, Laws of 1959 and to chapter 21.20 RCW a new section to read as follows:

The director may in his discretion mail notice to the registrant in any pending registration in which no action has been taken for nine months immediately prior to the mailing of such notice, advising such registrant that the pending registration will be terminated thirty days from the date of mailing unless on or before said termination date the registrant makes application in writing to the director showing good cause why it should be continued as a pending registration. If such application is not made or good cause shown, the director shall terminate the pending registration.

NEW SECTION. Sec. 13. There is added to chapter 282, Laws of 1959 and to chapter 21.20 RCW a new section to read as follows:

In the enforcement of this chapter, the director may accept an assurance of discontinuance of violations of the provisions of this chapter from any person deemed by the director to be in violation hereof. Any such assurance shall be in writing, may state that the person giving such assurance does not admit to any violation of this chapter, and shall be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. Proof of failure to comply with the assurance of discontinuance shall be prima facie evidence of a violation of this chapter.

NEW SECTION. Sec. 14. This 1974 amendatory act shall take effect on July 1, 1974.

Passed the House January 29, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 15, 1974.
Filed in Office of Secretary of State February 15, 1974.

CHAPTER 78
[Substitute House Bill No. 10]
COMMERCIAL TRANSACTIONS--
DISCLAIMER OF WARRANTY--
LIMITATION OF CONSEQUENTIAL DAMAGES

AN ACT Relating to commercial transactions; amending section 2-316, chapter 157, Laws of 1965 ex. sess. and RCW 62A.2-316; and amending section 2-719, chapter 157, Laws of 1965 ex. sess. and RCW 62A.2-719.

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

Section 1. Section 2-316, chapter 157, Laws of 1965 ex. sess. and RCW 62A.2-316 are each amended to read as follows:

(1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of this Article on parol or extrinsic evidence (RCW 62A.2-202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that "There are no warranties which extend beyond the description on the face hereof."

(3) Notwithstanding subsection (2)

(a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section and the provisions of section 2 of this 1974

amendatory act, in any case where goods are purchased or leased primarily for personal, family or household use or for commercial or business use, disclaimers of the warranty of merchantability or fitness for particular purpose shall not be effective to limit the liability of merchant sellers or lessors or manufacturers except insofar as the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted. Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (RCW 62A.2-718 and RCW 62A.2-719).

Sec. 2. Section 2-719, chapter 157, Laws of 1965 ex. sess. and RCW 62A.2-719 are each amended to read as follows:

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Title.

(3) ~~((Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not:))~~ Limitation of consequential damages for injury to the person in the case of goods purchased or leased primarily for personal, family or household use or of any services related thereto is invalid unless it is proved that the limitation is not unconscionable. Limitation of remedy to repair or replacement of defective parts or nonconforming goods is invalid in sales or leases of goods primarily for personal, family or household use unless the manufacturer or seller maintains or provides within this state facilities adequate to provide reasonable and expeditious performance of repair or replacement obligations.

Limitation of other consequential damages is valid unless it is established that the limitation is unconscionable.

Passed the House February 8, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 79

[House Bill No. 102]

PROPERTY CONDEMNATION AWARDS--

SPECIAL BENEFITS SET-OFF--

LIEN--FEES

AN ACT Relating to property condemnation for highway, road, or street purposes; adding new sections to chapter 8.25 RCW; 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 1974 act to provide procedures whereby more just and equitable results are accomplished when real property has been condemned for a highway, road, or street and an award made which is subject to a setoff for benefits inuring to the condemnee's remaining land.

NEW SECTION. Sec. 2. Whenever land, real estate, premises or other property is to be taken or damaged for a highway, road, or street and the amount offered as just compensation includes a setoff in recognition of special benefits accruing to a remainder portion of the property the property owner shall elect one of the following options:

(1) Trial on the question of just compensation which shall finally determine the amount of just compensation; or

(2) Acceptance of the offered amount as a final determination of just compensation; or

(3) Demand the full amount of the fair market value of any property taken plus the amount of damages if any caused by such acquisition to a remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property as those several amounts are agreed to by the parties; or

(4) Demand a trial before a jury unless jury be waived to establish the fair market value of any property taken and the amount of damages if any caused by such acquisition to a remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property.

The selection of the option set forth in subsections (3) or (4) of this section is subject to the consent by the property owner

to the creation and recording of a lien against the remainder in the amount of the fair market value of any property taken plus the amount of damages caused by such acquisition to the remainder of the property without offsetting the amount of any special benefits accruing to a remainder of the property, plus interest as it accrues.

NEW SECTION. Sec. 3. A lien established as provided in section 2 of this 1974 act shall be satisfied or released by:

(1) Agreement between the parties to that effect; or
(2) Payment of the lien amount plus interest at the rate of five percent per annum; or

(3) Payment of the amount of offsetting special benefits as established pursuant to section 2(3) of this 1974 act plus interest at the rate of five percent per annum within four years of the date of acquisition; or

(4) Satisfaction of a judgment lien entered as a result of a trial before a jury unless jury be waived to establish the change in value of the remainder of the original parcel because of the construction of the project involved: PROVIDED, That if the result of the trial is to find no special benefits then the lien is extinguished by operation of law. Trial may be had on the petition of any party to the superior court of the county wherein the subject remainder lies after notice of intent to try the matter of special benefits has been served on all persons having an interest in the subject remainder. Such notice shall be filed with the clerk of the superior court and personally served upon all persons having an interest in the subject remainder. Filing a notice of intent to try the matter of special benefits shall be accompanied by a fee in the amount paid when filing a petition in condemnation.

(5) Upon expiration of six years time from the date of acquisition without commencement of proceedings to foreclose the lien or try the matter of special benefits to the remainder of the property, the lien shall terminate by operation of law.

NEW SECTION. Sec. 4. A judgment entered as a result of a trial on the matter of special benefits shall not exceed the previously established sum of (1) the fair market value of any property taken; (2) the amount of damages if any to a remainder of the property, without offsetting against either of them the amount of any special benefits accruing to a remainder of the property; (3) the interest at five percent per annum accrued thereon to the date of entry of the judgment.

NEW SECTION. Sec. 5. Attorney fees and expert witness fees of the condemnee may be allowed by the attorney general or other attorney representing a condemnor to the extent provided in RCW 8.25.070 and shall be awarded by the court as authorized by this

section to the extent provided in RCW 8.25.070 for trial and trial preparation: (1) in the event a trial is held as authorized by section 2 of this 1974 act except the judgment awarded to the condemnor must exceed by ten percent or more the highest written offer in settlement of the issue to be determined by trial submitted by the condemnor to those condemnees appearing in the action at least thirty days prior to commencement of the trial; (2) in the event of a trial on the matter of special benefits as authorized by section 3(4) of this 1974 act except the judgment awarded to the condemnor must be no more than ninety percent of the lowest written offer in settlement submitted by the condemnor to the condemnees appearing in the action at least thirty days prior to commencement of the trial on the matter of special benefits.

NEW SECTION. Sec. 6. A condemnor may foreclose the lien authorized by section 2 of this 1974 act by bringing an action and applying for summary judgment pursuant to civil rule 56 and may execute first upon the remainder property but such proceedings shall not be commenced before five years time has passed from the date of acquisition by the condemnor. A property owner may stay proceedings to enforce the lien authorized by section 2 of the 1974 act by commencement of an action to try the matter of special benefits.

NEW SECTION. Sec. 7. Sections 1 through 7 of this 1974 act shall be added to chapter 8.25 RCW.

NEW SECTION. Sec. 8. This 1974 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 11, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 80
[House Bill No. 289]
STATE HIGHWAYS—
SPECIFIC INFORMATION PANELS—
BUSINESS SIGNS

AN ACT Relating to outdoor advertising; amending section 2, chapter 96, Laws of 1961 as amended by section 1, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.020; and adding new sections to chapter 96, Laws of 1961 and to chapter 47.42 RCW.

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

Section 1. Section 2, chapter 96, Laws of 1961 as amended by section 1, chapter 62, Laws of 1971 ex. sess. and RCW 47.72.020 [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) "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 system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) 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 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 RCW 47.42.025;

(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;

(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 May 10, 1971.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

- (a) The words "GAS," "FOOD," or "LODGING" and directional information; and
- (b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or device are prohibited.

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 Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of the interstate highway system to give the traveling public specific information as to gas, food, or lodging available on a crossroad at or near an interchange. Specific information panels shall include

the words "GAS," "FOOD," or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23, United States Code and regulations adopted by the commission. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance.

NEW SECTION. Sec. 3. Nothing in this chapter shall be construed to permit a person to erect or maintain a sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city or town of the state of Washington.

NEW SECTION. Sec. 4. There is added to chapter 47.42 RCW a new section to read as follows:

The Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of those portions both of the primary system and the scenic system lying outside of cities and towns and lying outside of commercial and industrial areas to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Specific information panels shall include the words "GAS", "FOOD", "RECREATION", or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and regulations adopted by the commission including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of

individual business signs to defray the costs of their installation and maintenance.

Passed the House February 8, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 81

[Substitute House Bill No. 833]

CITY AND COUNTY JAIL ACT OF 1974

AN ACT Relating to city and county jails; adding a new chapter to Title 36 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. It is the policy of this state that jail facilities provide a humane and safe environment consistent with efficient use of available funds and it is therefore the purpose of this chapter to provide for the determination of the role of the state regarding detention and correctional services and facilities, to permit classification of local detention and correctional facilities on the basis of their purpose and their function, to allow for the formulation of state-wide minimum standards for any newly constructed or substantially remodeled facilities regarding physical plant, limitations on types of use, standards for health, safety, safekeeping, conditions of confinement, and welfare of persons confined, to allow for the determination of a fiscal impact of the implementation of these standards and to have presented to the legislature a proposal for financing of any construction or modernization required to meet these standards.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Detention facility" means a facility operated by a governing unit, primarily designed, staffed and used for the temporary housing of persons charged with a violation or criminal offense prior to trial or sentencing and for the temporary housing of such persons for limited periods following trial and/or sentencing.

(2) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of persons following conviction of a violation or criminal offense with primary emphasis on the provision of corrective and rehabilitative services to such persons.

(3) "Health care" means medical, dental, and mental health care, as well as the provision of prescription drugs.

(4) "Commission" means the state-wide city and county jail commission created by section 3 of this 1974 act.

(5) "Substantially remodeled" means significant alterations made to the physical plant of a jail or correctional facility, as defined by the commission.

(6) "Jail" as used in this chapter or in other statutes relating to jails operated by governing units as defined in this chapter, means a detention facility as defined herein.

(7) "Governing unit" means the city and/or county or any combination of cities and/or counties responsible for the operation, supervision, and maintenance of a detention facility or correctional facility.

NEW SECTION. Sec. 3. A state-wide city and county jail commission shall be appointed by the governor. This commission shall provide a plan for the periodic inspection of all detention and correctional facilities and shall promulgate all regulations pursuant to the provisions of this chapter. The commission shall consist of fifteen members, who shall be selected as follows:

(1) The governor shall appoint: (a) An incumbent sheriff from a county of the first class or larger; (b) an incumbent sheriff from a county of the second class or smaller; (c) an incumbent chief of police from a city with a population of one hundred thousand or more; and (d) an incumbent chief of police from a city with a population of less than one hundred thousand;

(2) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney;

(3) The governor shall appoint one incumbent superior or district court judge;

(4) The governor shall appoint two elected officials of municipal governments;

(5) The governor shall appoint two elected officials of county governments;

(6) The governor shall appoint one medical doctor licensed by the state of Washington;

(7) The governor shall appoint a member of the local government committee of the Washington state house of representatives who is also a member of this committee's subcommittee on county, city jail standards;

(8) The governor shall appoint the secretary of the department of social and health services or his designee;

(9) The governor shall appoint two members of the public, one of whom has been incarcerated in a city or county jail or correctional facility: PROVIDED, That at least six of these members of the commission shall reside east of the crest of the Cascade mountain range: PROVIDED, FURTHER, That, any member of the commission appointed pursuant to this section as an incumbent

official shall immediately upon the termination of his holding of said office cease to be a member of the commission.

The chairman of the commission shall be appointed by the governor and shall serve as chairman at his pleasure. A vice chairman shall be elected by the commission. The commission shall meet on call of the chairman or on request of a majority of its members, but not less than three times per year.

The secretary of the department of social and health services shall provide the necessary staff, office space and necessary expenses of the commission.

NEW SECTION. Sec. 4. Members of the commission shall, pursuant to RCW 43.03.050, receive authorized per diem for the time spent in performance of 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. 5. The commission shall:

(1) Examine, and by December 1, 1974, present to the legislature recommendations relating to detention and correction services, including the formulation of the role of the state and local governing units regarding detention and correctional facilities;

(2) Formulate proposed minimum standards and rules for detention and correctional facilities regarding physical plant, limitations on types of use, standards for health safety, safekeeping, conditions of confinement, and welfare of persons confined: PROVIDED, That all such standards shall be adopted pursuant to the provisions of chapter 34.04 RCW: PROVIDED FURTHER, That such standards shall not be enforceable before an effective date set by the legislature which date shall not be sooner than one year following receipt by the legislature of the commission's report regarding the matters set forth in this section;

(3) Propose the administrative form for formulating and enforcing minimum standards and rules for detention and correctional facilities;

(4) Determine the fiscal impact of the implementation of the standards and rules enumerated in section 5 (2) and section 6 of this 1974 act; and

(5) Present to the legislature a proposal for the financing of any implementation, construction or modernization required to meet the standards and rules enumerated in section 5 (2) and section 6 of this 1974 act: PROVIDED, That the commission shall present these determinations and standards to the legislature by December 1, 1974.

NEW SECTION. Sec. 6. The commission shall formulate proposed minimum standards and rules for detention and correctional facilities regarding:

- (1) The keeping of records;
- (2) The separation of inmates;
- (3) The posting of rules of conduct in jails;
- (4) The employment of inmates;
- (5) The provision of emergency and other health care for all inmates;
- (6) A sufficient number of personnel to be on duty in jail facilities;
- (7) Plans for fire suppression;
- (8) An inmate education plan;
- (9) An inmate visitation plan;
- (10) An inmate correspondence plan, providing for confidential communications between an inmate and his or her counsel;
- (11) An inmate library service plan utilizing the services of professional librarians in formulating the plan;
- (12) An inmate exercise and recreation program;
- (13) The use of and purchase of books, magazines and newspapers by inmates;
- (14) The use of disciplinary actions: PROVIDED, That all cruel and unusual punishment is prohibited;
- (15) The provision of healthful food;
- (16) The supplying of personal care items for inmates;
- (17) Showering or bathing by inmates;
- (18) Cleanliness and sanitation of the facilities;
- (19) Visiting and attorney interviews, religious services, group counseling, classroom and study, meetings, library services and indoor recreation.

NEW SECTION. Sec. 7. Sections 1 through 6 of this 1974 act shall constitute a new chapter in Title 36 RCW and shall be known and cited as the city and county jail act of 1974.

NEW SECTION. Sec. 8. The provisions of this chapter shall cease to be effective and all commissions formed hereunder shall be abolished on June 30, 1975.

NEW SECTION. Sec. 9. If any provision of this 1974 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 1974 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 8, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 82

[House Bill No. 931]

PUBLIC EMPLOYEES—

HOSPITALIZATION AND MEDICAL AID BENEFITS--

TRUSTS OF SELF-INSURANCE

AN ACT Relating to insurance; amending section 1, chapter 75, Laws of 1963 as last amended by section 6, chapter 147, Laws of 1973 1st ex. sess. [and RCW 41.04.180]; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 75, Laws of 1963 as last amended by section 6, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.04.180 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.52 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420.

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 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 83

[House Bill No. 1044]

NURSERY STOCK TAXATION—
ORIGINAL PRODUCER DEFINED

AN ACT Relating to revenue and taxation; and amending section 84.40.220, chapter 15, Laws of 1961 as amended by section 1, chapter 18, Laws of 1971 ex. sess. 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 as amended by section 1, chapter 18, Laws of 1971 ex. sess. 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 one hundred eighty days or more, shall, whether personal or real property, be considered the same as growing crops on cultivated lands: PROVIDED, That the nurserymen be licensed by the department of agriculture; PROVIDED FURTHER, That an original producer, within the meaning of this section, shall include a person who, beginning with seeds, cuttings, bulbs, corns, or any form of immature plants, grows such

plants in the course of their development into either a marketable partially grown product or a marketable consumer product.

Passed the House February 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 84

[Substitute House Bill No. 1063]
METROPOLITAN MUNICIPAL CORPORATIONS--
PUBLIC TRANSPORTATION--PACKAGE FREIGHT--
COMMITTEE, CHAIRMEN--COMPENSATION--
TRANSPORTATION FACILITIES LEASING

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.020, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.020; amending section 35.58.160, chapter 7, Laws of 1965 and RCW 35.58.160; and amending section 35.58.180, chapter 7, Laws of 1965 as amended by section 6, chapter 105, Laws of 1967 and RCW 35.58.180.

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

Section 1. Section 35.58.020, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1971 ex. sess. 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 packages, 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.

Sec. 2. Section 35.58.160, chapter 7, Laws of 1965 and RCW 35.58.160 are each amended to read as follows:

The chairman and committee chairmen of the metropolitan council except elected public officials serving on a full-time salaried basis ((shall)) may receive such compensation as the other members of the metropolitan council shall provide. Members of the council other than the chairman and committee chairmen shall receive compensation for attendance at metropolitan council or committee meetings of (~~twenty-five~~) forty dollars per diem but not exceeding a total of (~~two hundred~~) three hundred and twenty dollars in any one month, in addition to any compensation which they may receive as officers of component cities or counties: PROVIDED, That elected public officers serving in such capacities on a full time basis shall not receive compensation for attendance at metropolitan, council or committee meetings: PROVIDED FURTHER, That committee chairmen shall not receive compensation in any one year greater than one-third of the compensation authorized for the county commissioners or county councilmen of the central county. All members of the council shall

be reimbursed for expenses actually incurred by them in the conduct of official business for the metropolitan municipal corporation.

Sec. 3. Section 35.58.180, chapter 7, Laws of 1965 as amended by section 6, chapter 105, Laws of 1967 and RCW 35.58.180 are each amended to read as follows:

In addition to the powers specifically granted by this chapter a metropolitan municipal corporation shall have all powers which are necessary to carry out the purposes of the metropolitan municipal corporation and to perform authorized metropolitan functions. A metropolitan municipal corporation may contract with the United States or any agency thereof, any state or agency thereof, any other metropolitan municipal corporation, any county, city, special district, or governmental agency and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction or operation of metropolitan facilities and a metropolitan municipal corporation may contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service which the metropolitan municipal corporation may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any metropolitan public transportation facilities shall be let to any private person, firm or corporation, a general schedule of rental rates for bus equipment with or without drivers shall be publicly posted applicable to all private certificated carriers, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications and bid conditions as the metropolitan council shall determine.

A metropolitan municipal corporation may sue and be sued in its corporate capacity in all courts and in all proceedings.

Passed the House February 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 85

[House Bill No. 1171]

URBAN, RURAL, RACIAL, AND DISADVANTAGED
EDUCATION—STATE PROGRAM

AN ACT Relating to education; and urban, rural, racial, and disadvantaged education programs; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The superintendent of public instruction shall submit to each regular session of the legislature a programmed budget request for urban, rural, racial, and disadvantaged education programs.

NEW SECTION. Sec. 2. The superintendent of public instruction, within a reasonable time after the effective date of this 1974 act, shall appoint a state-wide urban, rural, racial, and disadvantaged advisory committee composed of twenty-one interested citizens, to serve at the pleasure of the superintendent.

NEW SECTION. Sec. 3. For the purposes of the urban, rural, racial, and disadvantaged program, the superintendent of public instruction shall be authorized to accept and fund program requests submitted by and operated by any public or private agency: PROVIDED, That before such agency may submit a proposal to the superintendent of public instruction the proposal shall be submitted to the school district within which the program will be operated in order to give the school district an opportunity to review the proposal: PROVIDED FURTHER, That no public or private agency may receive funds under this section if they are prohibited from receiving or using public money by the operation of other law.

NEW SECTION. Sec. 4. For the purpose of the administration of urban, rural, racial, and disadvantaged programs, the superintendent of public instruction, pursuant to RCW 28A.41.170, shall adopt and implement rules and regulations which shall include but not be limited to the following legislative concerns:

(1) That no local school district or private agency request shall be approved unless the school district or agency has meaningfully involved citizens representing the target group affected in program development.

(2) That no programs of a community-wide nature shall be approved without significant involvement in program development by that community.

(3) That programs shall be evaluated on a biennial basis, and no program shall be funded for more than two years unless the

objectives of the program have been substantially achieved or are in the process of being achieved.

(4) That programs involving interdistrict cooperation and/or the coordination with federal funding shall receive priority for state funding.

NEW SECTION. Sec. 5. The superintendent of public instruction shall have the duty to assist school districts who service urban, rural, racial, and disadvantaged populations in the formulation of total school programs that meet the needs of these populations, including the development of programs to be financed through urban, rural, racial, and disadvantaged funds.

NEW SECTION. Sec. 6. Sections 1 through 5 of this 1974 act are hereby added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

NEW SECTION. Sec. 7. If any provision of this 1974 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 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 86
[House Bill No. 1255]
GARBAGE TRUCKS—
EXCESS WEIGHT TOLERANCE

AN ACT Relating to motor vehicles; and amending section 46.44.040, chapter 12, Laws of 1961 as last amended by section 1, chapter 150, Laws of 1973 1st ex. sess. 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 as last amended by section 1, chapter 150, Laws of 1973 1st ex. sess. and RCW 46.44.040 are each amended to read as follows:

(1) Except as provided in RCW 46.44.047 and 46.44.095 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 two thousand pounds may be allowed on the rear axle of a two axle garbage truck and an additional two thousand pounds tolerance may be purchased ((~~under the provisions of REW 46-44-095~~) for a compactor type two axle garbage truck for an amount not to exceed thirty dollars per thousand. The axle weight tolerance allowed to a garbage truck herein shall not be

construed to authorize a vehicle gross weight in excess of the weight for which the vehicle is licensed pursuant to chapter 46.16 RCW: 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 eighteen thousand pounds.

It is 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 thirty-two 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 unless such axles are not less than one hundred and two inches apart, in which case, notwithstanding the provisions of RCW 46.44.045, the allowable gross weight including load shall be thirty-six 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 forty 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 House February 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 87
[House Bill No. 1259]
CONSTRUCTION OF STATUTES--
MULTIPLE AMENDMENTS

AN ACT Relating to the construction of statutes; amending section 1, chapter 162, Laws of 1955 as amended by section 1, chapter 240, Laws of 1969 ex. sess. and RCW 1.12.025; and declaring an emergency.

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

Section 1. Section 1, chapter 162, Laws of 1955 as amended by section 1, chapter 240, Laws of 1969 ex. sess. and RCW 1.12.025 are each amended to read as follows:

If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each amendment without reference to the others, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control: PROVIDED, That if ~~((an))~~ one or more extraordinary sessions of the same legislature shall ~~((immediately))~~ follow any regular session, this rule of construction shall apply to the laws enacted at either, ~~((or))~~ both, any, or all of such sessions.

NEW SECTION. Sec. 2. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 31, 1974.
Passed the Senate February 8, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 88
[Substitute House Bill No. 1268]
SCHOOL DISTRICTS--FIRE PROTECTION
SERVICE--RATES--STATE REIMBURSEMENT

AN ACT Relating to fire protection agencies; amending section 1, chapter 139, Laws of 1941 as amended by section 1, chapter 64, Laws of 1973 1st ex. sess. and RCW 52.36.020; and making an effective date.

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

Section 1. Section 1, chapter 139, Laws of 1941 as amended by section 1, chapter 64, Laws of 1973 1st ex. sess. and RCW 52.36.020 are each amended to read as follows:

Wherever a fire protection district has been organized which includes within its area or is adjacent to, buildings and equipment, except those leased to a nontax exempt person or organization, owned by the legislative or administrative authority of a state agency or institution or a municipal corporation, the agency or institution or municipal corporation involved shall contract with such district for fire protection services necessary for the protection and safety of personnel and property pursuant to the provisions of chapter 39.34 RCW, as now or hereafter amended: PROVIDED, That nothing in this section shall be construed to require that any state agency, institution, or municipal corporation contract for services which are performed by the staff and equipment of such state agency, institution, or municipal corporation: PROVIDED FURTHER, That nothing in this section shall apply to state agencies or institutions or municipal corporations which are receiving fire protection services by contract from another municipality, city, town or other entities: AND PROVIDED FURTHER, That school districts shall receive fire protection services from the fire protection districts in which they are located without the necessity of executing a contract for such fire protection services: PROVIDED FURTHER, That prior to September 1, 1974 the superintendent of public instruction, the insurance commissioner, the director of program planning and fiscal management, and the executive director of the Washington fire commissioners association, or their designees, shall develop criteria to be used by the insurance commissioner in establishing uniform rates governing payments to fire districts by school districts for fire protection services. On or before September 1, 1974, the Insurance Commissioner shall establish such rates to be payable by school districts on or before January 1st of each year commencing January 1, 1975, payable July 1, 1975: AND PROVIDED FURTHER, That beginning with the 1975-77 biennium and in each biennium thereafter the superintendent of public instruction shall present in his budget submittal to the governor an amount sufficient to reimburse affected school districts for the moneys necessary to pay the costs of the uniform rates established by the insurance commissioner.

NEW SECTION. Sec. 2. This 1974 amendatory act shall take effect on July 1, 1974.

Passed the House February 8, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 89
[House Bill No. 1420]
STATE SCHOOL FUNDS APPORTIONMENT--
MINIMUM FUNDS GUARANTEE

AN ACT Relating to apportionment of state funds to school districts; and amending section 15, chapter 15, Laws of 1970 ex. sess. as amended by section 1, chapter 146, Laws of 1972 ex. sess. and RCW 28A.48.010; and creating a new section.

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

Section 1. Section 15, chapter 15, Laws of 1970 ex. sess. as amended by section 1, chapter 146, Laws of 1972 ex. sess. and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the current state school fund and/or the state general fund to the several intermediate school districts of the state the proportional share of the total annual amount due and apportionable to such intermediate school districts for the school districts thereof as follows, except that such apportionment shall not include state collected property tax dedicated to the common school system, as so provided by chapter 195, Laws of 1973 1st ex. sess.:

September.....	10%
October.....	8%
November.....	6.5%
December.....	8.5%
January.....	13%
February.....	13%
March.....	11%
April.....	5%
May.....	5%
June.....	3%
July.....	8.5%
August.....	8.5%

At such time as the state property tax provided for by chapter 195, Laws of 1973 1st ex. sess. is collected, the superintendent of public instruction, based on information provided by the state treasurer, shall apportion from the state general fund to the several intermediate school districts the appropriate share of the state collected property tax due and apportionable to the intermediate school districts for the school districts thereof. The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the

apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting July 1 of the then calendar year and ending June 30 of the next calendar year. The apportionment from the state general fund for each month shall be an amount which together with the revenues of the current state school fund will equal the amount due and apportionable to the several intermediate school districts during such month: PROVIDED, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If he determines in the affirmative, he may approve such advance and, at the same time, add such an amount to the apportionment for the intermediate school district in which the school district is located: PROVIDED, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

NEW SECTION. Sec. 2. Notwithstanding any other law to the contrary, the minimum guarantee of state and local funds to school districts for the 1974-75 school year shall be [the] lesser of the following amounts: Ninety-five percent of the average amount per enrolled student, excluding special levies, which a district realized from state and local funds during the preceding three school years; or, the total amount of money received from state and local funds, excluding special levies and the July, 1973, distribution of state collected 2-mill revenue to schools, during the 1973-74 school year.

Passed the House February 8, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 90
[House Bill No. 816]
RAILROAD LEADING ENGINE-CONSIST--
LIGHTING

AN ACT Relating to railroads; amending section 81.44.030, chapter 14, Laws of 1961 and RCW 81.44.030; and adding a new section to 81.44 RCW.

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

Section 1. Section 81.44.030, chapter 14, Laws of 1961 and RCW 81.44.030 are each amended to read as follows:

Each locomotive on every railroad in this state shall be equipped with power driving wheel brakes and appliances for operating the train brake system, so equipped that the engineer on the locomotive drawing such train can control its speed without requiring brakeman to use the common hand brakes for that purpose, with couplers coupling automatically by impact, which can be coupled or uncoupled without the necessity of men going between the locomotive and the locomotive or car to which the same is being coupled or from which it is being uncoupled, and with proper flanges, sill steps and grab irons, or uncoupling levers in lieu of such grab irons, and, excepting such as may be assigned to daylight runs or switching service exclusively, with electric headlights of approved design and capacity (except that locomotives may be operated without such headlight upon permission and order of the commission), with proper cocks, valves, pistons, valve stems and appliances which will prevent the escape of steam in such volume as to obstruct the view of the engineman operating such locomotive, and, in the case of locomotives used in the switching service, with proper foot boards and toe boards, and with a headlight on each end, and with such other appliances, apparatus and machinery necessary for safe operation of the locomotive or the train to which the same is attached, as the commission may prescribe: PROVIDED, That in case of emergency the commission may permit the use of road engines in switching service.

At least one unit of the leading engine-consist on every railroad in this state shall be equipped as of January, 1977, with one or more colored oscillating lights, visible on all sides of the locomotive for a distance of at least two hundred yards. Said light or lights shall be operated whenever the locomotive is in motion or is stopped on a grade crossing, and may be of any color allowed by law, other than the color of the locomotive's headlight.

Passed the House February 11, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 91

[House Bill No. 1282]

COOPERATIVE SCHOOL TRANSPORTATION PILOT PROGRAM—
CEREBRAL PALSY TREATMENT ADMINISTRATION--
SCHOOL BUDGETS

AN ACT Relating to state government; providing for the transfer of certain powers, duties and functions of the superintendent of public instruction or the state board of education and certain school districts; establishing certain purposes hereof as within the scope of state reimbursement to school districts for transportation; providing for the transfer of certain moneys heretofore appropriated for certain specific purposes; amending sections 1 and 4, chapter 240, Laws of 1947 and RCW 70.82.010 and 70.82.040; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW; declaring an emergency and making certain effective dates.

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

NEW SECTION. Section 1. On and after the effective date of this 1974 act, the superintendent of public instruction may initiate a cooperative school transportation pilot program for the remainder of the 1973-1975 biennium whereby one or more of the intermediate school districts within the state as designated by the superintendent of public instruction shall assume from the school districts within such intermediate school district such powers, duties and functions relating to the transporting of pupils and others within such school districts as the superintendent in such pilot program shall so determine; such pilot program shall inquire into: (1) A determination of the feasibility of reducing potential duplication among common transportation routes regardless of local district boundaries; (2) the potential for cost reductions through the establishment of consolidated maintenance activities; (3) the development of alternative state reporting systems with increased participation and consolidation of data at the intermediate school district level; (4) the advantages of cooperative equipment and insurance purchases; (5) an examination of transportation activities on the local level not receiving state support; (6) an exploration of cooperative transportation services for related community needs, including an evaluation of the advantages of contractual services; (7) the effect of such centralized assistance to local school districts in improving bus safety through improved maintenance; (8) the effect of such centralized assistance to local school districts

in establishing and maintaining proper inventory control; and (9) the effect of such centralized assistance to local school districts in fleet appraisal and the procurement of new buses. The staff of the superintendent of public instruction, pursuant to his direction and subject to the above purposes, shall promulgate the essential features of such pilot program and aid the intermediate school district and concerned school districts in any necessary transfer of respective powers, duties and functions relative thereto: PROVIDED, That a part of such program shall be a report prepared by the staff of the superintendent to be distributed to members of the legislature and the governor prior to the adoption of the 1975-77 biennial state budget setting forth staff findings from such pilot program. Notwithstanding any other provision of law, money appropriated and otherwise to be disbursed for such transportation purposes to the concerned school districts may be used by the intermediate school district, subject to approval of the superintendent of public instruction, to carry out those powers, duties, and functions necessarily so transferred herein. Nothing in this section shall be construed to transfer title to any transportation facilities or equipment or affect in any way contracts of school districts with personnel operating or servicing transportation equipment. Of those moneys appropriated by the forty-third legislature during any regular or special session thereof to the superintendent of public instruction or the state board of education for reimbursement to school districts for transportation costs under RCW 28A.41.160 or chapter 28A.24 RCW, not more than two hundred thousand dollars, or so much thereof as may be necessary, may be utilized to carry out the purposes of this section, and all such moneys so utilized shall be deemed, and are so recognized by the legislature, as such reimbursement to local school districts for transportation costs as set forth in the original appropriation therefor.

Sec. 2. Section 1, chapter 240, Laws of 1947 and RCW 70.82.010 are each amended to read as follows:

It is hereby declared to be of vital concern to the state of Washington that all persons who are bona fide residents of the state of Washington and who are afflicted with cerebral palsy in any degree be provided with facilities and a program of service for medical care, education, treatment and training to enable them to become normal individuals. In order to effectively accomplish such purpose the ((superintendent of public instruction and the)) department of ((health)) social and health services, hereinafter called the department ((s)), ((are)) is authorized and instructed and it shall be ((their)) its ((joint)) duty to establish and administer facilities and a program of service for the discovery, care, education,

hospitalization, treatment and training of educable persons afflicted with cerebral palsy, and to provide in connection therewith nursing, medical, surgical and corrective care, together with academic, occupational and related training. Such program shall extend to developing, extending and improving service for the discovery of such persons and for diagnostication and hospitalization and shall include cooperation with other agencies of the state charged with the administration of laws providing for any type of service or aid to handicapped persons, and with the United States government through any appropriate agency or instrumentality in developing, extending and improving such service, program and facilities. Such facilities shall include field clinics, diagnosis and observation centers, boarding schools, special classes in day schools, research facilities and such other facilities as shall be required to render appropriate aid to such persons. Existing facilities, buildings, hospitals and equipment belonging to or operated by the state of Washington shall be made available for these purposes when use therefor does not conflict with the primary use of such existing facilities. Existing buildings, facilities and equipment belonging to private persons, firms or corporations or to the United States government may be acquired or leased.

Sec. 3. Section 4, chapter 240, Laws of 1947 and RCW 70.82.040 are each amended to read as follows:

Persons shall be admitted to or be eligible for the services and facilities provided herein only after diagnosis according to procedures and regulations established and approved for this purpose by the ((joint action of the)) department((s)) of social and health services.

NEW SECTION. Sec. 4. All powers, duties and functions of the superintendent of public instruction or the state board of education relating to the Cerebral Palsy Center as referred to in chapter 39, Laws of 1973 2nd ex. sess. shall be transferred to the department of social and health services as created in chapter 43.20A RCW, and all unallocated funds within any account to the credit of the superintendent of public instruction or the state board of education for purposes of such Cerebral Palsy Center shall be transferred effective July 1, 1974 to the credit of the department of social and health services, which department shall hereafter expend such funds for such Cerebral Palsy Center purposes as contemplated in the appropriations therefor. All employees of the Cerebral Palsy Center on the effective date of this section who are classified employees under chapter 41.06 RCW, the state civil service law, shall be assigned and transferred to the department of social and health services to perform their usual duties upon the same terms as

formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

NEW SECTION. Sec. 5. All powers, duties and functions of any school district relating to the operation of a state supported environmental study center shall be transferred to that intermediate school district which the superintendent of public instruction deems will be in the best interest of the public for the utilization of such a center; any moneys heretofore appropriated for any such center purposes shall be expended for this purpose only upon the prior approval of the superintendent of public instruction: PROVIDED, That subsequent requests for state supported environmental education centers' activities shall be incorporated into the appropriate intermediate school districts' future budget requests, subject to usual provisions of law, and rules and regulations promulgated for the implementation thereof. All employees of any state supported environmental study center on the effective date of this section who are classified employees under chapter 41.06 RCW, the state civil service law, shall be assigned and transferred to the respective intermediate school district operating such a state supported environmental center to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

Notwithstanding any other provision of law or this chapter, chapter 28A.65 RCW, any school district may submit a request to the state superintendent of public instruction for authority to stipulate that the preliminary budget of such district shall become in fact the final budget thereof, such procedure being subject to rules and regulations as promulgated by the state superintendent of public instruction in accordance with chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 7. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That sections 2 through 5 of this 1974 amendatory act shall not take effect until July 1, 1974.

NEW SECTION. Sec. 8. If any provision of this this 1974 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 8, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 92

[House Bill No. 1296]

PRIVATE SCHOOLS—STATE SUPERVISION

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 215, Laws of 1971 ex. sess. and RCW 28A.04.120; amending sections 4, 5, 6 and 7, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.210, 28A.02.220, 28A.02.230 and 28A.02.240; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW; creating new sections; repealing section 3, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.200; repealing section 4, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.210; and declaring an emergency.

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 last amended by section 1, chapter 215, Laws of 1971 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, subject to the provisions of ((RCW 28A.02.200)) section 2 of this 1974 amendatory act, private ((and/or parochial)) schools carrying

out a program for any or all of the grades one through 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.

NEW SECTION. Sec. 2. 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 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 schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 82A.01.010 as now or hereafter amended.

(3) 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 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.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of 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.

(7) In compliance with provisions of RCW 28A.31.010 as now or hereafter amended and rules or regulations of the state board of education, each private school teacher shall file with the intermediate school district in which the school is located a valid health certificate issued by the state department of social and health services.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in sub-section (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 school involved.

Sec. 3. Section 5, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.220 are each amended 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.

Sec. 4. Section 6, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.230 are each amended 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 34.04 RCW.

Sec. 5. Section 7, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.240 are each amended to read as follows:

The state board of education shall promulgate rules and regulations for the enforcement of section 2 of this 1974 amendatory act and RCW ((28A.02.200)) 28A.02.210 through 28A.02.240, 28A.04.120 and 28A.27.010, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

NEW SECTION. Sec. 6. The superintendent of public instruction is hereby directed to appoint a private school advisory committee that is broadly representative of educators, legislators, and various

private school groups in the state of Washington. By July 1 of 1975, after consultation with the advisory committee herein created, the superintendent of public instruction shall make recommendations to the legislature concerning how the approval and accreditation processes for private schools can be improved.

NEW SECTION. Sec. 7. Section 3, chapter 215, Laws of 1961 [1971] ex. sess. and RCW 28A.02.200 are hereby repealed.

NEW SECTION. Sec. 8. Section 4, chapter 215, Laws of 1971 ex. sess. and RCW 28A.02.210 are each repealed.

NEW SECTION. Sec. 9. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 11, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 93
[House Bill No. 1463]
SCHOOL BUSES—
STUDENT AND PUBLIC USE

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.24 RCW a new section to read as follows:

Any school district board of directors or any intermediate school district board may enter into agreements pursuant to chapter 39.34 RCW or chapter 35.58 RCW, as now or hereafter amended, with any city, town, county, metropolitan municipal corporation, and any federal or other state governmental entity, or any combination of the foregoing, for the purpose of providing for the transportation of students and/or members of the public through the use, in whole or part, of the school district's buses, transportation equipment and facilities, and employees: PROVIDED, That any agreement entered into for purposes of transportation pursuant to this 1974 act shall conform with the provisions of RCW 35.58.250 where applicable and shall provide for the reimbursement and payment to the school district of not less than the district's actual costs and the reasonable value of the use of the district's buses, and transportation equipment and supplies which are incurred and

otherwise provided in connection with the transportation of members of the public or other noncommon school purposes: PROVIDED FURTHER, That wherever public transportation, or private transportation certified or licensed by the Washington Utilities and Transportation Commission is not reasonably available, the school district or intermediate school district may transport members of the public so long as they are reimbursed for the cost of such transportation, and such transportation has been approved by any metropolitan municipal corporation performing public transportation pursuant to chapter 35.58 RCW in the area to be served by the district.

Passed the House February 11, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 94

[Reengrossed Substitute Senate Bill No. 2132]

WASHINGTON STATE CRIMINAL JUSTICE

TRAINING COMMISSION

AN ACT Relating to criminal justice; creating a new chapter in Title 43 RCW; creating new sections; repealing section 1, chapter 158, Laws of 1965 and RCW 43.100.010; repealing section 2, chapter 158, Laws of 1965 and RCW 43.100.020; repealing section 3, chapter 158, Laws of 1965, section 1, chapter 220, Laws of 1969 ex. sess. and RCW 43.100.030; repealing section 4, chapter 158, Laws of 1965 and RCW 43.100.040; repealing section 5, chapter 158, Laws of 1965 and RCW 43.100.050; repealing section 6, chapter 158, Laws of 1965 and RCW 43.100.060; repealing section 7, chapter 158, Laws of 1965 and RCW 43.100.070; repealing section 8, chapter 158, Laws of 1965, section 2, chapter 220, Laws of 1969 ex. sess. and RCW 43.100.080; repealing section 3, chapter 220, Laws of 1969 ex. sess. and RCW 43.100.085; repealing section 9, chapter 158, Laws of 1965 and RCW 43.100.090; repealing section 10, chapter 158, Laws of 1965 and RCW 43.100.100; repealing section 11, chapter 158, Laws of 1965 and RCW 43.100.110; repealing section 12, chapter 158, Laws of 1965 and RCW 43.100.120; repealing section 13, chapter 158, Laws of 1965 and RCW 43.100.130; repealing section 14, chapter 158, Laws of 1965 and RCW 43.100.140; repealing section 15, chapter 158, Laws of 1965 and RCW 43.100.150; repealing section 17, chapter 158, Laws of 1965 and RCW 43.100.160; repealing section 18, chapter 158, Laws of 1965 and RCW 43.100.170; repealing section 20,

chapter 158, Laws of 1965 and RCW 43.100.900; repealing section 21, chapter 158, Laws of 1965 and RCW 43.100.910; and making an appropriation.

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

NEW SECTION. Section 1. When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any employee or volunteer of any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counselling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) The term "judicial personnel" means any judge, employee, or volunteer of any municipal, district, or superior court and any justice, employee, or volunteer of the state appellate court or the state supreme court.

NEW SECTION. Sec. 2. There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

The purpose of such commission shall be to provide programs and standards for the training of criminal justice personnel.

NEW SECTION. Sec. 3. The commission shall consist of eleven members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(3) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(4) The governor shall appoint one incumbent superior or district court judge.

(5) The governor shall appoint one elected official of a local government.

(6) The two remaining members shall be:

(a) The attorney general; and

(b) The special agent in charge of the Seattle office of the federal bureau of investigation.

NEW SECTION. Sec. 4. All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: PROVIDED, That of the members first appointed three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms.

NEW SECTION. Sec. 5. Any member of the commission appointed pursuant to section 3 of this act as an incumbent official or as an employee in a correctional system, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission.

NEW SECTION. Sec. 6. The commission shall elect a chairman and a vice-chairman from among its members. Six members of the commission shall constitute a quorum. The governor shall summon the commission to its first meeting.

Meetings may be called by the chairman and shall be called by him upon the written request of five members.

NEW SECTION. Sec. 7. Members of the commission shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties and shall receive a per diem allowance as provided by chapter 43.03 RCW. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment.

NEW SECTION. Sec. 8. The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source for the purchase or lease of a training facility without prior approval of the legislature;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovate, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the Administrative Procedure Act, chapter 34.04 RCW, and the Open Public Meetings Act, chapter 42.30 RCW.

NEW SECTION. Sec. 9. (1) There are hereby created and established training standards and education boards to be known and designated as (a) the board on law enforcement training standards and education, (b) the board on prosecutor training standards and education, (c) the board on correctional training standards and education, and (d) the board on judicial training standards and education.

(2) The purpose of the board on law enforcement training standards and education shall be to provide programs and standards for the training and education of law enforcement personnel.

(3) The purpose of the board on prosecutor training standards and education shall be to provide programs and standards for the training and education of county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses.

(4) The purpose of the board on correctional training standards and education shall be to provide programs and standards for the training and education of correctional personnel.

(5) The purpose of the board on judicial training standards and education shall be to provide programs and standards for the training and education of judicial personnel.

NEW SECTION. Sec. 10. (1) The board on law enforcement training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent law enforcement personnel. Two members shall be from police departments of cities having a population in excess of one hundred thousand and of whom one shall be a police chief, two members shall be from police departments of cities having a population of less than one hundred thousand and of whom one shall be a police chief, two members shall be from sheriffs' departments of class AA or A counties and of whom one shall be a sheriff, two members shall be from sheriffs' departments of counties less than class A and of whom one shall be a sheriff, one member shall represent the community colleges of the state, one member shall represent the four-year colleges and universities, and the final member shall be the chief of the state patrol.

(2) The board on prosecutor training standards and education shall consist of eleven members, who shall be appointed by the

governor from incumbent county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses. Three members shall be from county prosecuting attorneys' offices, three members shall be from municipal attorneys' offices, three members shall be attorneys who are primarily engaged in the defense of persons charged with offenses, and two members shall be professors of law, and not from the same college or university.

(3) The board on correctional training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent correctional personnel. Three members shall be employed in the state correctional system, three members shall be employed in county correctional systems, three members shall be employed in the juvenile correctional system, one member shall represent the community colleges of the state, and one member shall represent the four-year colleges and universities.

(4) The board on judicial training standards and education shall consist of nine members, who shall be appointed by the chief justice of the state supreme court from incumbent judicial personnel. One member shall be an incumbent justice of the supreme court, one member shall be an incumbent judge of the appellate court, three members shall be incumbent judges of superior courts, two members shall be incumbent judges of district courts, one member shall be an incumbent judge of a municipal court, and one member shall be an incumbent court administrator.

NEW SECTION. Sec. 11. All members of each of the training standards and education boards as set forth in section 10 of this act shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: PROVIDED, That of the members first appointed, three shall serve for terms of two years, four shall serve for terms of four years, and four shall serve for terms of six years: PROVIDED FURTHER, That of the members of the board on judicial training standards and education first appointed, three shall serve for terms of two years, three shall serve for terms of four years, and three shall serve for terms of six years. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms.

NEW SECTION. Sec. 12. Any member of the training standards and education boards appointed pursuant to section 10 of this act as an incumbent official or because of his employment, shall immediately upon the termination of his holding of said office or employment, cease to be a member of a training standards and education board.

NEW SECTION. Sec. 13. Each training standards and education board shall elect a chairman and vice-chairman from among its members. A simple majority of the members of a training standards and education board shall constitute a quorum. The commission shall summon each of the training standards and education boards to its first meeting.

NEW SECTION. Sec. 14. Members of the training standards and education boards shall receive a per diem allowance as provided by chapter 43.03 RCW and reimbursement for actual and necessary travel expenses incurred in the performance of their duties. Attendance at meetings of a training standards and education board shall be deemed performance by a member of the duties of his employment.

NEW SECTION. Sec. 15. The training standards and education boards shall have all of the following powers:

- (1) To meet at such times and places as they may deem proper;
- (2) To adopt rules and regulations as to the conduct of their business as deemed necessary by each board;
- (3) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, or city government, and commissions affected by or concerned with the business of the commission;
- (4) To do any and all things necessary or convenient to enable them fully and adequately to perform their duties and to exercise the power granted to them;
- (5) To advise the commission of the training and education needs of criminal justice personnel within their specific purview;
- (6) To recommend to the commission standards for the training and education of criminal justice personnel within their specific purview;
- (7) To recommend to the commission minimum curriculum standards for all training and education programs conducted for criminal justice personnel within their specific purview;
- (8) To recommend to the commission standards for instructors of training and education programs for criminal justice personnel within their specific purview;
- (9) To recommend to the commission alternative, innovative, and interdisciplinary training and education techniques for criminal justice personnel within their specific purview;
- (10) To review and recommend to the commission the approval of training and education programs for criminal justice personnel within their specific purview;
- (11) To monitor and evaluate training and education programs for criminal justice personnel within their specific purview.

Each training standards and education board shall report to the commission at the end of each fiscal year on the effectiveness of training and education programs for criminal justice personnel within its specific purview.

NEW SECTION. Sec. 16. For the purpose of raising the level of competence of criminal justice personnel, the commission shall adopt, as provided in section 8 of this act, rules recommended by the training standards and education boards establishing and prescribing:

(1) The requirements of minimum training and education which all criminal justice personnel appointed to probationary terms, except members of the Washington state patrol, shall complete before being eligible for certification by the commission, and the time within which basic training must be completed following such appointment to the probationary term;

(2) Categories or classifications of advanced and specialized training and education programs and minimum courses of study and attendance requirements with respect to such categories or classifications.

NEW SECTION. Sec. 17. In establishing standards for training and education, the commission may, so far as consistent with the purposes of section 16 of this act, permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission.

NEW SECTION. Sec. 18. The first priority of the commission shall be to provide for basic law enforcement training and education programs. In addition, the commission shall provide training programs for other criminal justice personnel.

NEW SECTION. Sec. 19. The commission, or the executive director acting on its behalf, is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

The services provided by the state through the establishment and maintenance of the programs of the commission are primarily intended for the benefit of the criminal justice agencies of the counties, cities, and towns of this state. To the extent that funds available to the state under the Crime Control Act of 1973 are utilized by the commission, it is the determination of the Legislature that, to the maximum extent permitted by federal law, such funds as are so utilized shall be charged against that portion of United States Law Enforcement Assistance Administration funds which the state is required to make available to units of local

government pursuant to section 303 (a) (2) of Part C of the Crime Control Act of 1973.

NEW SECTION. Sec. 20. 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 is not affected.

NEW SECTION. Sec. 21. Sections 1 through 20 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 22. Any appropriation heretofore made to the law enforcement officers' training commission shall on the effective date of this 1974 act be transferred and credited to the Washington state criminal justice training commission for the remainder of the 1973-1975 fiscal biennium to provide for the operating expenses of the commission and training standards and education boards. Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts transferred under this 1974 act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 23. The following act or parts of acts are each hereby repealed:

- (1) Section 1, chapter 158, Laws of 1965 and RCW 43.100.010;
- (2) Section 2, chapter 158, Laws of 1965 and RCW 43.100.020;
- (3) Section 3, chapter 158, Laws of 1965, section 1, chapter 220, Laws of 1969 ex. sess. and RCW 43.100.030;
- (4) Section 4, chapter 158, Laws of 1965 and PCW 43.100.040;
- (5) Section 5, chapter 158, Laws of 1965 and RCW 43.100.050;
- (6) Section 6, chapter 158, Laws of 1965 and RCW 43.100.060;
- (7) Section 7, chapter 158, Laws of 1965 and RCW 43.100.070;
- (8) Section 8, chapter 158, Laws of 1965, section 2, chapter 220, Laws of 1969 ex. sess. and RCW 43.100.080;
- (9) Section 3, chapter 220, Laws of 1969 ex. sess. and RCW 43.100.085;
- (10) Section 9, chapter 158, Laws of 1965 and RCW 43.100.090;
- (11) Section 10, chapter 158, Laws of 1965 and RCW 43.100.100;
- (12) Section 11, chapter 158, Laws of 1965 and RCW 43.100.110;
- (13) Section 12, chapter 158, Laws of 1965 and RCW 43.100.120;
- (14) Section 13, chapter 158, Laws of 1965 and RCW 43.100.130;

(15) Section 14, chapter 158, Laws of 1965 and RCW 43.100.140;
(16) Section 15, chapter 158, Laws of 1965 and RCW 43.100.150;
(17) Section 17, chapter 158, Laws of 1965 and RCW 43.100.160;
(18) Section 18, chapter 158, Laws of 1965 and RCW 43.100.170;
(19) Section 20, chapter 158, Laws of 1965 and RCW 43.100.900; and
(20) Section 21, chapter 158, Laws of 1965 and RCW 43.100.910.

Passed the Senate February 9, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 95
[Senate Bill No. 2540]
DISTRICT COURT JUDGES—
SALARIES

AN ACT Relating to the salaries of district court judges; amending section 101, chapter 299, Laws of 1961 as amended by section 1, chapter 192, Laws of 1969 ex. sess. and RCW 3.58.020; and amending section 13, chapter 299, Laws of 1961 as amended by section 2, chapter 147, Laws of 1971 ex. sess. and RCW 3.34.040.

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

Section 1. Section 101, chapter 299, Laws of 1961 as amended by section 1, chapter 192, Laws of 1969 ex. sess. and RCW 3.58.020 are each amended to read as follows:

(1) The annual salaries of part time justices of the peace shall be set by the county commissioners in each county in accordance with the minimum and maximum salaries provided in this subsection:

(a) In justice court districts having a population under two thousand five hundred persons, the salary shall be not less than ((six hundred)) one thousand dollars nor more than ((two thousand two hundred fifty)) four thousand dollars;

(b) In justice court districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than ((six)) one thousand two hundred dollars nor more than ((three thousand three hundred seventy-five)) five thousand dollars;

(c) In justice court districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than ((six)) one thousand two hundred dollars or more than ((four thousand five hundred)) six thousand dollars;

(d) In justice court districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than ((six)) one thousand five hundred dollars or more than ((five thousand six hundred twenty-five)) seven thousand dollars;

(e) In justice court districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than ((twelve hundred)) two thousand dollars or more than ((six thousand seven hundred fifty)) nine thousand dollars;

(f) In justice court districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than ((two)) three thousand five hundred dollars or more than ((seven thousand eight hundred seventy-five)) twelve thousand dollars; and

(g) In justice court districts having a population of thirty thousand persons or more, ((but less than forty thousand,)) the salary shall be set at not less than ((three thousand five hundred)) five thousand dollars or more than ((nine)) fifteen thousand dollars.

Sec. 2. Section 13, chapter 299, Laws of 1961 as amended by section 2, chapter 147, Laws of 1971 ex. sess. and RCW 3.34.040 are each 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 greater than ((nine)) fifteen 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 Senate February 9, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 96

[Engrossed Second Substitute Senate Bill No. 2634]

STATE BUILDING CODE ACT

AN ACT Relating to buildings; adding a new section to chapter 219, Laws of 1971 [ex. sess.] and to chapter 70.92A RCW; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. Section 1. This chapter shall be known as the State Building Code Act.

NEW SECTION. Sec. 2. The purpose of this chapter is to provide building codes throughout the state. This chapter is designed to effectuate the following purposes, objectives and standards:

(1) To promote the health, safety and welfare of the occupants or users of buildings and structures and the general public.

(2) To require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety.

(3) To require standards and requirements in terms of performance and nationally accepted standards.

(4) To permit the use of modern technical methods, devices and improvements.

(5) To eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(6) To provide for standards and specifications for making buildings and facilities accessible to and usable by physically handicapped persons.

(7) To consolidate within each authorized enforcement jurisdiction, the administration and enforcement of building codes.

NEW SECTION. Sec. 3. On and after January 1, 1975, there shall be in effect in all cities, towns and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Related Standards, 1973 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1973 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International

Conference of Building Officials and the International Association of Plumbing and Mechanical Officials;

(3) The Uniform Fire Code with appendices thereto, 1973 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association;

(4) The Uniform Plumbing Code, 1973 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter 11 of such code is not adopted: PROVIDED [FURTHER], That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters; and (5) The American National Standard Specifications for Making Buildings and Facilities Accessible To, and Usable By, The Physically Handicapped, published by American National Standards Institute, Inc., Document ANSI A117.1-1961 (reaffirmed 1971). This paragraph shall supplement chapter 35, Laws of 1967 and chapter 70.92 RCW with respect to public buildings.

In case of conflict among the codes enumerated in subsections (1), (2), (3) and (4) of this section, the first named code shall govern over those following.

NEW SECTION. Sec. 4. On and after January 1, 1975, the governing body of each city, town or county is authorized to amend the state building code as it applies within its jurisdiction in all such respects as shall be not less than the minimum performance standards and objectives enumerated in section 2 of this 1974 act, including, the authority to adopt any subsequent revisions to the codes in section 3 subsections (1), (2), (3), (4) and (5) of this 1974 act.

Nothing in this section shall authorize any modifications of the requirements of chapter 35, Laws of 1967, or chapter 70.92 RCW.

NEW SECTION. Sec. 5. The state building code provided for in this chapter shall be administered and enforced by the respective governmental authorities. Any governmental subdivision not having a local building department may contract with another governmental subdivision or inspection agency approved by the local governmental body for administration and enforcement of the state building code within its jurisdictional boundaries in accordance with chapter 39.34 RCW.

NEW SECTION. Sec. 6. (1) Except as permitted or provided otherwise under the provisions of section 4 of this 1974 act and subsections (3) and (4) of this section, the state building code supersedes all county, city or town building regulations containing less than the minimum performance standards and objectives contained in the state building code.

(2) Except as permitted or provided otherwise under the provisions of section 4 of this 1974 act and subsections (3) and (4) of this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any other governmental subdivision.

(3) The governing body of each city, town or county may limit the application of any rule or regulation or portion of the state building code to include or exclude specified classes or types of buildings or structures, according to use, occupancy, or such other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable.

(4) The provisions of this chapter shall not apply to any building four or more stories high with an F occupancy as defined by the uniform building code, chapter 5, 1973 edition, and with a fire insurance classification rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

NEW SECTION. Sec. 7. There is hereby established a state building code advisory council to be appointed by the governor.

(1) The state building code advisory council shall consist of the director of the department of labor and industries, or his designee, and the insurance commissioner, or his designee, and thirteen additional members who shall be broadly representative of the general public, local government, and of the industries and professions concerned with building design and construction. The council may include state officials as ex officio, nonvoting members. The board shall report annually to the governor and the legislature on the operation and administration of this chapter.

(2) Members shall receive per diem for each day or major portion thereof spent in performance of their duties plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for in chapter 43.03 RCW.

NEW SECTION. Sec. 8. Nothing in this 1974 act shall affect the provisions of chapters 19.28, 43.22, 70.77, 70.79 or 70.87 RCW.

NEW SECTION. Sec. 9. Local land use and zoning requirements, building setbacks, side and rear-yard requirements, site development, property line requirements, subdivision requirements, and local fire zones are specifically reserved to local jurisdictions notwithstanding any other provision of this 1974 act.

NEW SECTION. Sec. 10. There is added to Title 19 RCW a new chapter to read as set forth in sections 1 through 9 of this 1974 act.

NEW SECTION, Sec. 11. There is added to chapter 219, Laws of 1971 [ex. sess.] and to chapter 70.92A RCW a new section to read as follows;

All buildings built in accordance with the standards and specifications set forth in this chapter, or containing facilities that are in compliance therewith, shall display the following symbol, which is white on a blue background



indicating the location of such facilities designed for the handicapped. When a building contains an entrance other than the main entrance which is ramped or level for use by handicapped persons, a sign showing its location shall be posted at or near the main entrance which shall be visible from the adjacent public sidewalk or way.

Passed the Senate February 9, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 97
[Engrossed Substitute Senate Bill No. 2675]
CHIROPRACTIC

AN ACT Relating to chiropractic; amending section 2, chapter 53, Laws of 1959 and RCW 18.25.017; amending section 5, chapter 5, Laws of 1919 as amended by section 3, chapter 53, Laws of 1959 and RCW 18.25.020; amending section 6, chapter 5, Laws of 1919 as amended by section 4, chapter 53, Laws of 1959 and RCW 18.25.030; amending section 10, chapter 5, Laws of 1919 as last amended by section 5, chapter 266, Laws of 1971 ex. sess. and RCW 18.25.070; amending section 3, chapter 171, Laws of 1967 and RCW 18.26.030; amending section 4, chapter 171, Laws of 1967 and RCW 18.26.040; amending section 7, chapter 171, Laws of 1967 and RCW 18.26.070; adding new sections to chapter 18.25 RCW; and adding a new section to chapter 18.26 RCW.

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

NEW SECTION. Section 1. There is added to chapter 18.25 RCW a new section to read as follows:

The legislature finds and declares that the costs of health care to the people are rising disproportionately to other costs and that there is a paramount concern that the right of the people to obtain access to health care in all its facets is being impaired thereby. For this reason, the reliance on the mechanism of health care service contractors, whether profit or nonprofit, is the only effective manner in which the large majority of the people can attain access to quality health care, and it is therefore declared to be in the public interest that health care service contractors be regulated to assure that all the people have access to health care to the greatest extent possible. This 1974 amendatory act, prohibiting discrimination against the legally recognized and licensed profession of chiropractic, is necessary in the interest of the public health, welfare, and safety.

NEW SECTION. Sec. 2. There is added to chapter 18.25 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state and its political subdivisions shall accept the services of licensed chiropractors for any service covered by their licenses with relation to any person receiving benefits, salaries, wages, or any other type of compensation from the state, its agencies or subdivisions.

NEW SECTION. Sec. 3. There is added to chapter 18.25 RCW a new section to read as follows:

The state and its political subdivisions, and all officials, agents, employees, or representatives thereof, are prohibited from in any way discriminating against licensed chiropractors in performing and receiving compensation for services covered by their licenses.

NEW SECTION. Sec. 4. There is added to chapter 18.25 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state and its political subdivisions, and all officials, agents, employees, or representatives thereof, are prohibited from entering into any agreement or contract with any individual, group, association, or corporation which in any way, directly or indirectly, discriminates against licensed chiropractors in performing and receiving compensation for services covered by their licenses.

NEW SECTION. Sec. 5. There is added to chapter 18.25 RCW a new section to read as follows:

Notwithstanding any other provision of law, for the purpose of sections 1 through 4 and section 6 of this 1974 amendatory act it is immaterial whether the cost of any policy, plan, agreement, or

contract be deemed additional compensation for services, or otherwise.

NEW SECTION. Sec. 6. There is added to chapter 18.25 RCW a new section to read as follows:

Sections 1 through 5 of this 1974 amendatory act shall apply to all agreements, renewals, or contracts issued on or after the effective date of this 1974 amendatory act.

NEW SECTION. Sec. 7. There is added to chapter 18.25 RCW a new section to read as follows:

For the purpose of chapters 18.25 and 18.26 RCW, the term "chiropractic" shall mean and include that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under RCW [chapter] 18.71 from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

Sec. 8. Section 2, chapter 53, Laws of 1959 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licenses shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall receive (~~twenty-five~~) thirty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with his actual travel expenses, all to

be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.

Sec. 9. Section 5, chapter 5, Laws of 1919 as amended by section 3, chapter 53, Laws of 1959 and RCW 18.25.020 are each amended to read as follows:

(1) Any person not now licensed to practice chiropractic in this state and who desires to practice chiropractic in this state, before it shall be lawful for him to do so, shall make application therefor to the director of licenses, upon such form and in such manner as may be adopted and directed by the director. Each applicant who matriculates after January 1, 1975 shall have completed not less than one-half of the requirements for a baccalaureate degree at an accredited and approved college or university and shall be a graduate of a chiropractic school or college accredited and approved by the board of chiropractic examiners and shall show satisfactory evidence of completion by each applicant of a resident course of study of not less than four thousand classroom hours of instruction in such school or college. Applications shall be in writing and shall be signed by the applicant in his own handwriting and shall be sworn to before some officer authorized to administer oaths, and shall recite the history of the applicant as to his educational advantages, his experience in matters pertaining to a knowledge of the care of the sick, how long he has studied chiropractic, under what teachers, what collateral branches, if any, he has studied, the length of time he has engaged in clinical practice; accompanying the same by reference therein, with any proof thereof in the shape of diplomas, certificates, and shall accompany said application with satisfactory evidence of good character and reputation.

(2) There shall be paid to the director of licenses by each applicant for a license, a fee of twenty-five dollars, ten dollars of which shall accompany application and the remainder, fifteen dollars, shall be paid upon issuance of license. Like fees shall be paid for any subsequent examination and application.

Sec. 10. Section 6, chapter 5, Laws of 1919 as amended by section 4, chapter 53, Laws of 1959 and RCW 18.25.030 are each amended to read as follows:

Examinations for license to practice chiropractic shall be made by the board of chiropractic examiners according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications. Such application shall be designated by

a number instead of his or her name, so that the identity shall not be discovered or disclosed to the members of the examining committee until after the examination papers are graded.

All examinations shall be ~~((made))~~ in whole or in part in writing, the subject of which shall be as follows: Anatomy, physiology, hygiene, symptomatology, ~~((nerve-tracing, chiropractic-orthopedy;))~~ neurology, spinal pathology, x-ray, principles of chiropractic and adjusting, as taught by chiropractic schools and colleges. A license shall be granted to all applicants who shall correctly answer seventy-five percent of all questions asked, and if any applicant shall fail to answer correctly ~~((sixty))~~ seventy percent of the questions on any branch of said examination, he or she shall not be entitled to a license.

~~((Any chiropractor who has complied with the provisions of this chapter may adjust by hand any articulation of the spine; but shall not prescribe for or administer to any person any medicine or drugs now or hereafter included in materia medica; nor practice obstetrics; nor practice osteopathy or surgery;))~~

Sec. 11. Section 10, chapter 5, Laws of 1919 as last amended by section 5, chapter 266, Laws of 1971 ex. sess. 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.

(1) Symposiums approved, by the board, for licensees practicing or residing within the state of Washington are those sponsored or conducted by the Washington Chiropractor's Association, the Chiropractic Society of Washington, the American Chiropractic Association, or The International Chiropractic Association, or an approved Chiropractic College and which devote themselves to lectures or demonstrations concerning matters which are recognized in the state of Washington chiropractic licensing laws.

(2) Symposiums approved, by the board, for licensees practicing and residing outside the state are those sponsored or conducted by an approved chiropractic college or a recognized chiropractic organization which is representative of the chiropractors of a state, a territory, a province, or a country.

(3) To be eligible for approval, a symposium shall:

(a) Be sponsored by an approved chiropractic college or a recognized chiropractic organization which is representative of the chiropractors of a state, a territory, a province, or a country; and

(b) Extend over a period of at least two days, and offer an education program consisting of at least eight hours; and

(c) Include instruction by at least two outstanding chiropractic educators.

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 not more than twenty-five dollars to be determined by the director as provided in RCW 43.24.085. 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.

The failure of any licensed chiropractor to pay his annual license renewal fee by the first day of October following the date on which the fee was due shall work a forfeiture of his license. It shall not be reinstated except upon written application and the payment of a penalty of twenty-five dollars, together with all annual license renewal fees delinquent at the time of the forfeiture, and those for each year thereafter up to the time of reinstatement. Should the licentiate allow his license to elapse for more than three years, he must be reexamined as for a new license.

Sec. 12. Section 3, chapter 171, Laws of 1967 and RCW 18.26.030 are each amended to read as follows:

The term "unprofessional conduct" as used in this chapter and chapter 18.25 RCW shall mean the following items or any one or combination thereof:

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) All advertising of chiropractic business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The wilful betrayal of a professional secret;

(7) ~~((Repeated acts of immorality; or repeated))~~ Acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10) Failing to differentiate chiropractic care from any and all other methods of healing at all times;

(11) Practicing contrary to laws regulating the practice of chiropractic;

~~((12) Practicing other healing arts, whether licensed to do so or not, while holding one's self out to the public as a chiropractor;~~

~~(13))~~ (12) Unprofessional conduct as defined in chapter 19.68 RCW.

Sec. 13. Section 4, chapter 171, Laws of 1967 and RCW 18.26.040 are each amended to read as follows:

There is hereby created the Washington state chiropractic disciplinary board to be composed of three members to be named by the Washington Chiropractors Association, Incorporated and three members to be named by the Chiropractic Society of Washington and one additional member who shall be the director of the department of motor vehicles or his designee from the department of motor vehicles. Initial members shall be named within thirty days after the effective date of this chapter, whose names and addresses shall be promptly sent to the director of motor vehicles, and such board shall meet and organize at a time and place to be determined by the director of the department of motor vehicles within sixty days after the effective date of this chapter and after written notice to the named members of such date and place.

The director of the department of motor vehicles or his designee shall designate the terms of the initial members of the disciplinary board. For terms beginning January 1, 1975, one initial member from each of the two groups, the Washington Chiropractors Association, Incorporated, and the Chiropractic Society of Washington, shall be designated for a one-year term, one member from each group shall be designated for a two-year term, and one member from each group shall be designated for a three-year term.

Thereafter, each of said groups shall, annually, designate the members of the board who shall succeed to said position upon the expiration of said initial term. Such subsequent designations shall be for a term of three years, except the director or his designee from the department of motor vehicles.

Sec. 14. Section 7, chapter 171, Laws of 1967 and RCW 18.26.070 are each amended to read as follows:

Members of the board may be paid ((twenty-five)) thirty-five dollars per diem for time spent in performing their duties as members of the board and may be repaid their necessary traveling and other expenses while engaged in the business of the board, with such per diem and reimbursement for expenses to be paid out of the general fund on vouchers approved by the budget director and signed by the director of motor vehicles: PROVIDED, That the amount for expense will not be more than ((twenty-five)) thirty-five dollars per day, except for traveling expense which shall not be more than ten cents per mile.

NEW SECTION. Sec. 15. There is added to chapter 18.26 RCW a new section to read as follows:

The filing by the board in the office of the director of motor vehicles of a certificate or order of revocation or suspension after due notice, hearing and findings in accordance with the procedure specified in this chapter, certifying that any holder of a license has been found guilty of unprofessional conduct by the board, shall constitute a revocation or suspension of the license to practice chiropractic in this state in accordance with the terms and conditions imposed by the board and embodied in the certificate or order of revocation or suspension. Such certificate or order of revocation or suspension, if appealed, may be stayed by the board or by the reviewing court upon such terms as is deemed proper.

NEW SECTION. Sec. 16. If any provision of this 1974 amendatory act, or its application to any person or circumstance, is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 9, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 98
[Engrossed Senate Bill No. 2904]
SAVINGS AND LOAN ASSOCIATIONS--
BRANCHING APPROVAL

AN ACT Relating to savings and loan associations; and amending section 7, chapter 280, Laws of 1959 as amended by section 2, chapter 107, Laws of 1969 and RCW 33.08.110.

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

Section 1. Section 7, chapter 280, Laws of 1959 as amended by section 2, chapter 107, Laws of 1969 and RCW 33.08.110 are each amended to read as follows:

An association with the written approval of the supervisor, may establish and operate branches in any county of the state.

An association desiring to establish a branch shall file a written application therefor with the supervisor, who shall approve or disapprove the application within six months after receipt.

(A branch shall not be established at a place in which the supervisor would not permit a proposed new association to engage in business; by reason of any consideration contemplated by RCW 33.08.060 as now or hereafter amended.) The supervisor's approval shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for their proposed branch and that the proposed branch is not being formed for other than the legitimate objects covered by this title. A branch shall not be established or permitted if the contingent fund, loss reserves and guaranty stock are less than the aggregate paid-in capital which would be required by law as a prerequisite to the establishment and operation of an equal number of branches in like locations by a commercial bank. If the application for a branch is not approved, the association shall have the right to appeal in the same manner and within the same time as provided by RCW 33.08.070 as now or hereafter amended. The association when delivering said application to the supervisor shall transmit to him a check for five hundred dollars to cover the expense of the investigation. An association shall not move any office from its immediate vicinity without prior approval of the supervisor.

Passed the Senate February 9, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 99
[Engrossed Senate Bill No. 3024]
DISSOLUTION OF MARRIAGE PROCEEDINGS--
RESTRAINING ORDERS

AN ACT Relating to domestic relations; defining crimes; adding a new section to chapter 26.09 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 26.09 RCW a new section to read as follows:

(1) Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction in an action for the dissolution of a marriage under this chapter who

refuses to comply with the provisions of such order when requested by any peace officer of the state shall be guilty of a misdemeanor.

(2) The notice requirements of subsection (1) may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified to be an accurate copy of the original on file by a notary public or the clerk of the court of the court order which copy may be supplied by the court, the complainant or the complainant's attorney.

(3) The remedies provided by this section shall not apply unless restraining orders subject to this section shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND IS ALSO SUBJECT TO CIVIL CONTEMPT PROCEEDINGS.

(4) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule: PROVIDED, That no right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest.

Passed the Senate February 9, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
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CHAPTER 100

[Engrossed Senate Bill No. 3052]
SOUND RECORDINGS—PROHIBITED ACTS—
PENALTIES—EXCLUSIONS

AN ACT Relating to the protection of the rights of the owner of a sound recording; adding a new chapter to Title 19 RCW; and providing penalties.

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

NEW SECTION. Section 1. As used in this chapter, "owner" means the owner of the master recording, master disc, master tape, master film, or other device used for reproducing recorded sound on a phonograph record, disc, tape, film, or other material on which sound is recorded and from which the transferred recorded sound is directly or indirectly derived.

NEW SECTION. Sec. 2. A person commits a gross misdemeanor punishable by a fine not to exceed one thousand dollars and imprisonment not to exceed one year and confiscation of illegal stock, if he:

(1) Reproduces for sale any sound recording without the written consent of the owner of the master recording; or

(2) Knowingly sells or offers for sale or advertises for sale any sound recording that has been reproduced without the written consent of the owner of the master recording.

NEW SECTION. Sec. 3. This chapter shall not be applicable to the reproduction of any sound recording that is used or intended to be used only for broadcast by commercial or educational radio or television stations.

NEW SECTION. Sec. 4. This chapter shall not be applicable to the reproduction of a sound recording defined as a public record of any court, legislative body, or proceedings of any public body, whether or not a fee is charged or collected therefor.

NEW SECTION. Sec. 5. If any provision of this 1974 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. 6. There is added to Title 19 RCW a new chapter to read as set forth in sections 1 through 6 of this 1974 act.

Passed the Senate February 9, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 101

[Engrossed Senate Bill No. 3058]

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION—
ASSISTANCE TO LOCAL DISTRICTS

AN ACT Relating to the Washington state school directors' association; and amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 184, Laws of 1969 ex. sess. and RCW 28A.61.030.

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

Section 1. Section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 184, Laws of 1969 ex. sess. and RCW 28A.61.030 are each amended to read as follows:

The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance: PROVIDED, That action taken with respect thereto is consistent with

the provisions of RCW 28A.61.010 through 28A.61.060 or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW 28A.58.310;

(4) To employ an executive secretary and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) To buy, sell or exchange such personal and real property as necessary for the efficient operation of the association; ((and))

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors;

(8) Upon request by a local school district board(s) of directors, to make available on a cost reimbursable contract basis (a) specialized services, (b) research information, and (c) consultants to advise and assist district board(s) in particular problem areas: PROVIDED, That such services, information, and consultants are not already available from other state agencies, intermediate school districts, or from the information and research services authorized by RCW 28A.58.530; PROVIDED FURTHER, That any such contract shall be filed with the Office of Program Planning and Fiscal Management and the Legislative Budget Committee prior to the date any work commences under any such contract.

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CHAPTER 102

[Engrossed Senate Bill No. 3078]

COMMISSION MERCHANTS, REGULATIONS--

LIVESTOCK AND MEAT PRODUCTS, SECURITY INTERESTS

AN ACT Relating to commission merchants; amending section 9-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-204; amending section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 182, Laws of 1971 1st ex. sess. and RCW 20.01.010; amending section 4, chapter 139, Laws of 1959 as amended by section 3, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.040; amending section 6, chapter 139, Laws of 1959 as amended by section 4, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.060; amending section 5, chapter 232, Laws of 1963 as amended by section 8, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.210; amending section 37, chapter 139, Laws of 1959 as last amended by section 3, chapter 232, Laws of 1963 and RCW 20.01.370; amending section 42, chapter 240, Laws of 1967 and RCW 20.01.385; amending section 43, chapter 139, Laws of 1959 and RCW 20.01.430; and adding a new section to chapter 20.01 RCW.

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

Section 1. Section 9-204, chapter 157, Laws of 1965 ex. sess. and RCW 62A.9-204 are each amended to read as follows:

(1) A security interest cannot attach until there is agreement (subsection (3) of RCW 62A.1-201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

(a) in crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;

(b) in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;

(c) in a contract right until the contract has been made;

(d) in an account until it comes into existence.

(3) Except as provided in subsection (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an after-acquired property clause

(a) to crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase

or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;

(b) to consumer goods other than accessions (RCW 62A.9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

(6) A security interest cannot attach to livestock or to meat or meat products made from such livestock, where (a) the livestock was sold to the debtor by another party, (b) this other party has been paid by draft or check, and (c) the draft or check remains outstanding: PROVIDED, That a security interest may attach when the draft or check has been outstanding more than ten days.

Sec. 2. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 182, Laws of 1971 ex. sess. 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 or his agent 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, with the exception of an agent for a commission merchant or dealer handling horticultural products, 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.

(14) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor which shall indicate the variety of horticultural product delivered, the number of containers, or the weight and tare thereof.

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records which shall include variety, grade, size and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs: PROVIDED, That platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size and date of delivery.

(c) Terms under which the commission merchant may use his judgement in regard to the sale of the pooled horticultural product.

(d) Terms setting forth the charges as filed with the state of Washington.

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, up to eighty percent of his interest less expenses directly incurred, prior liens and other advances on the growers crop

unless otherwise mutually agreed upon between grower and commission merchant.

Sec. 3. Section 4, chapter 139, Laws of 1959 as amended by section 3, chapter 182, Laws of 1971 ex. sess. 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, ~~((sixty))~~ eighty dollars
- (2) Dealer, ~~((sixty))~~ eighty dollars
- (3) Broker, ~~((sixty))~~ eighty dollars
- (4) Cash buyer, thirty dollars
- (5) Agent, ten dollars.

Sec. 4. Section 6, chapter 139, Laws of 1959 as amended by section 4, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.060 are each amended to read as follows:

Any person licensed as a commission merchant, dealer, or 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 thirty dollars~~) upon payment of an additional fee of twenty-five dollars. Such applicant shall further comply with those parts of this chapter regulating the licensing of the other particular classifications involved.

Sec. 5. Section 5, chapter 232, Laws of 1963 as amended by section 8, chapter 182, Laws of 1971 ex. sess. 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))~~ by, or consignments to 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 of net payment to growers 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 the gross dollar volume used in computing the bond requirements of a commission merchant or dealer handling horticultural products shall be based on the net proceeds due to growers: PROVIDED FURTHER, 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 also be released and discharged from all liability to the state accruing on such bond 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 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. 6. Section 37, chapter 139, Laws of 1959 as last amended by section 3, chapter 232, Laws of 1963 and RCW 20.01.370 are each amended to read as follows:

Every commission merchant, ((having received)) before taking control of any agricultural products for sale as such commission

merchant, shall utilize the standard contract format provided for in section 8 of this 1974 amendatory act and shall promptly make and keep for a period of one year a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

(1) The name and address of the consignor.

(2) The date received.

(3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.

(4) Date of such sale for account of consignor.

(5) The terms of the sale.

(6) The terms of payment to the producer.

(7) An itemized statement of the charges to be paid by consignor in connection with the sale.

~~((7))~~ (8) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

~~((8))~~ (9) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

~~((9))~~ (10) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

(11) Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), (7), and (9) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool.

Sec. 7. Section 42, chapter 240, Laws of 1967 and RCW 20.01.385 are each amended to read as follows:

Whenever a commission merchant or dealer handling any agricultural products fails to carry out the provisions of section 5

of this 1974 amendatory act or RCW ((20-04-370 or) 20.01.380, whichever is applicable, ((and there is no contract in writing attested to by the consignor and the commission merchant or dealer varying the said requirements of RCW 20-04-370 or 20-04-380;)) it shall be prima facie evidence that the transaction involving the handling of any agricultural products between the consignor and the commission merchant or dealer was either a commission type transaction, or dealer transaction constituting an outright sale by the consignor, whichever is most favorable to the consignor. Such determination in favor of the consignor shall be based on the market price of the agricultural product in question at the time the complaint is filed against said commission merchant or dealer by the consignor: PROVIDED, That if the return to the consignor is determined most favorably on a commission basis, the total commission shall not exceed ten percent, and all other charges for handling the agricultural product in question shall be figured on the basis of the actual cost of said handling.

NEW SECTION. Sec. 8. There is added to chapter 20.01 RCW a new section to read as follows:

The reporting provisions of section 9 of this 1974 amendatory act and of RCW 20.01.370 and 20.01.380 being matters of public interest may not be waived by contract between the consignor and/or the commission merchant or dealer.

Notwithstanding any other provision of sections 1, 2, 3, 4, 5, 6, 8, and 9 of this 1974 amendatory act the reporting and records requirements of RCW 20.01.380 may be satisfied by any dealer handling horticultural products by his making such records available at his principal place of business for inspection by the consignor.

Sec. 9. Section 43, chapter 139, Laws of 1959 and RCW 20.01.430 are each amended to read as follows:

Every commission merchant shall remit to the consignor of any agricultural product the full price for which such agricultural product was sold within ((ten)) thirty days of said sale, unless otherwise ((agreed in writing)) mutually agreed between grower and commission merchant. Such remittance shall include all collections, overcharges and damages, less the agreed commission and other charges and a complete account of the sale.

NEW SECTION. Sec. 10. There is added to chapter 20.01 RCW a new section to read as follows:

The director, in accordance with the provisions of chapter 34.04 RCW and in conjunction with representatives of producers and commission merchants, shall develop a standard contract format for use in the sale or consignment of agricultural products by persons licensed as commission merchants pursuant to this chapter.

On and after the effective date of the rules and regulations establishing the standard contract format, the director or the supervisor of the appropriate division of the department of agriculture shall approve contracts for the sale or consignment of agricultural products by persons licensed as commission merchants pursuant to this chapter to insure that such contracts are in the form and style required by the department's rules and regulations.

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CHAPTER 103

[Substitute Senate Bill No. 3106]

MOTOR VEHICLE SPEED LIMITS

AN ACT Relating to the regulation of speeds of motor vehicles; amending section 2, chapter 16, Laws of 1963 as last amended by section 2, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 1, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 and RCW 46.61.415; amending section 46.48.041, chapter 12, Laws of 1961 and RCW 46.61.430; and declaring an emergency.

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

Section 1. Section 2, chapter 16, Laws of 1963 as last amended by section 2, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.405 are each amended to read as follows:

Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, said commission may determine and declare a lower ((reasonable and safe)) maximum limit ((thereat)) for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The commission may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such

((a)) maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410.

Sec. 2. Section 3, chapter 16, Laws of 1963 as last amended by section 1, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.410 are each amended to read as follows:

(1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46.61.405.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over

ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the state highway commission shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary of the state highway commission shall mail notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

Sec. 3. Section 4, chapter 16, Laws of 1963 and RCW 46.61.415 are each amended to read as follows:

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

(a) Decreases the limit at intersections; or

(b) Increases the limit but not to more than sixty miles per hour; or

(c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The state highway commission is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

((4)) (5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the state highway commission.

Sec. 4. Section 46.48.041, chapter 12, Laws of 1961 and RCW 46.61.430 are each amended to read as follows:

Notwithstanding any law to the contrary or inconsistent herewith, the Washington state highway commission shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule or regulation requiring a different rate of speed and all such ordinances, rules and regulations contrary to or inconsistent therewith now in force are void and of no effect (PROVIDED, That a maximum speed above thirty-five miles per hour may be established in cities or towns only when the findings of a traffic engineering investigation by the state highway department warrants such increase in speed).

NEW SECTION. Sec. 5. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1974.
Passed the House February 5, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 104

[Engrossed Senate Bill No. 3116]

COMMERCIAL HERRING FISHING

AN ACT Relating to commercial herring fishing; adding a new section to chapter 75.28 RCW; amending section 4, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.420; and declaring an emergency.

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

Section 1. Section 4, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.420 are each amended to read as follows:

For the 1973 season and subsequent seasons, the department shall limit the number of licenses validated under RCW 75.28.410 to those individuals who held valid commercial fishing licenses and can

prove that they landed herring as documented by a Washington department of fisheries landing ticket for that type of fishing gear during the period (1) January 1, 1971, through April ((4)) 15, 1973, or (2) January 1, 1969, through December 31, 1970, for only those individuals who were in the armed services of the United States during the period January 1, 1971, through April 1, 1973. The validated herring license shall be required for commercial herring fishing in Puget Sound as set forth in the Washington Administrative Code under section 220-16-210. Additional licenses may be granted after the 1976 season by the department only upon a showing that the stocks of herring will not be jeopardized by the granting of such additional licenses. The individual validation to fish for herring shall be fully transferable.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

On and after the effective date of this section the director of the department of fisheries shall appoint three persons broadly representative of the commercial herring fishery to function as an advisory committee to the department for the purpose of defining hardship cases as such cases relate to denials of commercial herring licenses under this chapter. The committee shall hold meetings and hearings and take such testimony as it deems necessary to carry out the duty imposed on it by this section. Upon making its final decision on the meaning of a hardship case and communicating the same in writing to the director the committee shall be dissolved. The director, upon receipt of the committee's findings, may promulgate the committee's definition of a hardship case as a rule and regulation of the department after complying with the provisions of chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 3. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 9, 1974.
Passed the House February 6, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 105
[Senate Bill No. 3147]
STATE FERRIES--
PUBLIC MASS TRANSPORTATION SYSTEM

AN ACT Relating to Washington state ferries; adding a new section to chapter 47.60 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 47.60 RCW a new section to read as follows:

The legislature finds and declares that the state ferry system is a public mass transportation 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 Senate February 11, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 106
[Engrossed Senate Bill No. 3206]
CHARITABLE ORGANIZATIONS--
RELIGIOUS ORGANIZATION EXEMPTION--
SOLICITATION COSTS--REPORTING REQUIREMENTS

AN ACT Relating to charitable solicitations; amending section 2, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.020; amending section 3, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.030; amending section 10, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.100; and amending section 12, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.120.

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

Section 1. Section 2, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.020 are each amended to read as follows:

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

(1) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose.

"Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(2) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights, and not merely that portion of the purchase price to be applied to a charitable purpose.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) "Cost of solicitation" means and includes all costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation for a direct gift or conducting a sale or benefit affair.

(5) "Director" means the director of the department of motor vehicles.

~~((5))~~ (6) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

~~((6))~~ (7) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

~~((7))~~ (8) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

~~((8))~~ (9) "Professional fund raiser" means any person who, for compensation, plans, conducts, or manages any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers or professional solicitors: (a) Bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state

of Washington; who is employed and engaged as such officer or employee principally in connection with activities other than soliciting contributions or managing the solicitation of contributions and whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of ((REW 49-09-030)) section 2 of this 1974 amendatory act.

((49)) [10] A "professional solicitor" means a person other than a professional fund raiser who is employed for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state.

((40)) [11] "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith.

((44)) [12] "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

- (a) Any appeal is made for any charitable purpose; or
- (b) The name of any charitable organization is used as an inducement for consummating the sale; or
- (c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Sec. 2. Section 3, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.030 are each amended to read as follows:

Except as otherwise specifically provided in other sections of this chapter, this chapter shall not apply to the following:

(1) Solicitations by religious corporations duly organized and operated in good faith as religious organizations which are entitled to receive a declaration of current tax exempt status from the government of the United States and their duly organized branches or chapters, if the solicitations by such organization are conducted among the members thereof by other members or officers thereof, voluntarily or if the solicitations are in the form of collections or contributions at the regular or special religious assemblies.

meetings, or services of any such organization or solicitations by such organizations for evangelical, missionary, or religious purposes.

(2) Any organizations which are organized and operated principally for charitable or religious or educational purposes, other than the raising of funds, when the solicitation of contributions is confined to the membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services.

The term "membership" shall not include those persons who are granted membership upon making a contribution as the result of a solicitation.

~~((2))~~ (3) Persons requesting any contributions for the relief of named individuals:

(a) When the solicitation is managed and conducted solely by persons who are unpaid for such services and;

(b) When the contributions collected do not exceed the ~~((two))~~ five thousand dollars in any six month period; and

(c) When all of the contributions collected, without any deductions whatsoever except for the actual cost of a banquet, dance, or similar social gathering, are turned over to the named beneficiary or beneficiaries.

~~((3))~~ (4) Any charitable organization which does not solicit and collect contributions in this state in excess of ~~((two))~~ five thousand dollars in any six month period if all such fund raising functions are carried on by persons who are unpaid for their services.

Sec. 3. Section 10, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.100 are each amended to read as follows:

Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that:

(1) The cost of solicitation for direct gifts shall not exceed twenty percent of the total gross amount to be raised or for sale and benefit affairs shall not exceed fifty-five percent of the total gross amount to be raised; and of this fifty-five percent, not more than twenty percent shall be paid for all wages, fees, commissions, salaries, and emoluments paid or to be paid to all salesmen, solicitors, collectors, and professional fund raisers. If it appears that the cost of soliciting will exceed the percentages listed above, and except for that, the registration would otherwise be granted, the director may enter an order registering the charitable organization, upon a showing that special reasons make a cost higher than twenty percent or said fifty-five percent, or said

twenty percent, respectively, reasonable in the particular case. When such an order is entered, the amount, stated as a percentage of the total purchase price, that will be given to the charitable organization or purpose shall be disclosed to each person being solicited at the time of each solicitation by conspicuously setting out such cost upon the item of goods, or upon its package, or by conspicuously setting out such cost upon a sign posted at each location where such solicitation occurs:

(2) The charitable organization has complied with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive and its rules and regulations, which the director may adopt, comply with the standards prescribed by the director and which afford full and fair disclosure;

(4) The charitable organization has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has not been subject to any permanent injunction or administrative order or judgment, 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, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Sec. 4. Section 12, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.120 are each amended to read as follows:

(1) Any charitable organization mentioned under ~~((REW 49-99:036 (3)))~~ section 2 (4) of this 1974 amendatory act:

(a) Before conducting any solicitation give written notice to the director stating its intention to solicit funds, the basis of its exemption, the purpose of such solicitation, the approximate percentage of collections, after deductions for expenses, to be actually devoted to that purpose, and when and in what area or areas such solicitation will be conducted. Written notice shall be given to the director by the organization, or by someone in its behalf, at least three days in advance of such solicitation, and if it is sent by registered or certified mail such notice shall be deemed given when deposited in the United States mail. The notice requirement of this section shall constitute a registration statement which shall be construed as registration under the provisions of this chapter.

(b) In the event that any organization, under this section, solicits and collects funds in excess of ~~((five))~~ fifteen hundred dollars during any year, such organization shall file a short form

report conforming to the provisions of RCW 19.09.130. The director may require the furnishing of any further details as may be necessary for complete reporting and disclosure within the purposes of this section.

(2) No fees shall be collected in connection with any notice, registration, or report filed under this section.

Passed the Senate February 11, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 107
[Engrossed Senate Bill No. 3235]
MINIMUM WAGE LAW—
NURSING HOME, HOSPITAL EMPLOYEES

AN ACT Relating to minimum wages; amending section 1, chapter 294, Laws of 1959 as amended by section 2, chapter 18, Laws of 1961 ex. sess. and RCW 49.46.010.

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

Section 1. Section 1, chapter 294, Laws of 1959 as amended by section 2, chapter 18, Laws of 1961 ex. sess. and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under RCW 49.46.050((-));
- (3) "Employ" includes to suffer or to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation,

management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) Any individual employed in domestic service in or about a private home;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director);

(d) Any individual employed by the United States;

(e) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by the state, any county, city, or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof;

(j) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(k) ((Any individual engaged in performing services in a hospital licensed pursuant to chapter 70-44 or chapter 71-42;

{i} any individual engaged in performing services in a nursing home licensed pursuant to chapter 48-54;

{m}) Any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

Passed the Senate February 11, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 108

[Senate Bill No. 3272]

SCHOOL CONSTRUCTION FINANCING—
STATE GENERAL OBLIGATION BONDS

AN ACT Relating to the common schools and the support thereof and to general obligation bonds to be issued and to revenue bonds heretofore issued to provide such support; amending section 1, chapter 13, Laws of 1969 as amended by section 1, chapter 4, Laws of 1971 ex. sess. and RCW 28A.47.792; amending section 3, chapter 13, Laws of 1969 and RCW 28A.47.794; amending section 5, chapter 13, Laws of 1969 as amended by section 3, chapter 4, Laws of 1971 ex. sess. and RCW 28A.47.796; adding a new section to chapter 28A.47; and declaring an emergency.

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

Section 1. Section 1, chapter 13, Laws of 1969 as amended by section 1, chapter 4, Laws of 1971 ex. sess. and RCW 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~~) general 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 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 3, chapter 13, Laws of 1969 and RCW 28A.47.794 are each amended to read as follows:

Bonds issued under the provisions of RCW 28A.47.792 through 28A.47.799 shall distinctly state that they are ((not)) a general obligation bond of the state((7 but are)) of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall

be first payable in the manner provided in RCW 28A.47.792 through 28A.47.799 from that portion of the common school construction fund derived from the interest on the permanent common school fund. That portion of the common school construction fund derived from interest on the permanent common school fund is hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 28A.47.792 through 28A.47.799.

Sec. 3. Section 5, chapter 13, Laws of 1969 as amended by section 3, chapter 4, Laws of 1971 ex. sess. 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. There is added to chapter 28A.47 RCW a new section to read as follows:

Any or all of the heretofore issued and outstanding bonds authorized by RCW 28A.47.784 through 28A.47.791, and by RCW 28A.47.792 through 28A.47.799 may be refunded by the issuance of general obligation bonds of the state of Washington pursuant to the provisions of chapter 39.53 RCW as heretofore or hereafter amended. Any such refunding general obligation bonds shall be additionally secured as to the payment thereof by a pledge of interest on the permanent common school fund.

NEW SECTION. Sec. 5. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate February 5, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 109

[Senate Bill No. 3304]

WASHINGTON STATE UNIVERSITY TREE FRUIT
RESEARCH CENTER CONSTRUCTION--STATE
GENERAL OBLIGATION BONDS--FEDERAL LEASE--
APPROPRIATION

AN ACT Relating to state government and the support thereof; providing for the planning, construction, furnishing and equipping of an office-laboratory building and facilities at Washington State University Tree Fruit Research Center and providing for the financing thereof by the issuance of bonds; making an appropriation; creating new sections; adding new sections to chapter 28B.30 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of funding and providing the planning, construction, furnishing and equipping, together with all improvements thereon, of an office-laboratory facility at Washington State University Tree Fruit Research Center, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million eight hundred thousand dollars, or so much thereof as may be required, to finance the project defined in this 1974 act and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. 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 notes, if any. Such bonds shall be payable at such places as the committee may provide.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuance of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation

notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by this 1974 act shall be deposited in the office-laboratory construction account hereby created in the general fund of the state treasury and shall be used exclusively for the purposes specified in this 1974 act and for the payment of expenses incurred in the issuance and sale of bonds.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds or notes deposited in the office-laboratory construction account of the general fund shall be administered by Washington State University.

NEW SECTION. Sec. 5. Bonds issued under the provisions of this 1974 act shall state that they are a general obligation of the state of Washington, additionally secured by rental payments received from the federal government or any other funds which may be legally pledged for such purpose, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

NEW SECTION. Sec. 6. The office-laboratory facilities bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this 1974 act. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements which may exceed cash available in the bond redemption fund from rental revenues, and on July 1st of each year the state treasurer shall deposit such amount in the office-laboratory facilities bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

NEW SECTION. Sec. 7. The owner and holder of any of the bonds authorized by this 1974 act may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 8. None of the bonds authorized in this 1974 act shall be sold unless a long-term lease agreement shall be entered into between Washington State University and the general services administration of the federal government providing for the joint occupancy of this facility by the United States Department of Agriculture and Washington State University. The lease payments by the federal government or any other funds which may be legally

pledged for such purpose, shall provide for the amortization of the principal of and interest on the bonds authorized by this 1974 act as certified by the state finance committee, in addition to custodial, maintenance and utility services costs. All lease payments received by the University for payment of the principal and interest on the bonds shall be remitted by the University annually and in advance of the beginning of each fiscal year and deposited in the state treasury to the credit of the office-laboratory facilities bond redemption fund.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this 1974 act, and this 1974 act shall not be deemed to provide an exclusive method for such payments.

NEW SECTION. Sec. 10. The bonds authorized in this 1974 act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 11. There is hereby appropriated to Washington State University from the office-laboratory construction account of the general fund, out of the sale of the bonds or notes authorized by this 1974 act, the sum of one million eight hundred thousand dollars, or such lesser amount as may be required, to finance the planning, construction, furnishing and equipping, together with all improvements thereon, of the facility authorized by this 1974 act.

NEW SECTION. Sec. 12. Sections 1 through 11 of this 1974 act are hereby added to chapter 28B.30 RCW.

NEW SECTION. Sec. 13. This 1974 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. 14. If any provision of this 1974 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 6, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 110

[Engrossed Substitute Senate Bill No. 3329]

THERMAL POWER PLANT SITE STUDIES—
ENVIRONMENTAL IMPACT STATEMENTS

AN ACT Relating to studies of sites for thermal power plants and associated transmission lines; adding new sections to chapter 45, Laws of 1970 ex. sess. and to chapter 80.50 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 45, Laws of 1970 ex. sess. and to chapter 80.50 RCW a new section to read as follows:

It is the intent of section 2 of this 1974 act to expedite the certification of sites for thermal power plants and associated transmission lines, to minimize duplication of effort in conducting studies of and preparing environmental impact statements relating to such sites, to authorize and encourage cooperation between the council and counties, other governmental agencies, and municipal or public corporations in connection with such sites, and to provide for a single detailed statement in accordance with RCW 43.21C.030 (c) where any proposed thermal power plants and associated transmission lines are subject to certification pursuant to chapter 80.50 RCW, and to further the development of power generation facilities to meet pressing needs: PROVIDED, That it is the intent of the Legislature that appropriate consideration will be given to protecting and preserving the quality of the environment.

NEW SECTION. Sec. 2. There is added to chapter 45, Laws of 1970 ex. sess. and to chapter 80.50 RCW, a new section to read as follows:

(1) In addition to all other powers conferred on the council under this chapter, the council shall have the powers set forth in this section.

(2) The council, upon request of any potential applicant, is authorized, as provided in this section, to conduct a study of any potential site prior to receipt of an application for site certification. A fee of ten thousand dollars for each potential site, to be applied toward the cost of any study agreed upon pursuant to subsection (3) of this section, shall accompany the request and shall be a condition precedent to any action on the request by the council.

(3) After receiving a request to study a potential site, the council shall commission its own independent consultant to study matters relative to the potential site. The study shall include, but

need not be limited to, the preparation and analysis of environmental impact information for the proposed thermal power plant and associated transmission lines at the potential site and any other matter the council and the potential applicant deem essential to an adequate appraisal of the potential site. In conducting the study, the council is authorized to cooperate and work jointly with the county or counties in which the potential site is located, any federal, state, or local governmental agency that might be requested to comment upon the potential site, and any municipal or public corporation having an interest in the matter. The full cost of the study shall be paid by the potential applicant: PROVIDED, That such costs exceeding a total of ten thousand dollars shall be payable subject to the potential applicant giving prior approval to such excess amount.

(4) Any study prepared by the council pursuant to subsection (3) of this section shall be used in place of the "detailed statement" required by RCW 43.21C.030 (c) by any branch of government except the thermal power plant site evaluation council created pursuant to chapter 80.50 RCW. Except for actions of the thermal power plant site evaluation council under chapter 80.50 RCW, all proposals for legislation and other actions of any branch of government of this state, including state agencies, municipal and public corporations, and counties, to the extent the legislation or other action involved approves, authorizes, permits, or establishes procedures solely for approving, authorizing or permitting, the location, financing or construction of one or more thermal power plants or associated transmission lines subject to certification under chapter 80.50 RCW, shall be exempt from the "detailed statement" required by RCW 43.21C.030. Nothing in this subsection shall be construed as exempting any action of the thermal power plant site evaluation council from any provision of chapter 43.21C RCW.

(5) All payments required of the potential applicant under this section are to be made to the state treasurer, who in turn shall pay the consultant as instructed by the council. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the potential applicant.

(6) Nothing in this section shall change the requirements for an application for thermal power plant site certification or the requirement of payment of a fee as provided in RCW 80.50.070, or change the time for disposition of an application for certification as provided in RCW 80.50.100.

(7) Nothing in this section shall be construed as preventing a city or county from requiring any information it deems appropriate to make a decision approving a particular location.

NEW SECTION. Sec. 3. If any provision of this 1974 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 1974 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 11, 1974.
Passed the House February 7, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 111

[Engrossed Senate Bill No. 3354]
PUBLIC INDEBTEDNESS--REFUNDING BONDS

AN ACT Relating to financing by the state, its agencies, institutions, political subdivisions, and municipal and quasi-municipal corporations; amending section 8, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.080; amending section 3, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.020; amending section 6, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.050; amending section 7, chapter 25, Laws of 1973 1st ex. sess. and RCW 39.53.140; and declaring an emergency.

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

Section 1. Section 8, chapter 184, Laws of 1971 ex. sess. and RCW 39.42.080 are each amended to read as follows:

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)) 1.05 times the amount which, taking into account earnings from the investment of the proceeds of the issue, is required to pay the principal thereof, interest thereon, 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)) and the costs incurred in accomplishing such refunding, as provided in chapter 39.53 RCW, as now or hereafter amended: PROVIDED, That any proceeds of the refunding, bonds in excess of those acquired to accomplish such refunding or any obligations acquired with such excess proceeds, shall be applied exclusively for the payment of

principal, interest, or call premiums with respect to such refunding obligations:

(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 any of 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.

Sec. 2. Section 3, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.020 are each amended to read as follows:

The governing body of any public body may by ordinance provide for the issuance of bonds without an election to refund outstanding bonds heretofore or hereafter issued by such public body or its predecessor ((and to pay redemption premiums and costs of refunding)), only (1) in order to pay or discharge all or any part of such outstanding series or issue of bonds, including any interest thereon, in arrears or about to become due and for which sufficient funds are not available, or (2) in order to effect a saving to the public body; PROVIDED, That refunding bonds shall not be issued unless the state finance committee or the public body authorized to issue refunding bonds pursuant to chapter 39.53 RCW finds that such saving will be effected by the refunding. To determine whether or not a saving will be effected, consideration shall be given to the interest to fixed maturities of the refunding bonds and the bonds to be refunded, the costs of issuance of the refunding bonds, including any sale discount, the redemption premiums, if any, to be paid, and the known earned income from the investment of the refunding bond proceeds pending redemption of the bonds to be refunded. ((Such refunding plan shall be subject to provisions concerning payment and to all other contractual provisions in the proceedings authorizing the issuance of the bonds to be refunded or otherwise appertaining thereto:))

Sec. 3. Section 6, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.050 are each amended to read as follows:

Refunding bonds may be issued in a principal amount in excess of the principal amount of the bonds to be refunded in an amount deemed reasonably required to effect such refunding except voted general obligation bonds. The principal amount of the refunding bonds may be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for the retirement or redemption of such bonds to be refunded. Any reserves held to secure the bonds to be refunded may be applied at the time the bonds to be refunded are paid to the redemption or retirement of such bonds, or if other available funds are sufficient and used to retire and redeem such bonds, such reserves may be pledged as security for the payment of the refunding bonds.

Sec. 4. Section 7, chapter 25, Laws of 1973 1st ex. sess. and RCW 39.53.140 are each amended to read as follows:

The state may issue general obligation bonds to refund any special revenue or limited obligations of the state or its agencies at or prior to the date they mature or are subject to redemption. The payment of such refunding general obligation bonds may be additionally secured by a pledge of the revenues pledged to the payment of the special revenue or limited obligations to be refunded.

If the payment of such special revenue obligations to be refunded as general obligation bonds of the state is secured by (1) fees collected by the state as license fees for motor vehicles, or (2) excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel, or (3) interest on the permanent school fund, then the state shall also pledge to the payment of such refunding bonds the same fees, excise taxes, or interest that were pledged to the payment of the special revenue obligations being refunded.

NEW SECTION. Sec. 5. This 1974 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 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 5, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 112

[Substitute Senate Bill No. 3355]

COMMUNITY COLLEGE LIMITED OBLIGATION BONDS—
STATE REFUNDING GENERAL OBLIGATION BONDS

AN ACT Relating to community colleges; amending section 20, chapter 15, Laws of 1970 ex. sess. as amended by section 20, chapter 279, Laws of 1971 ex. sess. and RCW 28B.50.360; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The state of Washington is hereby authorized to issue state general obligation bonds for the purpose of refunding any outstanding general tuition fee, limited obligation bonds of the college board issued pursuant to this chapter in an amount not exceeding 1.05 times the amount which, taking into account amounts to be earned from the investment of the proceeds of the issue, is required to pay the principal thereof, interest thereon, any premium payable with respect thereto, and the costs incurred in accomplishing such refunding: PROVIDED, That any proceeds of the refunding bonds in excess of those required to accomplish such refunding, or any obligations acquired with such excess proceeds, shall be applied exclusively for the payment of principal, interest, or call premiums with respect to such refunding obligations. In no event shall the amount of such refunding bonds authorized in this section exceed seventy-five million dollars.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

Subject to the specific provisions of sections 1 through 6 of this amendatory act, such general obligation refunding bonds shall be issued and the refunding of said community college tuition fee bonds shall be carried out pursuant to chapters 39.42 and 39.53 RCW as now or hereafter amended. The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise of the state to pay the principal thereof and interest thereon when due.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

There is hereby created in the state treasury the community college refunding bond retirement fund of 1974, which fund shall be exclusively devoted to the payment of the principal of and interest on the refunding bonds authorized by sections 1 through 6 of this amendatory act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to pay the principal of and interest on such bonds. On July 1st of each year the state treasurer shall deposit such amount in the community college refunding bond retirement fund of 1974 from any general state revenues received in the state treasury.

Sec. 4. Section 20, chapter 15, Laws of 1970 ex. sess. as amended by section 20, chapter 279, Laws of 1971 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 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)) Such amounts of the funds deposited in the bond retirement fund as are necessary 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 shall be exclusively devoted to that purpose. 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 general tuition fees not required for or in excess of the amounts ((certified to the state treasurer as being required)) necessary 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.

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding tuition fee bonds of the college board payable from the community college bond retirement fund have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college bond retirement fund, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through refunding or otherwise, that portion of all general tuition fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the said bond retirement fund and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college tuition fee bonds from some source other than the community college bond retirement fund or as pledging the general credit of the state to the payment of such bonds.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized in sections 1 through 6 of this amendatory act and sections 1 through 6 of this amendatory act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The bonds authorized in sections 1 through 6 of this amendatory act shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

All bonds issued after the effective date of this amendatory act by the college board or any community college board of trustees for any community college district under provisions of chapter 28B.50 RCW, as now or hereafter amended, shall be issued by such boards only upon the prior advice and consent of the state finance committee.

NEW SECTION. Sec. 8. This 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. 9. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 5, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 113

[Senate Bill No. 3362]

CAPITOL FACILITIES LIMITED OBLIGATION BONDS—
STATE REFUNDING GENERAL OBLIGATION BONDS

AN ACT Relating to state government; providing for the refunding of certain state capitol committee bonds by issuance of refunding bonds; creating new sections; adding new sections to Title 43 RCW as a new chapter thereto; and declaring an emergency.

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

NEW SECTION. Section 1. The state finance committee is authorized to issue general obligation bonds of the state in the amount of twenty-one million dollars, or so much thereof as may be required to refund, at or prior to maturity, the outstanding "State of Washington Capitol Facilities Revenue Bonds, 1969", dated October 1, 1969, and the outstanding "State of Washington East Capitol Site Bonds, 1969", dated October 1, 1969, and to pay any premium payable with respect thereto and all interest thereon, and to pay all costs incidental thereto and to the issuance of the bonds authorized by this chapter. The bonds authorized by this chapter shall be paid and

discharged within thirty years of the date of issuance in accordance with Article VIII, Section 1, of the state Constitution.

NEW SECTION. Sec. 2. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. 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. Such bonds shall be payable at such places as the committee may provide.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be set aside for the payment of the bonds to be refunded in accordance with chapter 39.53 RCW, except that investment and reinvestment thereof shall be limited to direct obligations of the United States of America.

NEW SECTION. Sec. 4. The state building refunding bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on 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 such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 6. The bonds authorized in this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are added to Title 43 RCW as a new chapter thereof.

NEW SECTION. Sec. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

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 February 5, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 114
[Substitute Senate Bill No. 3378]
OPERATING AND CAPITAL BUDGET—
AMENDMENTS

AN ACT Relating to appropriations and reappropriations; amending section 74, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 89, chapter 137, Laws of 1973 1st ex. sess. (uncodified); amending section 2, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 4, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 6, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 9, chapter 114, Laws of 1973 1st ex. sess. (uncodified); amending section 10, chapter 114, Laws of 1973 1st ex. sess. (uncodified); and declaring an emergency.

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

Section 1. Section 74, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON FUTURE PROGRAM

Appropriated to:

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--Outdoor Recreation Account ((Appropriation))

Appropriated pursuant to
the provisions of section

4 (2), chapter 129, Laws
of 1972 ex. sess.....\$ 5,000,000

DEPARTMENT OF ECOLOGY

General Fund--State and Local Improvements

Account ((Appropriation: PROVIDED,
That the state portion of the overall
cost of any individual project shall
not exceed fifteen percent except
that (1) the state portion of solid
waste management, lake rehabilitation,
irrigation return flows or water
supply projects may be as much as
fifty percent; (2) the state may
provide one hundred percent of the
costs necessary to meet the conditions
required to receive federal funds; and
(3) the state may loan one hundred
percent of the eligible costs of
preconstruction activities.....\$ 33,450,000))

--Water Supply Facilities--Appropriated
pursuant to the provisions of chapter 128,
Laws of 1972 ex. sess.: PROVIDED, That: (1)
the state portion of water supply
projects may be as much as fifty percent;
(2) the state may provide one hundred
percent of the costs necessary to
meet the conditions required to
receive federal funds; and (3) the
state may loan one hundred percent of
the eligible costs of preconstruction
activities.....\$ 6,900,000

General Fund--State and Local Improvements

Revolving Account Waste Disposal
Facilities--Appropriated pursuant
to the provisions of chapter 127, Laws
of 1972 ex. sess. for up to fifteen percent
of the overall cost of any individual
project except that: (1) the state
portion of solid waste management,
lake rehabilitation, or irrigation
return flows may be as much as fifty
percent; (2) the state may provide
one hundred percent of the costs
necessary to meet the conditions

required to receive federal funds; and
(3) the state may loan one hundred
percent of the eligible costs of
preconstruction activities; this
appropriation includes \$9,855,793 of
funds reappropriated from the 1971-73
biennium.....\$ 26,250,000

Sec. 2. Section 89, chapter 137, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE STATE TREASURER-TRANSFERS

Motor Vehicle Fund Appropriation: For transfer
to the Grade Crossing Protection Fund for
appropriation to the Utilities and
Transportation Commission for the 1973-75
biennium to carry out the provisions of
RCW 81.53.261, 81.53.271, 81.53.281
and 81.53.291.....\$ 518,209

General Fund Appropriation: For transfer to the
Department of General Administration
Facilities and Services Revolving Fund for
Messenger, Archival, Parking and Building
and Grounds services provided to the
Senate, House of Representatives and
legislative committees during the period
July 1, 1973 through June 30, 1975.....\$ 419,636

General Fund--Investment Reserve Account
Appropriation for transfer to the
General Fund on or before June 29,
1975 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, 1973
through June 30, 1975.....\$ 1,300,000

General Fund--State and Local Improvements
Revolving Account ((Appropriation for
transfer to the General Fund--Outdoor
Recreation Account on or before June 30,
1975 pursuant to Chapter 429, Laws of
1972 ex. sess.....\$ 10,000,000))
--Public Recreation Facilities
Appropriation for transfer to the General

Fund--Outdoor Recreation Account on or before June 30, 1975, pursuant to the provisions of section 4 (1), chapter 129, Laws of 1972 ex. sess.....\$ 6,403,340

General Fund--State and Local Improvements Revolving Account--Public Recreation Facilities Appropriation for transfer to the General Fund--Outdoor Recreation Account on or before June 30, 1975, pursuant to the provisions of section 4 (2), chapter 129, Laws of 1972 ex. sess.....\$ 5,000,000

General Fund Appropriation for transfer to the General Fund--Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1973, along with any amounts of the \$11,692,775 previously allocated but unexpended as of that date: PROVIDED, That notwithstanding the provisions of chapter 43.31A RCW, of such amounts transferred, \$1,500,000 shall be allocated to the planning and community affairs agency to be used exclusively for continuation of the Indian Economic and Employment Assistance Program for projects requested by reservation tribes through the person designated as the Indian Advisor; \$500,000 shall be allocated to the aeronautics commission for local airport projects; and \$322,000 shall be allocated to the department of ecology for drainage basin planning.....\$ 2,322,000

Sec. 3. Section 2, chapter 114, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reapro- From the From the
priations Fund Designated General Fund

- (1) Acquire land and buildings, construct, repair and remodel buildings, site improvements,

utility relocations,
equipment,
appointments, and
other improvements,
remodel and repair
legislative offices,
committee rooms, and
similar facilities,
parking facilities,
preplanning and
design of Executive
Office Building and
parking facilities,
construct Office
Building No. 2 with
construction of
adjacent plaza and
schematics for
facilities

(23,302,000)

General Fund 452,000

State Building
Construction

Account

22,850,000

Capitol Building
Construction

Account

255,000

State Building
Construction

Account

300,500

(2) Remodel and repair
Capitol Buildings,
offices and
facilities (725,000)

General Fund 100,000

Capitol Building
Construction

Account

625,000

(3) Develop Capitol Lake
recreational
facilities

Outdoor

Recreation

Account

((400,000))

Pursuant to
the provisions of
section 4 (1),
chapter 129, Laws
of 1972 ex. sess.

100,000

(4) Street repairs north
of Temple of Justice
Capitol Building
Construction
Account

75,000

(5) Acquisition,
development and
improvement of lands,
improvements and
facilities within
the East
Capitol Site
Capitol Purchase and
Development
Account

550,000

(6) Repairs and
improvements to
Capitol Lake Area
(30,000)

Capitol Building
Construction
Account

15,000

15,000

(7) Review, update
and revise the Capitol
campus master plan
Capitol Building
Construction
Account

100,000

(8) Miscellaneous
remodeling of
State Capitol
Museum building
to insure compliance
with applicable codes
Capitol Building
Construction
Account

50,000

(9) Remodel and repair
of elective

officials offices

Capitol Building

Construction

Account 100,000

(10) Preplanning to improve

Capitol Lake

Capitol Building

Construction

Account 48,000

(11) Purchase Thurston

County Courthouse

under East Campus

development plan

State Building

Construction

Account 2,000,000

(12) Remodel, repair

and improve legislative

building; remodel and

expand other legislative

facilities including

related costs of leased

space and moving

State Building

Construction

Account 2,036,000

Sec. 4. Section 4, chapter 114, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Reappro-	From the	From the
priations	Fund Designated	General Fund

(1) Washington State

Penitentiary

(a) Construct locking

system for wing

six (50%

reimburseable)

General Fund 154,080

(b) Construct and

equip

Motor Vehicle

Building (50%

reimburseable)

General Fund 265,050

(2) Washington State
Reformatory

(a) Remodel inmates'
dining room and
bakery

General Fund 49,071

(b) Remodeling costs
at the Reformatory
to provide a
treatment facility
for mentally
disturbed residents
of adult
correctional
institutions

General Fund 38,708

(c) Modernization of
residents' (inmates')
living areas
(50% reimburseable)

General Fund 521,640

(3) Purdy Treatment
Center for Women

(a) Construct and equip
new Womens
Correctional
Institution (240,072)

General Fund 218,902

CEP and RI

Account 21,170

(b) Connect sewer line
from institution
to new Gig Harbor
sewage disposal
plant (50%
reimburseable)

General Fund 150,000

(4) Maple Lane
School

Construct and equip
treatment security
building (1,229)

State Building
and Higher

Education
Construction
Account 1,229

(5) Green Hill
School
Construct and equip
treatment security
building and
renovate isolation
unit
General Fund 35,345

(6) Group Homes
Construct and equip
new group homes
General Fund 143,898

(7) Western State
Hospital
(a) Construct and equip
Pharmacy and Central
Supply building
CEP and RI
Account 397,182

(b) Remodel and
equip kitchen
and dining room;
construct
refrigeration
building
CEP and RI
Account 328,524

(8) Fircrest School
(a) Construct and equip
activities building
General Fund 263,801

(b) Replace Redwood
Hall-Phase I
and II (48,475)
General Fund 40,501
State Building and
Higher Education
Construction
Account 7,974

(9) Interlake School
Construct covered

outdoor recreation
area to allow
for a program
with emphasis in
improving physical
well-being and
development of
each child

General Fund 41,000

(10) Rainier School
(a) Construct and equip
Vocational-Training
building

State Building
and Higher
Education
Construction
Account 26,524

(b) Construct and equip
Volunteer Services
building -"Student
Store"

General Fund 148,824

(11) Lakeland Village
(a) Repair and remodel
lavatory facilities
in residential halls

CEP and RI
Account 386,860

(b) Construct and equip
dietary addition

CEP and RI
Account 174,733

(12) School for
the Blind
Remodel and
renovate kitchen
to provide
modern, sanitary
facility

General Fund 55,000

(13) School for
the Deaf
(a) Construct covered

outdoor
recreational area
so all students
can participate in
outdoor recreation
program

General Fund 112,000

(b) Remodel kitchen
and dining room
to provide a
modern kitchen with
all new equipment;
new chairs and
tables in dining
room

General Fund 382,799

(c) Construct and
equip advanced
classroom building

General Fund 1,076,044

(14) Soldiers' Home
and Colony
Remodel and equip
kitchen, Phase II
to provide modern
kitchen with all
new equipment

(50% reimburseable)

General Fund 342,000

(15) Departmental
(a) Upgrade fire and
safety standards
per recommendations
of state fire
marshal and safety
inspectors (1,348,533)

General Fund 821,533 527,000

(b) Repair or replace
electric, water,
steam and sewer
lines, boilers,
install emergency
generators; reduce
air and water

pollution (2,072,787)		
General Fund	1,190,899	713,432
CEP and RI		
Account	61,888	106,568
(c) Roof repairs, parking area repairs, road repairs and other minor repairs to buildings at various institutions including repairs to meet health inspectors recommendation (2,024,414)		
General Fund	541,230	1,483,184
(d) Preplanning for schematic plans for projects in 1975-77 capital budget (444,587)		
General Fund	244,587	200,000
(e) Preparation of a comprehensive plan for a state-wide system of social and health services facilities-- <u>Pursuant to the provisions of chapter 130, Laws of 1972 ex. sess.</u> State and Local Improvements Revolving Account -- ((250,000)) <u>Social and Health Services Facilities</u> 250,000		
(16) Schools for mentally retarded For capital improvements		

required to
certify all five
schools for the
retarded as
skilled nursing
homes so that
the state may
receive partial
reimbursement
from the Federal
Government under
Title XIX of the
Social Security
Act

General Fund 299,178

Sec. 5. Section 6, chapter 114, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

	Reappro- priations	From the Fund Designated	From the General Fund
(1) For construction of ground water observation wells (233,000)			
General Fund	48,000		185,000
(2) Construct sewerage systems and waste disposal facilities in existing state parks including, but not limited to, collector systems, treatment facilities, lift stations, trailer dumps, and lagoons			
State and Local Improvements Revolving Account-- ((476407050))			
<u>Waste Disposal</u>			

facilities as provided
by chapter 127, Laws
of 1972 ex. sess. 1,610,050

Sec. 6. Section 7, chapter 114, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

	Reappro- priations	From the Fund Designated	From the General Fund
(1) Construct, repair and improve park facilities (1,032,353)			
General Fund	825,379		682,333
(2) Purchase and develop park sites, develop boat moorages, renovate facilities, improve parking areas, group camp facilities, historical sites and archeological investigations (((13,307,044))) (11,107,044)			
Outdoor Recreation Account		9,407,044 ((3,000,000))	<u>1,700,000</u>
(3) <u>Purchase and</u> <u>develop park sites,</u> <u>develop boat</u> <u>moorages, renovate</u> <u>facilities, improve</u> <u>parking areas, group</u> <u>camp facilities,</u> <u>historical sites and</u> <u>archeological</u> <u>investigations pursuant</u> <u>to the provisions of</u> <u>section 4 (1), chapter</u> <u>129, Laws of 1972 ex. sess.</u>			
<u>Outdoor</u> <u>Recreation</u> <u>Account</u>			<u>2,100,000</u>
(((3))) (4) Modernization and improvements at			

various parks pursuant
to the provisions of
section 4 (3), chapter
129, Laws of 1972 ex. sess.

State and Local
Improvements

Revolving

Account --

((27,402,400))

Public Recreation

Facilities

2,102,400

((4)) (5) Modernization
and Improvement
of Rockport state
park pursuant to the
provisions of section
4 (1), chapter 129, Laws of
1972 ex. sess.

Outdoor
Recreation

Account

50,000

((5)) (6) Reimburse Outdoor
Recreation
Account for
over-expenditures
of previous
biennia involving
Peace Arch, Lake
Sammamish and
Battleground
State Parks

General Fund

15,026

((6)) (7) Purchase of
Nalley Site,
Parcels A, B, and C,
in Mason County,
for development
of state park as
established by
the State Parks
and Recreation
Commission's
priority list,
pursuant to section
4 (1), chapter 129,

Laws of 1972 ex. sess.

Outdoor
Recreation

Account 1,700,000

Sec. 7. Section 9, chapter 114, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Purchase and develop land ((18,506,870)) <u>6,506,870</u>			
Outdoor Recreation Account		4,256,390	((3,450,480)) <u>1,450,480</u>
Game Fund	800,000		

(2) Purchase and develop land pursuant to the provisions of section 4 (1), chapter 129, Laws of 1972 ex. sess.

Outdoor Recreation Account

2,000,000

~~((2))~~ (3) Construct and equip fish and game protection facilities (100% reimburseable)

Game Fund ~~((1,000,000))~~ 1,677,000

~~((3))~~ (4) Construct or purchase and improve headquarters buildings, hatcheries, facilities, rearing ponds, game range facilities, and brooder houses and pens

Game Fund 899,446

~~((4))~~ (5) Construct and equip fish and game

protective
facilities (50%
or 75%
reimburseable)

Game Fund ((4,777,000)) 1,100,000

Sec. 8. Section 10, chapter 114, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappro- priations	From the Fund Designated	From the General Fund
(1) Right-of-way acquisitions, construct honor camp bridges and culverts, timber access road construction; construct scaling stations, lookout towers, improvements to fire protective facilities, construct and equip district headquarters, and construct wild life enclosures (2,612,500)			
General Fund	62,000		145,750
Forest Development Account Resources Management		190,500	234,000
Cost Account	337,500	1,642,750	
(2) Water development, road construction, land clearing and leveling of agricultural land and range improvements (1,771,832) Resources			

Management		
Cost		
Account	1,163,000	608,832
(3) Acquire and develop land for recreational uses, trails, scenic roads, shorelands, forest, ecological, and other areas managed by the Department ((2,683,799))		
<u>(2,250,459)</u>		
Outdoor Recreation		
Account	1,768,939 ((944,866))	<u>481,520</u>
<u>(4) Acquire and develop land for recreational uses, trails, scenic roads, shorelands, forests, ecological, and other areas managed by the department, pursuant to the provisions of section 4 (1), chapter 129, Laws of 1972 ex. sess.</u>		
<u>Outdoor Recreation</u>		
<u>Account</u>		<u>433,340</u>
((4)) (5) Develop public camping facilities-- pursuant to section 4 (1), chapter 129, Laws of 1972 ex. sess.		
Outdoor Recreation		
Account		20,000
((5)) (6) Construct and provide seed orchard facilities		

(264,000)

Resources

Management

Cost Account 54,000 210,000

((16)) (7) Land Reclamation-

Webster Nursery

Resources

Management

Cost Account 20,000

((17)) (8) Bellingham Nursery

Lath House

Resources

Management

Cost Account 25,000

((18)) (9) For building

construction,
road construction,
bridge construction
and other
improvements at
Larch Mountain
honor camp

General Fund 55,000 170,000

NEW SECTION. Sec. 9. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 6, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 115
[Senate Bill No. 3379]
CIVIL COMMITMENT--
PATIENT INFORMATION STATEMENT

AN ACT Relating to mental illness; amending section 45, chapter 142, Laws of 1973 1st ex. sess. as amended by section 6, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.400; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
[281]

Section 1. Section 45, chapter 142, Laws of 1973 1st ex. sess. as amended by section 6, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.400 are each amended to read as follows:

(1) A public or private agency shall release to a patient's next of kin, attorney, ((his)) guardian, or conservator, if any, ((or a member of the patient's family))

(a) The information that the person is presently a patient in the facility or that the person is seriously physically ill((, if the professional person in charge of the facility determines that the release of such information is in the best interest of the person));

(b) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, guardian, or conservator; and such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(2) Upon the death of a patient, his next of kin, guardian, or conservator, if any, ((and a member of his family)) shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation.

NEW SECTION. Sec. 2. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 8, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 16, 1974.
Filed in Office of Secretary of State February 16, 1974.

CHAPTER 116

[House Bill No. 138]

DELINQUENT TAXES—INTEREST RATE

AN ACT Relating to county taxes; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 288, Laws of 1971 ex. sess. and RCW 84.56.020.

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

Section 1. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 3, chapter 288, Laws of 1971 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)) eight 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)) 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)) 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.

Passed the House February 13, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 117
[Substitute House Bill No. 748]
PROBATE

AN ACT Relating to probate; amending section 11.04.015, chapter 145, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1967 and RCW 11.04.015; amending section 11.12.120, chapter 145, Laws of 1965 and RCW 11.12.120; amending section 11.20.020, chapter 145, Laws of 1965 as amended by section 1, chapter 126, Laws of 1969 ex. sess. and RCW 11.20.020; amending section 11.28.010, chapter 145, Laws of 1965 and RCW 11.28.010; amending section 11.28.070, chapter 145, Laws of 1965 and RCW 11.28.070; section 11.28.110, chapter 145, Laws of 1965 and RCW 11.28.110; amending section 11.28.237, chapter 145, Laws of 1965 as amended by section 2, chapter 70, Laws of 1969 and RCW 11.28.237; amending section 11.28.280, chapter 145, Laws of 1965 and RCW 11.28.280; amending section 11.40.010, chapter 145, Laws of 1965 as amended by section 7, chapter 168, Laws of 1967 and RCW 11.40.010; amending section 11.40.020, chapter 145, Laws of 1965 and RCW 11.40.020; amending section 11.40.030, chapter 145, Laws of 1965 and RCW 11.40.030; amending section 11.40.040, chapter 145, Laws of 1965 and RCW 11.40.040; amending section 11.40.060, chapter 145, Laws of 1965 and RCW 11.40.060; amending section 11.40.100, chapter 145, Laws of 1965 and 11.40.100; amending section 11.40.110, chapter 145, Laws of 1965 and RCW 11.40.110; amending section 11.44.025, chapter 145, Laws of 1965 and RCW 11.44.025; amending section 11.44.070, chapter 145, Laws of 1965 as amended by section 10, chapter 168, Laws of 1967 and RCW 11.44.070; amending section 11.52.010, chapter 145, Laws of 1965 as last amended by section 2, chapter 12, Laws of 1971 ex. sess. and RCW 11.52.010; amending section 11.52.012, chapter 145, Laws of 1965 and RCW 11.52.012; amending section 11.52.020, chapter 145, Laws of 1965 as last amended by section 3, chapter 12, Laws of 1971 ex. sess. and RCW 11.52.020; amending section 11.52.022, chapter 145, Laws of 1965 as amended by section 4, chapter 12, Laws of 1971 ex.

sess. and RCW 11.52.022; amending section 11.68.010, chapter 145, Laws of 1965 as amended by section 1, chapter 19, Laws of 1969 and RCW 11.68.010; amending section 11.68.020, chapter 145, Laws of 1965 and RCW 11.68.020; amending section 11.68.030, chapter 145, Laws of 1965 and RCW 11.68.030; amending section 11.68.040, chapter 145, Laws of 1965 and RCW 11.68.040; amending section 11.76.080, chapter 145, Laws of 1965 as last amended by section 1, chapter 28, Laws of 1971 and RCW 11.76.080; amending section 11.76.090, chapter 145, Laws of 1965 as amended by section 2, chapter 28, Laws of 1971 and RCW 11.76.090; amending section 11.76.095, chapter 145, Laws of 1965 as amended by section 3, chapter 28, Laws of 1971 and RCW 11.76.095; amending section 30.04.260, chapter 33, Laws of 1955 and RCW 30.04.260; amending section 30.20.020, chapter 33, Laws of 1955 as amended by section 2, chapter 280, Laws of 1961 and RCW 30.20.020; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 55, Laws of 1969 and RCW 32.12.020; amending section 46, chapter 235, Laws of 1945 as amended by section 6, chapter 246, Laws of 1963 and RCW 33.20.080; amending section 2, chapter 139, Laws of 1939 as amended by section 1, chapter 210, Laws of 1967 and RCW 49.48.120; adding new chapters to Title 11 RCW; adding new sections to chapters 11.28, 11.44, and 11.68 RCW; repealing section 11.28.130, chapter 145, Laws of 1965 and RCW 11.28.130; repealing section 11.28.180, chapter 145, Laws of 1965 and RCW 11.28.180; repealing section 11.28.200, chapter 145, Laws of 1965 and RCW 11.28.200; repealing section 11.40.050, chapter 145, Laws of 1965 and RCW 11.40.050; repealing section 11.44.055, chapter 145, Laws of 1965 and RCW 11.44.055; repealing section 11.44.065, chapter 145, Laws of 1965 and RCW 11.44.065; and repealing section 11.44.080, chapter 145, Laws of 1965, section 11, chapter 168, Laws of 1967 and RCW 11.44.080; and prescribing an effective date.

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

PART I. GENERAL PROVISIONS

NEW SECTION. Section 1. On and after October 1, 1974:

(1) The provisions of this 1974 amendatory act shall apply to any wills of decedents dying thereafter;

(2) The provisions of this 1974 amendatory act shall apply to any proceedings in court then pending or thereafter commenced regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because

of infeasibility of application of the procedure of this 1974 amendatory act;

(3) Every personal representative including a person administering an estate of a minor or incompetent holding an appointment on October 1, 1974, continues to hold the appointment, has the powers conferred by this 1974 amendatory act and is subject to the duties imposed with respect to any act occurring or done thereafter;

(4) An act done before October 1, 1974 in any proceeding and any accrued right is not impaired by this 1974 amendatory act. If a right is acquired, extinguished, or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute before October 1, 1974, the provisions shall remain in force with respect to that right;

(5) Any rule of construction or presumption provided in this 1974 amendatory act applies to instruments executed before October 1, 1974 unless there is a clear indication of a contrary intent.

NEW SECTION. Sec. 2. (1) Sections 4 and 5 of this 1974 amendatory act shall constitute a new chapter in Title 11 RCW.

(2) Sections 52 and 53 of this 1974 amendatory act shall constitute a new chapter in Title 11 RCW.

(3) Part headings employed in this 1974 amendatory act do not constitute any part of the law and shall not be codified by the code reviser and shall not become a part of the Revised Code of Washington.

NEW SECTION. Sec. 3. If any provision of this 1974 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.

PART II. PROVISIONS RELATING TO DISTRIBUTION
OF PROPERTY

NEW SECTION. Sec. 4. (1) At any time after forty days from the date of the decedent's death, any person indebted to the decedent or having possession of tangible personal property or any instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent, which property is subject to probate, shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon receipt of an affidavit made by the successor stating:

(a) The successor's name and address;

(b) That the decedent was a resident of the state of Washington on the date of his death;

(c) That the value of the total estate of the decedent subject to probate, wherever located, less liens and encumbrances, does not exceed ten thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) That the claiming successor has mailed notice identifying his claim to all other successors of the decedent and at least ten days have elapsed since said mailing, and the claiming successor is personally, or with the written authority of all other successors of the decedent, entitled to full payment or delivery of the property; and

(h) That the claiming successor has mailed to the inheritance tax division of the state department of revenue a notification of his claim in such form as the department of revenue may prescribe, and that at least ten days have elapsed since said mailing; and

(2) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (1) of this section;

(3) Upon receipt of notification from the inheritance tax division of the state department of revenue that an inheritance tax report is requested, the holder of any property subject to claim by a successor hereunder shall withhold payment, delivery, transfer or issuance of such property until provided with an inheritance tax release.

(4) The terms "successor" and "successors" as used in this section and in section 5 of this 1974 amendatory act shall mean that person or those persons, other than creditors, who are entitled to the property of the decedent under his will or the laws of intestate succession as contained in this title.

NEW SECTION. Sec. 5. The person paying, delivering, or transferring personal property or the evidence thereof pursuant to section 4 of this 1974 amendatory act is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit or to the payment of any inheritance tax liability. If any person to whom an affidavit is delivered refuses to pay, deliver, or transfer any personal property or

evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto.

If more than one affidavit is delivered with reference to the same personal property, the person to whom delivered may pay, deliver, transfer, or issue any personal property or evidence thereof in response to the first affidavit received, or alternately implead the money or other personal property into court for payment over to the person entitled thereto. Any person to whom payment, delivery, transfer, or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right.

Sec. 6. Section 11.04.015, chapter 145, Laws of 1965 as last amended by section 2, chapter 168, Laws of 1967 and RCW 11.04.015 are each amended to read as follows:

The net estate of a person dying intestate, or that portion thereof with respect to which the person shall have died intestate, shall descend subject to the provisions of RCW 11.04.250 and RCW 11.02.070, and shall be distributed as follows:

(1) Share of surviving spouse. The surviving spouse shall receive the following share:

(a) All of the decedent's share of the net community estate ((unless there be surviving issue or parents; in which event; the surviving spouse shall take one-half of the decedent's share of the net community estate)); and

(b) One-half of the net separate estate if the intestate is survived by issue; or

(c) Three-quarters of the net separate estate if there is no surviving issue, but the intestate is survived by one or more of his parents, or by one or more of the issue of one or more of his parents; or

(d) All of the net separate estate, if there is no surviving issue nor parent nor issue of parent.

(2) Shares of others than surviving spouse. The share of the net estate not distributable to the surviving spouse, or the entire net estate if there is no surviving spouse, shall descend and be distributed as follows:

(a) To the issue of the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or if of unequal degree, then those of more remote degree shall take by representation.

(b) If the intestate not be survived by issue, then to the parent or parents who survive the intestate.

(c) If the intestate not be survived by issue or by either parent, then to those issue of the parent or parents who survive the intestate; if they are all in the same degree of kinship to the intestate, they shall take equally, or, if of unequal degree, then those of more remote degree shall take by representation.

(d) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents who survive the intestate, then to the grandparent or grandparents who survive the intestate; if both maternal and paternal grandparents survive the intestate, the maternal grandparent or grandparents shall take one-half and the paternal grandparent or grandparents shall take one-half.

(e) If the intestate not be survived by issue or by either parent, or by any issue of the parent or parents or by any grandparent or grandparents, then to those issue of any grandparent or grandparents who survive the intestate; taken as a group, the issue of the maternal grandparent or grandparents shall share equally with the issue of the paternal grandparent or grandparents, also taken as a group; within each such group, all members share equally if they are all in the same degree of kinship to the intestate, or, if some be of unequal degree, then those of more remote degree shall take by representation.

Sec. 7. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 2, chapter 12, Laws of 1971 ex. sess. 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 ~~((fifteen))~~ twenty 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. 8. Section 11.52.012, chapter 145, Laws of 1965 and RCW 11.52.012 are each amended to read as follows:

Such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: PROVIDED, That no property of the estate shall be awarded or set off, as in RCW 11.52.010 through 11.52.024 provided, to a surviving spouse who has feloniously killed the deceased spouse: PROVIDED FURTHER, That if it shall appear to the court, either (1) that there are ((minor or 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 minor children are entitled to receive property including insurance by reason of the death of the deceased spouse in the sum of ((ten)) twenty thousand dollars, or more, then the award in lieu of homestead and exemptions shall lie in the discretion of the court, and that whether there shall be an award 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.

Sec. 9. Section 11.52.020, chapter 145, Laws of 1965 as last amended by section 3, chapter 12, Laws of 1971 ex. sess. 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 ((fifteen)) twenty 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. 10. Section 11.52.022, chapter 145, Laws of 1965 as amended by section 4, chapter 12, Laws of 1971 ex. sess. 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 ~~((fifteen))~~ twenty 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 ~~((fifteen))~~ twenty thousand dollars: PROVIDED, That if it shall appear to the court, either (1) ~~that~~ 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))~~ ~~that~~ such surviving spouse ~~((or incompetent children are))~~ is, or any minor child entitled to an award under RCW 11.52.030 is, entitled to receive property including insurance by reason of the death of the deceased spouse, exclusive of property confirmed to the surviving spouse as his or her one-half interest in community property, in the sum of ~~((fifteen))~~ twenty thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than ~~((fifteen))~~ twenty 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.

Sec. 11. Section 11.76.090, chapter 145, Laws of 1965 as amended by section 2, chapter 28, Laws of 1971 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 eighteen years, of a sum of ~~((five hundred))~~ one thousand 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. 12. Section 11.76.095, chapter 145, Laws of 1965 as amended by section 3, chapter 28, Laws of 1971 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))~~ a personal representative under a nonintervention will and distribution is ordered under such decree or authorized under such nonintervention will to a person under the age of 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))~~ shall require either 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))~~ financial institution for the benefit of the ~~((incompetent))~~ minor subject to withdrawal only upon the order of the court in the original probate proceeding, or upon said minor's attaining the age of eighteen years and furnishing proof thereof satisfactory to the depository, 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 as now or hereafter amended.

PART III. PROVISIONS RELATING TO NONINTERVENTION POWERS

Sec. 13. Section 11.68.010, chapter 145, Laws of 1965 as amended by section 1, chapter 19, Laws of 1969 and RCW 11.68.010 are each amended to read as follows:

~~((In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament; and that such estate shall be settled without the intervention of any court or courts; and where it duly appears to the court; by the inventory filed; and other proof; that the estate is fully solvent; which fact may be established by an order of the court on the filing of the inventory; it shall not be necessary to take out letters testamentary or of administration; except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the body having charge of the collection of inheritance tax; in the manner required by law:~~

After the probate of any such will and the filing of the inventory all such estates may be managed and settled without the intervention of the court , if the last will and testament so provides: However, when the estate is ready to be closed the court;

upon application; shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid; finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons entitled thereto; Such decree shall be made after notice given as provided for like decrees in the estates of persons dying intestate; If no application for a final decree is filed; the executor shall, when the administration of the estate has been completed; file a written declaration to that effect; and thereupon his powers shall cease.

The executor of a nonintervention will shall not be deemed to waive his nonintervention powers by obtaining any order appointing appraisers; fixing or allowing appraiser's fees; dispensing with appraisement; or approving or allowing creditors' claims; not by obtaining any other order or decree;)) Subject to the provisions of this chapter, if the estate of a decedent, who died either testate or intestate, is solvent, and if the personal representative is other than a creditor of the estate not designated as executor in the decedent's will, such estate shall be managed and settled without the intervention of the court; the fact of solvency shall be established by the entry of an order of solvency. An order of solvency may be entered at the time of the appointment of the personal representative or at any time thereafter where it appears to the court by the petition of the personal representative, or the inventory filed, and/or other proof submitted, that the estate of the decedent is solvent, and that notice of the application for an order of solvency has been given to those persons entitled thereto when required by RCW 11.68.040 as now or hereafter amended.

Sec. 14. Section 11.68.020, chapter 145, Laws of 1965 and RCW 11.68.020 are each amended to read as follows:

((In all cases; if the party named in such will as executor declines to execute the trust or dies or is otherwise disabled for any cause from acting as such executor; letters testamentary or of administration shall issue and the estate be settled as in other cases;)) Unless court supervision of an estate shall be specifically required under the terms and provisions of a will, a decedent shall be deemed to have intended any and all personal representatives named in his will to have the power to administer his estate without the intervention of court, and any personal representative or personal representatives named in the decedent's will shall acquire nonintervention powers without prior notice, upon meeting the requirements of RCW 11.68.010 as now or hereafter amended.

Sec. 15. Section 11.68.030, chapter 145, Laws of 1965 and RCW 11.68.030 are each amended to read as follows:

((If the person named in the will fails to execute the trust faithfully and to take care and promote the interest of all parties; then, upon petition of a creditor of the estate; or of any of the heirs; or of any person on behalf of any minor heir; the court shall cite such person to appear before it; and if, upon hearing of the petition it appears that the trust in such will is not faithfully discharged; and that the parties interested; or any of them; have been or are about to be damaged by the doings of the executor; then, in the discretion of the court; administration may be had and required as is required in the administration of estates; and in all such cases the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in the will:)) Subject to giving prior notice when required under RCW 11.68.040 as now or hereafter amended and the entry of an order of solvency, the personal representative, other than a creditor, of an estate of a decedent who died intestate or the personal representative, other than a creditor, with the will annexed of the estate of a decedent who died testate shall [have] the power to administer the estate without further intervention of court after the entry of an order of solvency and furnishing bond when required.

Sec. 16. Section 11.68.040, chapter 145, Laws of 1965 and RCW 11.68.040 are each amended to read as follows:

((Executors acting under nonintervention wills may, if the estate has been adjudged solvent; mortgage; lease; sell; exchange; and convey the real and personal property of the testator; and borrow money on the general credit of the estate; without an order of the court for that purpose and without notice; approval; or confirmation; and in all other respects administer and settle the estate without the intervention of the court: The other party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the estate:))

If the decedent shall have died intestate, or the petitioning personal representative is not named in the will as such, and in either case the petitioner wishes to acquire nonintervention powers, the personal representative shall, after filing the petition for order of solvency, give notice of his intention to apply to the court for nonintervention powers to all heirs, devisees, legatees of the decedent, and all parties who have requested notice under RCW 11.28.240, who have not, in writing, either waived notice of the hearing or consented to the entry of an order of solvency; said notice shall be given at least ten days prior to the date fixed by the personal representative for the hearing on his petition for an

order of solvency: PROVIDED, That no prior notice of said hearing shall be required when the personal representative is:

(1) The surviving spouse of the decedent and the decedent left no issue of a prior marriage; or

(2) A bank or trust company authorized to do trust business in the state of Washington.

The notice required by this section shall be sent by regular mail and proof of mailing of said notice shall be by affidavit filed in the cause. Said notice shall contain the name of the decedent's estate, the probate cause number, the name and address of the personal representative, and shall state in substance as follows:

(a) The personal representative has petitioned the superior court of county, state of Washington, for the entry of an order of solvency and a hearing on said petition will be held on, the day of, 19... at o'clock, ... Mi

(b) The petition for order of solvency has been filed with said court;

(c) Upon the entry of an order of solvency by the court, the personal representative will be entitled to administer and close the decedent's estate without further court intervention or supervision;

(d) Any heir, legatee, or devisee shall have the right to appear at the time of the hearing on the petition for an order of solvency to object to the granting of nonintervention powers to the personal representative.

If no notice is required, or all heirs, legatees, and devisees have either waived notice of said hearing or consented to the entry of an order of solvency as provided in this section, the court may hear the petition for an order of solvency at any time.

NEW SECTION. Sec. 17. There is added to chapter 11.68 RCW a new section to read as follows:

If at the time set for the hearing upon the petition for the entry of an order of solvency, any party entitled to notice under the provisions of RCW 11.68.040 as now or hereafter amended, shall appear and object to the granting of nonintervention powers to the personal representative of the estate, the court shall consider said objections, if any, and the entry of an order of solvency shall be discretionary with the court upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended. Unless unrestricted nonintervention powers are directed by the will of the decedent, the court may restrict the powers of the personal representative in such manner as the court determines and shall thereupon restrict the powers as ordered. If no heir, legatee, or devisee of the decedent shall appear at the time of the hearing to

object to the entry of an order of solvency, the court shall enter an order of solvency upon being satisfied by proof as required in RCW 11.68.010 as now or hereafter amended.

NEW SECTION. Sec. 18. There is added to chapter 11.68 RCW a new section to read as follows:

If, after the entry of an order of solvency, any personal representative of the estate of the decedent shall die, resign, or otherwise become disabled from any cause from acting as the nonintervention personal representative, the successor personal representative, other than a creditor not designated as executor in the decedent's will, shall administer the estate of the decedent without the intervention of court after notice and hearing as required by sections 16 and 17 of this 1974 amendatory act, unless at the time of said hearing objections to the granting of nonintervention powers to such successor personal representative shall be made by an heir, legatee, devisee, or creditor of the decedent, and unless the court, after hearing said objections shall refuse to grant nonintervention powers to such successor personal representative. If no heir, legatee, devisee, or creditor of the decedent shall appear at the time of the hearing to object to the granting of nonintervention powers to such successor personal representative, the court shall enter an order granting nonintervention powers to the successor personal representative.

NEW SECTION. Sec. 19. There is added to chapter 11.68 RCW a new section to read as follows:

If any personal representative who has been granted nonintervention powers fails to execute his trust faithfully or is subject to removal for any reason specified in RCW 11.28.250 as now or hereafter amended, upon petition of any unpaid creditor of the estate who has filed a claim or any heir, devisee, legatee, or of any person on behalf of any incompetent heir, devisee, or legatee, such petition being supported by affidavit which makes a prima facie showing of cause for removal or restriction of powers, the court shall cite such personal representative to appear before it, and if, upon hearing of the petition it appears that said personal representative has not faithfully discharged said trust or is subject to removal for any reason specified in RCW 11.28.250 as now or hereafter amended, then, in the discretion of the court said personal representative may be removed and a successor appointed with such powers as the court may determine, and in the event the court shall restrict the powers of the personal representative in any manner, it shall endorse the words "Powers restricted" upon the original order of solvency together with the date of said endorsement, and in all

such cases the cost of the citation, hearing, and reasonable attorney's fees may be awarded as the court determines.

NEW SECTION. Sec. 20. There is added to chapter 11.68 RCW a new section to read as follows:

After such notice as the court may require, the order of solvency shall be vacated or restricted upon the petition of any personal representative, heir, legatee, devisee, or creditor, if supported by proof satisfactory to the court that said estate has become insolvent.

If, after hearing, the court shall vacate the prior order of solvency, the court shall endorse the term "Vacated" or "Powers restricted" upon the original order of solvency together with the date of said endorsement.

NEW SECTION. Sec. 21. There is added to chapter 11.68 RCW a new section to read as follows:

Any personal representative acting under nonintervention powers, may mortgage, encumber, lease, sell, exchange, and convey the real and personal property of the decedent, and borrow money on the general credit of the estate, without an order of court for that purpose and without notice, approval or confirmation, and in all other respects administer and settle the estate of the decedent without intervention of court. Any other party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the decedent's estate.

NEW SECTION. Sec. 22. There is added to chapter 11.68 RCW a new section to read as follows:

(1) When the estate is ready to be closed, the court, upon application by the personal representative who has nonintervention powers, shall have the authority and it shall be its duty, to make and cause to be entered a decree which either:

(a) Finds and adjudges that all approved claims of the decedent have been paid, finds and adjudges the heirs of the decedent or those persons entitled to take under his will, and distribute the property of the decedent to the persons entitled thereto; or

(b) Approves the accounting of the personal representative and settles the estate of the decedent in the manner provided for in the administration of those estates in which the personal representative has not acquired nonintervention powers.

(2) Either decree provided for in this section shall be made after notice given as provided for in the settlement of estates by a personal representative who has not acquired nonintervention powers. The petition for either decree provided for in this section shall state the fees paid or proposed to be paid to the personal

representative, his attorneys, accountants, and appraisers, and any heir, devisee, or legatee whose interest in the assets of a decedent's estate would be reduced by the amount of said fee shall receive a copy of said petition with the notice of hearing thereon; at the request of the personal representative or any said heir, devisee, or legatee, the court shall, at the time of the hearing on either petition, determine the reasonableness of said fees. The criteria for and reasonable range of fees reviewed shall be as established by court rules issued by the state supreme court. The court shall take into consideration all criteria forming the basis for the determination of the amount of such fees as contained in the code of professional responsibility; in determining the reasonableness of the fees charged by any personal representative, accountants, and appraisers the court shall take into consideration the criteria forming the basis for the determination of attorney's fees, to the extent applicable, and any other factors which the court determines to be relevant in the determination of the amount of fees to be paid to such personal representative.

NEW SECTION, Sec. 23. There is added to chapter 11.68 RCW a new section to read as follows:

If a personal representative who has acquired nonintervention powers shall not apply to the court for either final decree provided for in section 22 of this 1974 amendatory act, the personal representative shall, when the administration of the estate has been completed, file a declaration to that effect, which declaration shall state as follows:

(1) The date of the decedent's death, and his residence at the time of death, whether or not the decedent died testate or intestate, and if testate, the date of his last will and testament and the date of the order admitting said will to probate;

(2) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of state inheritance or federal estate tax due as the result of the decedent's death has been determined, settled, and paid;

(3) The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(4) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each said heir;

(5) The amount of fees paid or to be paid to each of the following: (a) Personal representative or representatives, (b) attorney or attorneys, (c) appraiser or appraisers, and (d)

.....

Personal Representative

If all heirs,³ devisees, and legatees of the decedent shall waive, in writing, the notice required by this section, the personal representative shall be discharged and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof.

NEW SECTION. Sec. 24. There is added to chapter 11.68 RCW a new section to read as follows:

A personal representative who has acquired nonintervention powers in accordance with this chapter shall not be deemed to have waived his nonintervention powers by obtaining any order or decree during the course of his administration of the estate.

Sec. 25. Section 11.28.070, chapter 145, Laws of 1965 and RCW 11.28.070 are each amended to read as follows:

Administrators with the will annexed shall have the same authority as the executor named in the will would have had, and their acts shall be as effectual for every purpose: PROVIDED, That they shall not lease, mortgage, pledge, exchange, sell, or convey any real or personal property of the estate except under order of the court and pursuant to procedure under existing laws pertaining to the administration of estates in cases of intestacy, unless the powers expressed in the will are directory and not discretionary, or said administrator with will annexed shall have obtained nonintervention powers as provided in chapter 11.68 RCW.

Sec. 26. Section 11.28.280, chapter 145, Laws of 1965 and RCW 11.28.280 are each amended to read as follows:

If the personal representative of an estate dies, resigns, or the letters are revoked before the settlement of the estate, letters of administration of the estate remaining unadministered shall be granted to those to whom administration would have been granted if the original letters had not been obtained, or the person obtaining them had renounced administration, and the administrator de bonis non shall perform like duties and incur like liabilities as the former personal representative, and shall serve as administrator with will annexed de bonis non in the event a will has been admitted to probate. Said administrator de bonis non may, upon satisfying the requirements and complying with the procedures provided in chapter 11.68 RCW, administer the estate of the decedent without the intervention of court.

PART IV. PROVISIONS RELATING TO ADJUDICATIONS OF TESTACY OR

INTESTACY AND HEIRSHIP

Sec. 27. Section 11.20.020, chapter 145, Laws of 1965 as amended by section 1, chapter 126, Laws of 1969 ex. sess. and RCW 11.20.020 are each amended to read as follows:

(1) Applications for the probate of a will and for letters testamentary, or either, may be made to the judge of the court having jurisdiction and the court may immediately hear the proofs and either probate or reject such will as the testimony may justify. Upon such hearing the court shall make and cause to be entered a formal order, either establishing and probating such will, or refusing to establish and probate the same, and such order shall be conclusive except in the event of a contest of such will as hereinafter provided. All testimony in support of the will shall be reduced to writing, signed by the witnesses, and certified by the judge of the court. If the application for probate of a will does not request the appointment of a personal representative and the court enters an adjudication of testacy establishing such will no further administration shall be required except as commenced pursuant to section 32 of this 1974 amendatory act.

(2) In addition to the foregoing procedure for the proof of wills, any or all of the attesting witnesses to a will may, at the request of the testator or, after his decease, at the request of the executor or any person interested under it, make an affidavit before any person authorized to administer oaths, stating such facts as they would be required to testify to in court to prove such will, which affidavit may be written on the will or may be attached to the will or to a photographic copy of the will. The sworn statement of any witness so taken shall be accepted by the court as if it had been taken before the court.

Sec. 28. Section 11.28.010, chapter 145, Laws of 1965 and RCW 11.28.010 are each amended to read as follows:

After ~~((probate of any will))~~ the entry of an order admitting a will to probate and appointing a personal representative, or personal representatives, letters testamentary shall be granted to the persons therein appointed executors. If a part of the persons thus appointed refuse to act, or be disqualified, the letters shall be granted to the other persons appointed therein. If all such persons refuse to act, letters of administration with the will annexed shall be granted to the person to whom administration would have been granted if there had been no will.

Sec. 29. Section 11.28.110, chapter 145, Laws of 1965 and RCW 11.28.110 are each amended to read as follows:

Application for letters of administration, or, application for an adjudication of intestacy and heirship without the issuance of letters of administration shall be made by petition in writing,

signed and verified by the applicant or his attorney, and filed with the court, which petition shall set forth the facts essential to giving the court jurisdiction of the case, and state, if known, the names, ages and ((residences)) addresses of the heirs of the deceased and that the deceased died without a will. If the application for an adjudication of intestacy and heirship does not request the appointment of a personal representative and the court enters an adjudication of intestacy no further administration shall be required except as set forth in section 31 of this 1974 amendatory act.

Sec. 30. Section 11.28.237, chapter 145, Laws of 1965 as amended by section 2, chapter 70, Laws of 1969 and RCW 11.28.237 are each amended to read as follows:

Within twenty days after appointment, the personal representative of the estate of a decedent shall cause written notice of his said appointment, and of the pendency of said probate proceedings, to be served personally or mailed to each heir, legatee and devisee of the estate whose names and addresses are known to him, and proof of such mailing shall be made by affidavit and filed in the cause.

NEW SECTION. Sec. 31. There is added to chapter 11.28 RCW a new section to read as follows:

If no personal representative is appointed to administer the estate of a decedent, the person obtaining the adjudication of testacy, or intestacy and heirship, shall, cause written notice of said adjudication to be mailed to each heir, legatee, and devisee of the decedent, which notice shall contain the name of the decedent's estate and the probate cause number, and shall:

- (1) State the name and address of the applicant;
- (2) State that on the day of, 19.., the applicant obtained an order from the superior court of county, state of Washington, adjudicating that the decedent died intestate, or testate, whichever shall be the case;
- (3) In the event the decedent died testate, enclose a copy of his will therewith, and state that the adjudication of testacy will become final and conclusive for all legal intents and purposes unless any heir, legatee, or devisee of the decedent shall contest said will within four months after the date the said will was adjudicated to be the last will and testament of the decedent;
- (4) In the event that the decedent died intestate, set forth the names and addresses of the heirs of the decedent, their relationship to the decedent, the distributive shares of the estate of the decedent which they are entitled to receive, and that said adjudication of intestacy and heirship shall become final and conclusive for all legal intents and purposes, unless, within four

months of the date of said adjudication of intestacy, a petition shall be filed seeking the admission of a will of the decedent for probate, or contesting the adjudication of heirship.

Notices provided for in this section may be served personally or sent by regular mail, and proof of such service or mailing shall be made by an affidavit filed in the cause.

NEW SECTION. Sec. 32. There is added to chapter 11.28 RCW a new section to read as follows:

Unless, within four months after the entry of the order adjudicating testacy or intestacy and heirship, and the mailing of the notice required in section 31 of this 1974 amendatory act any heir, legatee or devisee of the decedent shall offer a later will for probate or contest an adjudication of testacy in the manner provided in this title for will contests, or offer a will of the decedent for probate following an adjudication of intestacy and heirship, or contesting the determination of heirship, an order adjudicating testacy or intestacy and heirship without appointing a personal representative to administer a decedent's estate shall, as to those persons by whom notice was waived or to whom said notice was mailed, be deemed the equivalent of the entry of a final decree of distribution in accordance with the provisions of chapter 11.76 RCW for the purpose of:

- (1) Establishing the decedent's will as his last will and testament and persons entitled to receive his estate thereunder; or
- (2) Establishing the fact that the decedent died intestate, and those persons entitled to receive his estate as his heirs at law.

The right of an heir, legatee, or devisee to receive the assets of a decedent shall, to the extent otherwise provided by this title, be subject to the prior rights of the decedent's creditors and of any persons entitled to a homestead award or award in lieu of homestead or family allowance, and nothing contained in this section shall be deemed to alter or diminish such prior rights, or to prohibit any person for good cause shown, from obtaining the appointment of a personal representative to administer the estate of the decedent after the entry of an order adjudicating testacy or intestacy and heirship. However, if the petition for letters testamentary or of administration shall be filed more than four months after the date of the adjudication of testacy or of intestacy and heirship, the issuance of such letters shall not affect the finality of said adjudications.

PART V. PROVISIONS RELATING TO CREDITORS CLAIMS

Sec. 33. Section 11.40.010, chapter 145, Laws of 1965 as amended by section 7, chapter 168, Laws of 1967 and RCW 11.40.010 are each amended to read as follows:

Every personal representative shall, immediately after his appointment, cause to be published in a legal newspaper published in the county in which the estate is being administered, a notice that he has been appointed and has qualified as such personal representative, and therewith a notice to the creditors of the deceased, requiring all persons having claims against the deceased to serve the same on the personal representative or his attorney of record, and file an executed copy thereof with the clerk of the court, ((together with proof of such service,)) within four months after the date of the first publication of such notice or within four months after the date of the filing of the copy of said notice to creditors with the clerk of the court, whichever is the later. Such notice shall be published once in each week for three successive weeks and a copy of said notice shall be filed with the clerk of the court. If a claim be not filed within the time aforesaid, it shall be barred, except under those provisions included in RCW 11.40.011. Proof by affidavit of the publication of such notice shall be filed with the court by the personal representative. In cases where all the property is awarded to the widow, husband, or children as in this title provided, the notice to creditors herein provided for may be omitted.

Sec. 34. Section 11.40.020, chapter 145, Laws of 1965 and RCW 11.40.020 are each amended to read as follows:

Every claim ((served and filed as above provided shall be supported by the affidavit of the claimant that the amount is justly due, that no payments have been made thereon, and that there are no offsets to the same to the knowledge of the claimant)) shall be signed by the claimant, or his attorney, or any person who is authorized to sign claims on his, her, or its behalf, and shall contain the following information:

- (1) The name and address of the claimant;
- (2) The name, business address (if different from that of the claimant), and nature of authority of any person signing the claim on behalf of the claimant;
- (3) A written statement of the facts or circumstances constituting the basis upon which the claim is submitted;
- (4) The amount of the claim;
- (5) If the claim is secured, unliquidated or contingent, or not yet due, the nature of the security, the nature of the uncertainty, and due date of the claim: PROVIDED HOWEVER, That failure to describe correctly the security, nature of any uncertainty, or the due date of a claim not yet due, if such failure is not substantially misleading, does not invalidate the presentation made.

Claims need not be supported by affidavit.

Sec. 35. Section 11.40.030, chapter 145, Laws of 1965 and RCW 11.40.030 are each amended to read as follows:

((When a claim, accompanied by the affidavit required in RCW 11.40.020 has been served and filed, it shall be the duty of the personal representative to indorse thereon his allowance or rejection, with the day and date thereof. If he allow the claim, it shall be presented to the judge of the court, who shall in the same manner indorse on it his allowance or rejection, or he may by order allow or reject the claim. If the personal representative reject the claim in whole or in part, he shall notify the claimant forthwith of said rejection and file in the office of the clerk an affidavit showing such notification and the date thereof. Such notification shall be by personal service or registered or certified mail and shall state that the holder of the rejected claim must bring suit in the proper court against the personal representative within thirty days after notification of the rejection, otherwise the claim shall be forever barred.

If the personal representative shall neglect for the period of sixty days after service upon him or his attorney to act upon any such claim, the claimant may take the matter up before the court and the court may require the personal representative to act on such claim and in its discretion may impose costs and attorney's fees:))
Unless the personal representative shall, within six months after the date of first publication of notice to creditors, have obtained an order extending the time for his allowance or rejection of claims timely and properly served and filed, all claims presented within the time and in the manner provided in RCW 11.40.010 and 11.40.020 as now or hereafter amended, shall be deemed allowed and may not thereafter be rejected, unless the personal representative shall, within six months after the date of first publication of notice to creditors, or any extended time, notify the claimant of its rejection, in whole or in part; if the personal representative shall reject the claim, in whole or in part, he shall notify the claimant of said rejection and file in the office of the clerk, an affidavit showing such notification and the date thereof. Said notification shall be by personal service or certified mail addressed to the claimant at his address as stated in the claim; if a person other than the claimant shall have signed said claim for or on behalf of the claimant, and said person's business address as stated in said claim is different from that of the claimant, notification of rejection shall also be made by personal service or certified mail upon said person; the date of the postmark shall be the date of notification. The notification of rejection shall advise the claimant, and the person making claim

on his, her, or its behalf, if any, that the claimant must bring suit in the proper court against the personal representative within thirty days after notification of rejection or before expiration of the time for serving and filing claims against the estate, whichever period is longer, and that otherwise the claim will be forever barred.

The personal representative may, either before or after rejection of any claim compromise said claim, whether due or not, absolute or contingent, liquidated or unliquidated, if it appears to the personal representative that such compromise is in the best interests of the estate.

Sec. 36. Section 11.40.040, chapter 145, Laws of 1965 and RCW 11.40.040 are each amended to read as follows:

Every claim which has been allowed by the personal representative ((and the said judge;)) shall be ranked among the acknowledged debts of the estate to be paid in the course of administration.

Sec. 37. Section 11.40.060, chapter 145, Laws of 1965 and RCW 11.40.060 are each amended to read as follows:

When a claim is rejected by ((either)) the personal representative ((or the court)), the holder must bring suit in the proper court against the personal representative within thirty days after notification of the rejection or before expiration of the time for serving and filing claims against the estate, whichever period is longer, otherwise the claim shall be forever barred.

Sec. 38. Section 11.40.110, chapter 145, Laws of 1965 and RCW 11.40.110 are each amended to read as follows:

Whenever any claim shall have been filed and presented to a personal representative ((and the court)), and a part thereof shall be allowed, the amount of such allowance shall be stated in the indorsement. If the creditor shall refuse to accept the amount so allowed in satisfaction of his claim, he shall recover no costs in any action he may bring against the personal representative unless he shall recover a greater amount than that offered to be allowed, exclusive of interest and costs.

PART VI. PROVISIONS RELATING TO BANKS, TRUST COMPANIES,
ACCOUNTS

Sec. 39. Section 30.20.020, chapter 33, Laws of 1955 as amended by section 2, chapter 280, Laws of 1961 and RCW 30.20.020 are each amended to read as follows:

On the death of any depositor of any bank or trust company, such bank or trust company may pay to the surviving spouse, the moneys in said bank or trust company on deposit to the credit of said deceased depositor in cases where the amount of deposit does not exceed the sum of one thousand dollars upon receipt of an affidavit

from the surviving spouse, to the effect that the depositor died ((intestate)) and no executor or administrator has been appointed for the depositor's estate, and the depositor had on deposit in ((~~all~~ banks and trust companies within the state of Washington)) said bank or trust company money not exceeding the sum of one thousand dollars. The payment of such deposit made in good faith to the spouse making the affidavit shall be a full acquittance and release of the bank for the amount of the deposit so paid.

No probate proceeding shall be necessary to establish the right of said surviving spouse to withdraw said deposits upon the filing of said affidavit: PROVIDED, HOWEVER, Whenever an administrator is appointed in an estate where a withdrawal of deposits has been had in compliance with this section, the spouse so withdrawing said deposits shall account for the same to the administrator. The bank or trust company may also pay out the moneys on deposit to the credit of the deceased upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.

Sec. 40. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 55, Laws of 1969 and RCW 32.12.020 are each amended to read as follows:

The sums deposited with any savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and RCW 32.12.030. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: PROVIDED, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the certificate of deposit is produced, or the

passbook of the depositor is produced and the proper entry is made therein, at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook or certificate of deposit, or other exceptional cases where the passbooks or certificates of deposit cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook or certificate of deposit of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook or certificate of deposit may be omitted for any account if a ledger record thereof is maintained in lieu of a passbook or certificate of deposit on which shall be entered deposits, withdrawals, and interest credited: PROVIDED, That in any event a passbook or certificate of deposit shall be issued upon the request of any depositor.

(6) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director, or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment. On the death of any depositor of any savings bank, the bank may also pay out the moneys on deposit to the credit of the

deceased upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.

Sec. 41. Section 46, chapter 235, Laws of 1945 as amended by section 6, chapter 246, Laws of 1963 and RCW 33.20.080 are each amended to read as follows:

If any person shall die having any savings account in an association amounting to not more than one thousand dollars, and the association has no knowledge that an executor or administrator has been appointed, such association may pay such account to the surviving spouse, next of kin, funeral director or other creditor who may appear entitled thereto. For any such payment, the association may require such proofs, waivers, indemnity and receipt and acquittance as it may deem proper. For any payment made hereunder, the association shall not be liable to the decedent's executor or administrator. On the death of any person having any savings account in an association, the association may also pay out the moneys on deposit to the credit of the deceased upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.

Sec. 42. Section 2, chapter 139, Laws of 1939 as amended by section 1, chapter 210, Laws of 1967 and RCW 49.48.120 are each amended to read as follows:

If at the time of the death of any person, his employer is indebted to him for work, labor, and services performed, and no executor or administrator of his estate has been appointed, such employer shall upon the request of the surviving spouse forthwith pay said indebtedness, in such an amount as may be due not exceeding the sum of one thousand dollars, to the said surviving spouse or if the decedent leaves no surviving spouse, then to the child or children, or if no children, then to the father or mother of said decedent: PROVIDED, HOWEVER, That if by virtue of a community property agreement between the decedent and the surviving spouse, which meets the requirements of RCW 26.16.120, the right to such indebtedness became the sole property of the surviving spouse upon the death of the decedent, the employer shall pay to the surviving spouse the total of such indebtedness or that portion which is governed by the community property agreement upon presentation of said agreement accompanied by affidavit of the surviving spouse stating that such agreement was executed in good faith between the parties thereto and had not been rescinded by the parties prior to the death of the decedent: PROVIDED FURTHER, That in all cases the employer shall require proof of claimant's relationship to decedent by affidavit, and shall require claimant to acknowledge receipt of such payment in writing. Any payments made by an employer pursuant to the provisions of RCW 49.48.115 and 49.48.120 shall operate as a full and complete

discharge of the employer's indebtedness to the extent of said payment, and no employer shall thereafter be liable therefor to the decedent's estate, or the decedent's executor or administrator thereafter appointed. The employer may also pay the indebtedness upon presentation of an affidavit as provided in section 4 of this 1974 amendatory act.

Sec. 43. Section 30.04.260, chapter 33, Laws of 1955 and RCW 30.04.260 are each amended to read as follows:

No trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, shall be permitted to act as executor, administrator, or guardian; and any trust company or other corporation whose officers or agents shall solicit legal business ((or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian)) shall be ineligible for a period of one year thereafter to be appointed executor, administrator or guardian in any of the courts of this state.

Any trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, and any officer, agent, or employee of any trust company or corporation who shall solicit legal business ((or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian)) shall be guilty of a gross misdemeanor.

PART VII. MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 44. There is added to chapter 11.28 RCW a new section to read as follows:

When a petition for general letters of administration or for letters of administration with the will annexed shall be filed, the matter may heard forthwith, appointment made and letters of administration issued: PROVIDED, That if there be a surviving spouse and a petition is presented by anyone other than the surviving spouse, or any person designated by the surviving spouse to serve as personal representative on his or her behalf, notice to the surviving spouse shall be given of the time and place of such hearing at least ten days before the hearing, unless the surviving spouse shall waive notice of the hearing in writing filed in the cause.

Sec. 45. Section 11.76.080, chapter 145, Laws of 1965 as last amended by section 1, chapter 28, Laws of 1971 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, 11.68.040 and 11.76.050 as now or hereafter amended, or for entry of an order adjudicating testacy or intestacy and heirship when no personal representative is appointed to administer the estate of the decedent, shall ((--)) appoint some disinterested person as guardian ad litem to represent such incompetent with reference to any petition, proceeding ((or)), report, or adjudication of testacy or intestacy without the appointment of a personal representative to administer the estate of decedent 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 eighteen years of age.

NEW SECTION. Sec. 46. There is added to chapter 11.28 RCW a new section to read as follows:

When the terms of the decedent's will manifest an intent that the personal representative appointed to administer the estate shall not be required to furnish bond or other security, or when the personal representative is the surviving spouse of the decedent and it appears to the court that the entire estate, after provision for expenses and claims of creditors, will be distributable to such spouse and any minor children born to or adopted by decedent and living with said surviving spouse, then such personal representative shall not be required to give bond or other security as a condition of appointment. In all cases where a bank or trust company authorized to act as personal representative is appointed as personal representative, no bond shall be required. In all other cases, unless waived by the court, the personal representative shall give such bond or other security, in such amount and with such surety or sureties, as the court may direct.

Every person required to furnish bond must, before receiving letters testamentary or of administration, execute a bond to the state of Washington conditioned that the personal representative shall faithfully execute the duty of the trust according to law.

The court may at any time after appointment of the personal representative require said personal representative to give a bond or additional bond, the same to be conditioned and to be approved as

provided in this section; or the court may allow a reduction of the bond upon a proper showing.

In lieu of bond, the court may in its discretion, substitute other security or financial arrangements, such as provided under RCW 11.88.105, or as the court may deem adequate to protect the assets of the estate.

Sec. 47. Section 11.40.100, chapter 145, Laws of 1965 and RCW 11.40.100 are each amended to read as follows:

If any action be pending against the testator or intestate at the time of his death, the plaintiff shall within ~~((ninety days))~~ four months after first publication of notice to creditors, or the filing of a copy of such notice, whichever is later, serve on the personal representative a motion to have such personal representative, as such, substituted as defendant in such action, and, upon the hearing of such motion, such personal representative shall be so substituted, unless, at or prior to such hearing, the claim of plaintiff, together with costs, be allowed by the personal representative and court. After the substitution of such personal representative, the court shall proceed to hear and determine the action as in other civil cases.

Sec. 48. Section 11.44.025, chapter 145, Laws of 1965 and RCW 11.44.025 are each amended to read as follows:

Whenever any property of the estate not mentioned in the inventory comes to the knowledge of a personal representative, he shall cause the same to be inventoried and appraised and shall make and return upon oath into the court a true inventory of said property within thirty days after the discovery thereof, unless a longer time shall be granted by the court.

NEW SECTION. Sec. 49. There is added to chapter 11.44 RCW a new section to read as follows:

Within the time required to file an inventory as provided in RCW 11.44.015, the personal representative shall determine the fair net value, as of the date of the decedent's death, of each item contained in the inventory after deducting the encumbrances, liens, and other secured charges thereon. The personal representative may employ a qualified and disinterested person to assist him in ascertaining the fair market value as of the date of the decedent's death of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The appraisal may, but need not be, filed in the probate cause: PROVIDED HOWEVER, That upon receipt of a written request for a copy of said inventory and appraisal from any heir, legatee, devisee or unpaid creditor who has filed a claim, or from the inheritance tax division of the department of

revenue, the personal representative shall furnish to said person, a true and correct copy thereof.

Sec. 50. Section 11.44.070, chapter 145, Laws of 1965 as amended by section 10, chapter 168, Laws of 1967 and RCW 11.44.070 are each amended to read as follows:

((The appraiser shall receive as compensation for his service an amount as to the court shall seem just and reasonable, but not less than ten dollars nor more than one-tenth of one percent of the gross value of the assets of the estate actually appraised by him.))
The amount of the fee to be paid to any persons assisting the personal representative in any appraisal shall be determined by the personal representative: PROVIDED HOWEVER, That the reasonableness of any such compensation shall, at the time of hearing on any final account as provided in chapter 11.76 RCW or on a request or petition under sections 22 or 23 of this 1974 amendatory act, be reviewed by the court in accordance with the provisions of section 22 of this 1974 amendatory act, and if the court determines the compensation to be unreasonable, a personal representative may be ordered to make appropriate refund.

Sec. 51. Section 11.12.120, chapter 145, Laws of 1965 and RCW 11.12.120 are each amended to read as follows:

Whenever any person having died leaving a will which has been admitted to probate or established by an adjudication of testacy, shall by said will have given, devised or bequeathed unto any person, a legacy or a devise upon the condition that said person survive him, and not otherwise, such legacy or devise shall lapse and fall into the residue of said estate to be distributed according to the residuary clause, if there be one, of said will, and if there be none then according to the laws of descent, unless said legatee or devisee, as the case may be, or his heirs, personal representative, or someone in behalf of such legatee or devisee, shall appear before the court which is administering said estate within ((six) three years from and after the date the said will was admitted to probate or established by an adjudication of testacy, and prove to the satisfaction of the court that the said legatee or devisee, as the case may be, did in fact survive the testator.

NEW SECTION. Sec. 52. Whenever a principal designates another his attorney in fact or agent by a power of attorney in writing and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability, the authority of the attorney in fact or agent is exercisable by him as

provided in the power on behalf of the principal notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or his guardian or heirs, devisees and personal representative as if the principal were alive, competent and not disabled. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if he were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

NEW SECTION. Sec. 53. (1) The death, disability, or incompetence of any principal who has executed a power of attorney in writing other than a power as described by section 43 [52] of this 1974 amendatory act, does not revoke or terminate the agency as to the attorney in fact, agent or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his heirs, devisees, and personal representatives.

(2) An affidavit, executed by the attorney in fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability, or incompetence, is, in the absence of a showing of fraud or bad faith, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.

(3) This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

NEW SECTION. Sec. 54. (1) Any of the following provisions in an insurance policy, contract of employment, bond, mortgage, promissory note, deposit agreement, pension plan, joint tenancy, community property agreement, trust agreement, conveyance, or any other written instrument effective as a contract, gift, conveyance, or trust is deemed to be nontestamentary, and this title does not invalidate the instrument or any provision:

(a) that money or other benefits theretofore due to, controlled or owned by a decedent shall be paid after his death to a

person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently;

(b) that any money due or to become due under the instrument shall cease to be payable in event of the death of the promisee or the promissor before payment or demand; or

(c) that any property which is the subject of the instrument shall pass to a person designated by the decedent in either the instrument or a separate writing, including a will, executed at the same time as the instrument or subsequently.

(2) Nothing in this section limits the rights of creditors under other laws of this state.

(3) Any provision in a lease of a safety deposit repository to the effect that two or more persons shall have access to the repository, or that purports to create a joint tenancy in the repository or in the contents of the repository, or that purports to vest ownership of the contents of the repository in the surviving lessee, is ineffective to create joint ownership of the contents of the repository or to transfer ownership at death of one of the lessees to the survivor. Ownership of the contents of the repository and devolution of title to those contents is determined according to rules of law without regard to the lease provisions.

NEW SECTION. Sec. 55. The following acts or parts of acts are each hereby repealed:

(1) Section 11.28.130, chapter 145, Laws of 1965 and RCW 11.28.130;

(2) Section 11.28.180, chapter 145, Laws of 1965 and RCW 11.28.180;

(3) Section 11.28.200, chapter 145, Laws of 1965 and RCW 11.28.200;

(4) Section 11.40.050, chapter 145, Laws of 1965 and RCW 11.40.050;

(5) Section 11.44.055, chapter 145, Laws of 1965 and RCW 11.44.055;

(6) Section 11.44.065, chapter 145, Laws of 1965 and RCW 11.44.065; and

(7) Section 11.44.080, chapter 145, Laws of 1965, section 11, chapter 168, Laws of 1967 and RCW 11.44.080.

NEW SECTION. Sec. 56. This 1974 amendatory act shall take effect October 1, 1974.

Passed the House February 13, 1974.
Passed the Senate February 15, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 118

[House Bill No. 1006]

TAX EXEMPTIONS--PERSONAL SERVICE CONTRACTS--
SPORTS CONTRACTS, FRANCHISES, AND AGREEMENTS

AN ACT Relating to revenue and taxation; and amending section 84.36.070, chapter 15, Laws of 1961 and RCW 84.36.070.

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

Section 1. Section 84.36.070, chapter 15, Laws of 1961 and RCW 84.36.070 are each amended to read as follows:

The following intangible property shall be exempt from ad valorem taxation: All moneys and credits including mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county and municipal bonds and warrants and bonds and warrants of other taxing districts, bonds of the United States and of foreign countries or political subdivisions thereof and the bonds, stocks or shares of private corporations ((shall be and hereby are exempted from ad valorem taxation)), private nongovernmental personal service contracts or private nongovernmental athletic or sports franchises or private nongovernmental athletic or sports agreements provided that such contracts, franchises or agreements do not pertain to the use or possession of tangible personal or real property or to any interest in tangible personal or real property.

Passed the House January 18, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 119

[Second Substitute House Bill No. 1077]

INSURANCE AND HEALTH CARE--
ALCOHOLISM TREATMENT COVERAGE

AN ACT Relating to insurance and health care services; adding new sections to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and making an effective date.

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

NEW SECTION. Section 1. The legislature recognizes that alcoholism is a disease and, as such, warrants the same attention from the health care industry as other similarly serious diseases warrant; the legislature further recognizes that only very infrequently do health insurance contracts and contracts for health care services include provisions providing benefits for the treatment of alcoholism. In order to assist the many citizens of this state

who suffer from the disease of alcoholism, and who are presently effectively precluded from obtaining any medical assistance under the terms of their health insurance contract or health care service contract, the legislature hereby declares that provisions providing benefits for the treatment of alcoholism shall be included in new contracts and that this 1974 act is necessary for the protection of the public health and safety.

NEW SECTION. Sec. 2. There is added to chapter 48.21 RCW a new section to read as follows:

Each group disability insurance contract which is issued, or renewed, on or after July 1, 1974 and before January 1, 1975 and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of alcoholism rendered to the insured by alcoholism treatment facilities approved under RCW 70.96.092 and for the treatment of alcoholism rendered to the insured by an alcoholic treatment facility which is an "approved treatment facility" under RCW 70.96A.020 (2).

NEW SECTION. Sec. 3. There is added to chapter 48.21 RCW a new section to read as follows:

Each group disability insurance contract which is issued, or renewed, on or after January 1, 1975 and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of alcoholism rendered to the insured by an alcoholic treatment facility which is an "approved treatment facility" under RCW 70.96A.020 (2).

NEW SECTION. Sec. 4. There is added to chapter 48.44 RCW a new section to read as follows:

Each contract for health care services which is entered into, or renewed, on or after January 1, 1975 between a health care service contractor and the person or persons to receive such care shall contain provisions providing benefits for the treatment of alcoholism rendered to such person or persons by an alcoholic treatment facility which is an "approved treatment facility" under RCW 70.96A.020 (2).

NEW SECTION. Sec. 5. This act shall not apply to the renewal of a contract in force prior to the pertinent date provided for such contract under this act where there exists a right of renewal without any change in any provision of the contract.

Passed the House February 12, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 120
[House Bill No. 1245]
LAW ENFORCEMENT OFFICERS AND
FIRE FIGHTERS' RETIREMENT SYSTEM

AN ACT Relating to public employment; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.030; amending section 3, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.045; amending section 5, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.050; amending section 10, chapter 209, Laws of 1969 ex. sess. as last amended by section 7, chapter 131, Laws of 1972 1st ex. sess. and RCW 41.26.100; amending section 11, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.110; amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 8, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.120; amending section 14, chapter 209, Laws of 1969 ex. sess. as amended by section 9, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.140; amending section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 9, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.160; amending section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.200; amending section 4, chapter 209, Laws of 1969 ex. sess. as last amended by section 44, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.26.040; amending section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.150; amending section 4, chapter 257, Laws of 1971 ex. sess. as amended by section 2, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.046; amending section 24, chapter 209, Laws of 1969 ex. sess. as amended by section 16, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.240; and declaring an emergency.

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

Section 1. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 131, Laws of 1972 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, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population ((7)) and the membership of ((a)) each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal ((: PROVIDED; That the term "city police officer" shall only include such regular, full time personnel of a city police department as have been appointed to offices, positions or ranks in the department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city; PROVIDED FURTHER; That)), with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police 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 shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030 (2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030 (2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter((§)) 41.16 or 41.18 RCW;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state

institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state (~~of Washington~~), in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (d) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means all periods of employment for an employer as a fire fighter or law enforcement officer, for which

compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (a) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

Sec. 2. Section 5, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 131, Laws of 1972 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 RCW 41.40.030 as now or hereafter amended. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. ((The first board member elected by the law enforcement officer members shall serve for one year only; the

first board member elected by the fire fighters shall serve a two year term; and thereafter)) Both shall serve two years unless they cease to be members of the retirement system by separating from service (except when on disability leave), vesting or retiring. 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 elected and appointed board members shall serve on the retirement board for the purpose of administering this chapter and chapter 41.40 RCW. ((These)) The appointed board members shall serve two year terms. All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose. The retirement board provided by this section shall be entitled the Washington law enforcement officers' and fire fighters' retirement board and may enter legal relationships in that name. Legal relationships entered into in that name prior to the effective date of this 1972 amendatory act are hereby ratified.

Sec. 3. Section 10, chapter 209, Laws of 1969 ex. sess. as last amended by section 7, chapter 131, Laws of 1972 first ex. sess. and RCW 41.26.100 are each amended to read as follows:

A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed creditable service[,] as follows: Five years but under ten years, one-twelfth of one percent of his final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his final average salary for each month of service; and twenty years and over one-twelfth of two percent of his final average salary for each month of service: PROVIDED, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his return to service and he shall make contributions and receive service credit. Such a member shall have the right to again

retire at any time and his retirement allowance shall be recomputed, and paid, based upon additional service rendered and any change in final average salary; PROVIDED FURTHER, That no retirement allowance paid pursuant to this section shall exceed sixty percent of final average salary, except as such allowance may be increased by virtue of RCW 41.26.240, as now or hereafter amended.

Sec. 4. Section 14, chapter 209, Laws of 1969 ex. sess. as amended by section 9, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.140 are each amended to read as follows:

(1) Upon the basis of a semiannual reexamination of members on disability retirement, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) ((Should a disability beneficiary whose disability was not incurred in line of duty; prior to attaining age fifty engage in a gainful occupation; the disability board shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired member

held at the time he was disabled: All such disability beneficiaries under age fifty shall file with the disability board every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury: Should the earning capacity of such beneficiary be further altered, the disability board may further alter his retirement allowance as indicated above: The failure of any member to file the required statement of earnings shall be cause for cancellation of retirement benefits:

(6)) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter.

Sec. 5. Section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 9, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service ((of twenty or more years)) or ((a member retired for)) disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his

surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030 (7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children as defined in RCW 41.26.030 (7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

Sec. 6. Section 16, chapter 209, Laws of 1969 ex. sess. as last amended by section 13, chapter 257, Laws of 1971 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 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 which shall include findings of fact and conclusions of law, 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.

Sec. 7. Section 4, chapter 209, Laws of 1969 ex. sess. as [last] amended by section 44, chapter 195, Laws of 1973 1st ex. sess. and RCW 41.26.040 are each amended to read as follows:

The Washington law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters and law enforcement officers.

(1) All fire fighters and law enforcement officers employed as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act except as provided in subsection (2) of this section.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had not transferred. 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 as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid whether or not the employee has made application under the prior act. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the state-wide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred: PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the

employer which was the member's employer when his transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW 41.16.060, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washington law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system for all service, as defined in this chapter, from the date of the employee's entrance therein until March 1, 1970. Except as provided for in subsection (2), such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members with respect to such service.

(5) All unfunded liabilities created by this or any other section of this chapter shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium.

Sec. 8. Section 3, chapter 257, Laws of 1971 ex. sess. and RCW 41.26.045 are each amended to read as follows:

Notwithstanding any other provision of law after ((May 24, 1974)) the effective date of this 1974 amendatory 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 an elected sheriff shall not be required to meet the age standard: PROVIDED FURTHER, 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 chapter, then

such person or persons may join any other pension system that the city has available for its other employees; AND PROVIDED FURTHER, That for one year after the effective date of this 1974 amendatory act any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems.

Sec. 9. Section 11, chapter 209, Laws of 1969 ex. sess. as last amended by section 6, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.110 are each amended to read as follows:

(1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. Beginning with the next election following the effective date of this 1974 amendatory act, the law enforcement officer member shall serve a one year term and the fire fighter member shall serve a two year term. Thereafter each of the elected members shall serve a two year term. ((§11)) The members appointed ((or elected)) pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firemen's pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters' or law enforcement officers' as provided under the Washington law enforcement officers' and fire fighters' retirement system act.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be

chosers as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter.

Sec. 10. Section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 8, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months after the disability is incurred during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became

disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: PROVIDED, That the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above.

Sec. 11. Section 15, chapter 209, Laws of 1969 ex. sess. as last amended by section 10, chapter 257, Laws of 1971 [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 medical services, the employer shall pay for such active or retired member the necessary 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 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: AND PROVIDED FURTHER, That the disability board shall designate the medical services available to ((such)) any sick or disabled member.

(2) The medical 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 or for the payment of the cost of medical services in connection with a member's sickness or disability 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. 12. Section 4, chapter 257, Laws of 1971 ex. sess. as amended by section 2, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.046 are each amended to read as follows:

By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer((7)) or fire fighter((7 or sheriff,)) receives membership coverage unless and until he has actually met minimum medical and health standards: PROVIDED, That ((after March 17 1972)) an elected sheriff shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned above. The cost of the medical examination contemplated by this section is to be paid by the employer.

Sec. 13. Section 24, chapter 209, Laws of 1969 ex. sess. as amended by section 16, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.240 are each amended to read as follows:

For purposes of this section of this chapter:

(1) "Index" shall mean, for any calendar year, that year's average Consumer Price Index--Seattle, Washington area for urban wage

earners and clerical workers, all items (1957-1959=100), compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid (PROVIDED; That no retirement allowance shall in any event be reduced to a dollar amount less than its original dollar amount).

Whenever the amount of a benefit is to be recalculated because of a change in the number of children, the amount shall be calculated as if the new number of children had always been in existence).

For the purposes of this section, basic allowance shall mean that portion of a total retirement allowance, and any cost of living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance shall at the time of the next and appropriate subsequent cost of living adjustments, be considered the original dollar amount of the allowance.

NEW SECTION. Sec. 14. This 1974 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. 15. If any provision of this 1974 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 7, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 121
[House Bill No. 1328]
PORT DISTRICT AIRPORTS—
AIRCRAFT NOISE CONTROL

AN ACT Relating to port districts; authorizing port districts operating an airport to undertake programs to control and abate aircraft noise; and adding a new chapter to Title 53 RCW.

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

NEW SECTION. Section 1. A port district operating an airport serving more than twenty scheduled jet aircraft flights per day may undertake any of the programs or combinations of such programs, as authorized by this chapter, for the purpose of alleviating and abating the impact of jet aircraft noise on areas surrounding such airport.

NEW SECTION. Sec. 2. Prior to initiating programs as authorized in this chapter the port commission shall undertake the investigation and monitoring of aircraft noise impact to determine the nature and extent of the impact. The port commission shall adopt a program of noise impact abatement based upon the investigations and as amended periodically to conform to needs demonstrated by the monitoring programs: PROVIDED, That in no case may the port district undertake any of the programs of this chapter in an area which is more than three miles beyond the paved end of any runway or more than fifteen hundred feet from the centerline of any runway or from an imaginary runway centerline extending three miles from the paved end of such runway: PROVIDED FURTHER, That the area within 2500 feet of the center of the end point of any runway may be included. Such areas as determined above, shall be known as "impacted areas".

NEW SECTION. Sec. 3. For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(2) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the ownership, provided the owner waives all damages and conveys a full and unrestricted easement for the operation of all aircraft, and for

all noise and noise associated conditions therewith, to the port district.

(3) Mortgage insurance of private owners of lands or improvements within such noise impacted area where such private owners are unable to obtain mortgage insurance solely because of noise impact. In this regard, the port district may establish reasonable regulations and may impose reasonable conditions and charges upon the granting of such mortgage insurance: PROVIDED, That such fees and charges shall at no time exceed fees established for federal mortgage insurance programs for like service.

(4) Management of all lands, easements, or development rights acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use consistent with airport operations, local zoning and the state environmental policy;

(c) Sale of such properties for cash or for time payment and subjection of such property to mortgage or other security transaction: PROVIDED, That any such sale shall reserve to the port district by covenant an unconditional right of easement for the operation of all aircraft and for all noise or noise conditions associated therewith.

(5) A property shall be considered within the impacted area if any part thereof is within the impacted area.

NEW SECTION. Sec. 4. A port district may establish a fund to be utilized in effectuating the intent of this chapter. The port district may finance such fund by: The proceeds of any grants or loans made by federal agencies; rentals, charges and other revenues as may be generated by programs authorized by this chapter, airport revenues; and revenue bonds based upon such revenues. The port district may also finance such fund, as necessary, in whole or in part, with the proceeds of general obligation bond issues of not more than one eighth of one percent of the value of taxable property in the port district: PROVIDED, That any such bond issue shall be in addition to bonds authorized by RCW 53.36.030: PROVIDED FURTHER, That any such general obligation bond issue may be subject to referendum by petition as provided by county charter, the same as if it were a county ordinance.

NEW SECTION. Sec. 5. The rule of strict construction shall have no application to this chapter, which shall be liberally construed to carry out the purposes and objects for which this chapter is intended. The powers granted in this chapter shall be in addition to all others granted to port districts.

NEW SECTION. Sec. 6. Sections 1 through 5 of this 1974 act shall constitute a new chapter in Title 53 RCW.

NEW SECTION. Sec. 7. If any provision of this 1974 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 shall not be affected.

Passed the House February 6, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 122
[House Bill No. 1334]
PROPERTY TAX—
CONSTITUTIONAL LIMITATION--REFUNDS

AN ACT Relating to revenue and taxation; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 126, Laws of 1972 ex. sess. and RCW 84.69.020; and adding a new section to Title 84 RCW.

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

NEW SECTION. Section 1. There is added to Title 84 RCW a new section to read as follows:

The legislature recognizes that the operation of the provisions of RCW 84.52.065 and 84.48.080, providing for adjustments in the county-determined assessed value of property for purposes of the state property tax for schools, may, with respect to certain properties, result in a total regular property tax payment in excess of the one percent limitation provided for in Article 7, section 2 (Amendment 59) of the state Constitution. The primary purpose of this 1974 amendatory act is to provide a procedure for administrative relief in such cases, such relief to be in addition to the presently existing procedure for judicial relief through a refund action provided for in RCW 84.68.020.

Sec. 2. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 126, Laws of 1972 ex. sess. and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county legislative authority of any county, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls; or

(4) Paid as a result of other clerical errors in listing property; or

(5) Paid with respect to improvements which did not exist on assessment date; or

(6) Paid under levies or statutes adjudicated to be illegal or unconstitutional; or

(7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.128 or pursuant to RCW 84.36.370 and 84.36.380; or

(8) Paid or overpaid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same or paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person paying the same with respect to real property in which the person paying the same has no legal interest; or

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or

(10) 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 under subsections (9) and (10) 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.

(11) Paid as a state property tax levied upon county assessed property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 (Amendment 59) of the state Constitution equal one percent of the assessed value established by the board.

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), (10), and (11).

Passed the House February 12, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 123

[Second Reengrossed Senate Bill No. 2366]

LEGISLATIVE DISTRICT BOUNDARY ADJUSTMENTS

AN ACT Relating to legislative redistricting; and creating new sections.

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

NEW SECTION. Section 1. The legislature hereby recognizes the emergence of certain hardships and the existence of some unintended distortions and minor inequities occasioned by the legislative district boundaries established by the court plan and order for legislative and congressional redistricting (United States district court, western district of Washington at Seattle, case 9668, filed April 21, 1972, at Seattle). The legislature declares that it is the purpose of this 1973 [1974] act to remedy such hardships and distortions consistent with such plan and in a manner which retains basic population parity, in making minor adjustments in some legislative district boundaries by setting out such districts in this 1973 [1974] act: PROVIDED, That all legislative and congressional districts shall remain as numbered in such court plan and order. The legislature further declares that the boundaries of all legislative districts not modified by this 1973 [1974] act shall be as described in such court order, until modified by said court or other court having jurisdiction thereof, or until superseded by the legislature.

NEW SECTION. Sec. 2. For the purposes of this 1973 [1974] act each legislative district shall be framed and described in terms of complete, official United States census bureau, census tracts (T), county census districts (CCD), enumeration districts (ED), block (B), and block groups (BG) to accord with the format of such court order.

NEW SECTION. Sec. 3. The Third legislative district shall consist of the following areas:

In Spokane City:

T 1
T 2
T 3
T 13 (part: B 201, B 207)
T 14 (part: BG 2, BG 3)
T 15
T 16
T 17
T 18
T 19
T 20
T 21

T 22
T 23
T 24
T 25
T 26
T 27
T 28
T 33
T 34
T 35
T 36
T 37
T 38

In Spokane County:

T 112 (Part: ED 30,80)

NEW SECTION. Sec. 4. The Fourth legislative district shall consist of the following areas:

In Spokane County:

T 112 (part: ED 19, 28, 29, 31, 32, 33)

T 113

T 114

T 115

T 116

T 117

T 118

T 119

T 120

T 121

T 122

T 123

T 124

T 125

T 126

T 127

T 128

T 129

T 130

T 131

T 132

T 133

T 134 (part: ED 329, 330)

T 143

In Whitman County:

CCD 1

CCD 2

CCD 6

CCD 7

NEW SECTION. Sec. 5. The Fifth legislative district shall consist of the following:

In Spokane City:

T 4

T 5

T 6

T 7

T 8

T 9

T 10

T 11

T 12

T 13 (part: BG 1, B 202-206, B 208-230,
BG 3)

T 14 (part: BG 1, BG 4)

In Spokane County:

T 105 (part: BG 1, 2, 9; ED 23, 24, 27)

T 106

T 107

T 108

T 109

T 110

T 111

NEW SECTION. Sec. 6. The Sixth legislative district shall consist of the following areas:

In Spokane City:

T 29

T 30

T 31

T 32

T 39

T 40

T 41

T 42

T 43

T 44

T 45

T 46

T 47

In Spokane County:

T 134 (part: ED 249-250,

331-337)

T 135
T 136
T 137
T 138, 141 (CCD Medical Lake Rural)
T 139 (CCD Medical Lake)
T 140 (CCD Cheney)
T 142

NEW SECTION. Sec. 7. The Thirteenth legislative district shall consist of the following areas:

All of Kittitas County

In Grant County:

CCD 5
CCD 7
CCD 9
CCD 10
CCD 11
CCD 12
CCD 15
CCD 16
CCD 17
CCD Ephrata

In Yakima County:

CCD 1
CCD 2
CCD 3 (part: ED 9-13)
CCD 8 (part: ED 20 except sections 20, 21
and 28 R18E, T14N)

NEW SECTION. Sec. 8. The Fourteenth legislative district shall consist of the following areas:

In Yakima County:

CCD Yakima
CCD Selah
CCD 3 (part: ED 14)
CCD 6 (part: ED 27, 29)
CCD 7
CCD 8 (part: ED 20, sections 20, 21, 28, R18E,
T14N; ED 21-22)
CCD 11
CCD 12

NEW SECTION. Sec. 9. The Twenty-third legislative district shall consist of the following areas:

In Kitsap County:

CCD 1

CCD 2

CCD 3

CCD 4

CCD 6 (part: ED 26 and that part of ED 31 that lies to the north and east of ED 26 and that is geographically separated by ED 26 from that part of ED 31 that lies to the south and west of ED 26, which the legislature, having consulted with the geography section of the United States Census Bureau, hereby determines to consist of only surface waters of Dyes Inlet and to contain no population.)

CCD 7

CCD 8

CCD 9

CCD 10

CCD 11

CCD Bremerton (part: ED 37-64, 66-73)

NEW SECTION. Sec. 10. The Twenty-sixth legislative district shall consist of the following areas:

In Kitsap County:

CCD 5

CCD 6 (part: ED 27-30, 32, 33, and that part of ED 31 that lies to the south and west of ED 26 and that is geographically separated by ED 26 from that part of ED 31 that lies to the north and east of ED 26.)

CCD 12

CCD 14

CCD 15

CCD 16

CCD Bremerton (part: ED 65, 74)

CCD Port Orchard

In Pierce County:

CCD Lower Peninsula

CCD Gig Harbor Peninsula

T 603

T 604

T 605 (part: B 102-107)

T 608 (part: B 101-108)

T 609

T 610

T 735

NEW SECTION. Sec. 11. The twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

T 601

T 602

T 605 (part: B 108-119, BG 2, 3, 4, 5)

T 606

T 607

T 608 (part: B 109-123, BG 2, 3, 4, 5, 6, 7)

T 611

T 612

T 613

T 614

T 615

T 616

T 617

T 618 (part: BG 1)

T 619

T 620

T 621

T 627 (part: BG 1)

T 708

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 February 12, 1974.

Passed the House February 12, 1974.

Approved by the Governor February 19, 1974.

Filed in Office of Secretary of State February 19, 1974.

CHAPTER 124

[Engrossed Senate Bill No. 2416]

MOTOR VEHICLES AND OTHER CONVEYANCES—

TAMPERED OR DESTROYED I.D., PROCEDURE—

MOTORCYCLES, ETC., DISPLAY OF LIGHTS

AN ACT Relating to motor vehicles; amending section 1, chapter 60, Laws of 1917 and RCW 9.54.030; amending section 46.37.020, chapter 12, Laws of 1961 as amended by section 2, chapter 154, Laws of 1963 and RCW 46.37.020; and prescribing penalties.

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

Section 1. Section 1, chapter 60, Laws of 1917 and RCW 9.54.030 are each amended to read as follows:

(1) Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any motor vehicle ((or)), motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of the said motor vehicle, ((motorbike;)) motorcycle, motor-driven cycle, trailer, ((or)) vessel, motorboat or component part thereof shall be guilty of a gross misdemeanor.

(2) Any motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, there being probable cause to believe that such was done for the purpose of concealing or misrepresenting identity, shall be impounded and held by the seizing law enforcement agency until the original numbers or marks are restored, or it is determined that the motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof, was reported as stolen and it is returned to the rightful owner as provided in this subsection. If reported as stolen the seizing law enforcement agency shall promptly return such motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or parts thereof as have been stolen to the person who was the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the return and possession of such motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof.

(3) If the original manufacturer's serial numbers or other distinguishing numbers or identification marks cannot be restored, and if the article was not reported stolen or was reported stolen and the seizing law enforcement agency cannot locate the person who was the lawful owner at the time it was reported stolen or his lawful successor in interest, or if such lawful owner or his lawful successor in interest fails to claim the article within forty-five days after receiving notice from the seizing law enforcement agency that the article is in its possession, the motor vehicle, motorcycle, motor-driven cycle, trailer, vessel, motorboat, or component part thereof may be destroyed or may be sold at public auction to the highest bidder or may be held by the seizing law enforcement agency for its official use and purposes: PROVIDED, That no such

disposition shall be undertaken until at least sixty days have elapsed from the date of seizure: PROVIDED FURTHER, That written notice of the seizure and potential disposition shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who prior to final disposition of the article notifies the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof, and a reasonable opportunity to be heard as to the claim of ownership or right of possession shall have first been afforded to such person or persons. Such hearing shall be before the chief law enforcement officer of the seizing agency or his designee, except that any person claiming ownership or right of possession hereunder may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is one hundred dollars or more. A hearing before the agency and any appeal therefrom shall be pursuant to chapter 34.04 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right to possession. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon determination by the hearing officer or court that he is the present lawful owner or is lawfully entitled to possession thereof.

(4) Prior to the release from a law enforcement agency's custody or the future use of any motor vehicle, motorcycle, motor-driven cycle, trailer, motorboat, or component part thereof, from which the serial number or other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, an identification number shall be assigned in accordance with the rules and regulations promulgated by the department of motor vehicles.

Sec. 2. Section 46.37.020, chapter 12, Laws of 1961 as amended by section 2, chapter 154, Laws of 1963 and RCW 46.37.020 are each amended to read as follows:

Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as

prescribed for the use of such devices: PROVIDED, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway.

Passed the Senate February 12, 1974.
Passed the House February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 125
[Substitute Senate Bill No. 2701]
MIGRANT LABOR HOUSING
DEMONSTRATION PILOT PROJECT

AN ACT Relating to state government; providing for a migrant labor housing demonstration project; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that a migrant labor housing demonstration pilot project should be constructed on property to be purchased by the state in Yakima county. The legislature further finds that this demonstration project shall be funded by state moneys for the 1973-75 biennium.

NEW SECTION. Sec. 2. The department of general administration is authorized and directed to construct a migrant labor housing camp on such land as is owned and is made available by the state. The permanent facilities of such camp shall include fully equipped lavatories, clothes washing facilities and improved campsites. The department shall provide space on the site for a mobile facility of the department of employment security. The mobile unit shall be owned, equipped, staffed, and operated by the department of employment security and moneys expended for such purposes shall not be from moneys appropriated by section 5 of this act.

NEW SECTION. Sec. 3. The department of general administration is authorized and directed to operate the camp provided for in section 2 of this act during the 1973-75 biennium. During those periods of the year when the facility is receiving maximum use, the director of the department, after consultation with the department of social and health services, shall provide for a resident camp director having such qualifications, as determined by the director, to insure the orderly operation of the camp. The department shall cooperate with other departments and agencies of state government and the appropriate units of local government to the extent necessary to insure the successful operation of the camp during the life of the demonstration project.

NEW SECTION. Sec. 4. At the close of the 1973-75 biennium the department of general administration is authorized and directed to enter into such agreements and contracts as may be necessary to dispose of any of the state's property interests in the project to either the department of highways or to the state parks and recreation commission.

NEW SECTION. Sec. 5. It is the intent of the legislature that if federal matching funds are made available, then such state moneys as are no longer necessary to accomplish the purposes of this act shall revert to the general fund.

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

Passed the Senate February 12, 1974.
Passed the House February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 126

[Engrossed Substitute Senate Bill No. 2938]

FIRE PROTECTION DISTRICTS—

SERVICE CHARGE

AN ACT Relating to revenue and taxation; authorizing a fire protection district service charge; providing for its administration by certain county officials and a payment therefor; requiring a public hearing and election prior to imposing a service charge for support of a fire district; requiring public hearings; establishing an administrative review procedure; and adding a new chapter to Title 52 RCW.

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

NEW SECTION. Section 1. The board of fire commissioners of any fire protection district created pursuant to chapter 52.04 RCW may by resolution, for fire protection purposes authorized by law, fix and impose a service charge upon personal property and improvements to real property, which are located within the fire protection district on the date specified and which have or will receive the benefit of fire protection provided by the fire protection district, to be paid by the owners of such properties: PROVIDED, That such service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination for purposes related to the religious works of such denomination, including schools and

educational facilities and all grounds and buildings related thereto or to personal property and improvements to real property owned or used by public or private schools or institutions of higher education. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

Any such service charge imposed shall be reasonably proportioned to the measurable financial benefits to property resulting from the fire protection afforded by the district. It shall be deemed acceptable to proportion the service charge to the values of the properties as found by the county assessor modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing such fire services. Any other method that reasonably apportions the service charges to the actual financial benefits resulting from the degree of protection, such as the distance from regularly maintained fire protection equipment, may be specified in the resolution and shall be subject to contest only on the ground of unreasonable or capricious action: PROVIDED, That any such method shall be in accordance with the fire defense rating of the district as ratified by the state insurance commissioner: PROVIDED FURTHER, That no service charge authorized by the provisions of this chapter shall be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining his or its own fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business in this state.

NEW SECTION. Sec. 2. The term "personal property" for the purposes of this chapter shall be held and construed to embrace and include every form and manner of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops: PROVIDED, That there shall be exempt from the service charge imposed pursuant to the provisions of this chapter all personal property not assessed and subjected to ad valorem taxation by the county assessor pursuant to the provisions of Title 84 RCW, and all property subject to the provisions of RCW 52.36.020: PROVIDED, That the term "personal property" shall not include field crops, livestock or other tangible personal farm property not

ordinarily housed or stored within a building structure: PROVIDED FURTHER, That the term "improvements to real property" shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

NEW SECTION. Sec. 3. The resolution establishing service charges as specified in section 1 of this 1974 act, shall specify, by legal geographical areas or other specific designation, the rate to apply to each property by location or other designation, and such other information as is deemed necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire district and shall furnish and deliver to the county treasurer a listing of such properties with information describing the location, legal description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner and the value of the property and improvements together with the service charge to apply to each. Service charges levied hereunder shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources as prescribed by the provisions of RCW 76.04.360 and the same penalties and provisions for collection shall apply.

NEW SECTION. Sec. 4. Each fire protection district shall contract, prior to the effective date of a resolution imposing a service charge, for the administration and collection of such service charges by the county treasurer, who shall deduct a percentage amount, as provided by contract as reimbursement of the county for expenses incurred by the county assessor and county treasurer in the administration of the provisions of the resolution and this chapter. The county treasurer shall make distribution each year, as the charges are collected, the amount of the service charges imposed on behalf of each district, less the deduction provided for in the contract.

NEW SECTION. Sec. 5. (1) Any service charge authorized by this chapter shall not be effective unless a proposition to impose such service charge is approved by a sixty percent majority of the voters of the district voting at a general election or at a special election called by the district for that purpose, held within the fire protection district. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed: PROVIDED, That such a

service charge shall not remain in effect for a period of more than three years unless subsequently reapproved by the voters.

(2) The ballot shall be submitted so as to enable the voters favoring the authorization of a fire protection district service charge to vote "Yes" and those opposed thereto to vote "No" and such ballot shall be in substantially the following form:

"Shall fire protection district No. be authorized to impose a fire protection district service charge each year hereafter in an aggregate amount each year not to exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

NEW SECTION. Sec. 6. (1) Not less than ten days nor more than six months before the election at which the proposition to impose the service charge is submitted as provided in this 1974 act, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose service charges for the support of its legally authorized activities which will substantially improve the fire protection afforded in the district. A report of the public hearing shall be filed with the county treasurer and be available for public inspection.

(2) Prior to October 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district service charge for the subsequent year.

All resolutions imposing or changing such service charges shall be filed with the county treasurer, together with the record of each public hearing, before October 31 immediately preceding the year in which the service charges are to be collected on behalf of the district.

NEW SECTION. Sec. 7. From the fifteenth to the thirtieth day of November of each year, the board of fire commissioners of any fire protection district imposing a service charge pursuant to the provisions of this chapter shall form a review board and shall, upon complaint in writing of any party aggrieved owning property in such district, reduce the charge of such person who, in their opinion, has been charged too large a sum, to such sum or amount as they believe to be the true, fair, and just amount.

NEW SECTION. Sec. 8. The Washington fire commissioners association, as soon as practicable, and with the assistance of the appropriate association of county prosecutors, shall draft a model resolution for the imposition of the fire protection district service charge authorized by this 1974 act.

NEW SECTION. Sec. 9. If any provision of this 1974 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. Sections 1 through 9 of this 1974 act shall constitute a new chapter in Title 52 RCW.

Passed the Senate February 11, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 127

[Engrossed Senate Bill No. 3003]

ELECTION LAWS—REVISIONS—PENALTIES

AN ACT Relating to elections; amending section 29.04.055, chapter 9, Laws of 1965 and RCW 29.04.055; amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.100; amending section 4, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.120; amending section 29.07.160, chapter 9, Laws of 1965 as amended by section 20, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.160; amending section 29.18.110, chapter 9, Laws of 1965 and RCW 29.18.110; amending section 29.39.120, chapter 9, Laws of 1965 as amended by section 2, chapter 178, Laws of 1971 ex. sess. and RCW 29.39.120; amending section 1, chapter 73, Laws of 1967 ex. sess. as amended by section 3, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.010; amending section 3, chapter 73, Laws of 1967 ex. sess. as amended by section 6, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.030; amending section 5, chapter 73, Laws of 1967 ex. sess. as amended by section 9, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.050; amending section 6, chapter 73, Laws of 1967 ex. sess. as amended by section 10, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.060; amending section 7, chapter 73, Laws of 1967 ex. sess. as amended by section 11, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.070; repealing section 5, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.025; repealing section 8, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.045; repealing section 13, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.900; adding new sections to chapter 9, Laws of 1965 and to chapter 29.07 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

Section 1. Section 29.04.055, chapter 9, Laws of 1965 and RCW 29.04.055 are each amended to read as follows:

At any primary, regular, or special county, city, town, or district election, the election authority of any such municipality or district may combine, unite, or divide precincts for the purpose of holding such election: PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply.

Sec. 2. Section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 111, Laws of 1973 1st 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 or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such ((copies)) information: PROVIDED, That such lists and ((books)) labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such lists and books may be used for any political purpose. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information: PROVIDED, That the secretary of state shall promptly furnish, without cost and upon application therefor, an annual state-wide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of president at the preceding presidential election.

Sec. 3. Section 4, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.120 are each amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be guilty of a felony punishable by imprisonment in the state penitentiary for a period of not more than five years or a fine of not more than five thousand dollars or both such fine and

imprisonment, and shall be liable to each person provided such advertisement or solicitation, without his consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to his residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless he is liable under subsection (2). For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one item. Merely having a mailbox or other receptacle for mail on or near his residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Sec. 4. Section 29.07.160, chapter 9, Laws of 1965 as amended by section 20, chapter 202, Laws of 1971 ex. sess. 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 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. 5. Section 29.18.110, chapter 9, Laws of 1965 and RCW 29.18.110 are each amended to read as follows:

No candidate for a ((party nomination)) partisan office shall be the party nominee unless he receives a number of votes equal to at least ((ten)) five percent of the ((highest)) total number cast for ((any candidate of his party in the political subdivision in which he is a candidate)) all candidates for the position sought.

Subject thereto, any person who receives a plurality of the votes cast for the candidates of his party for any office shall be his party's nominee for that office.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

Sec. 6. Section 29.39.120, chapter 9, Laws of 1965 as amended by section 2, chapter 178, Laws of 1971 ex. sess. 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 a copy of the official voters' pamphlet with 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 under penalty of perjury 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)) this election; that I have been a legal resident of the state of Washington for at least ((one year; 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.....) thirty days; and that I

am a service voter under the laws of the state of Washington.((If possible give precinct name or number here.....)) I

further declare that I am not voting any other ballot of the state of Washington or of any other state of the United States at this election."

Legislative District Precinct

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.

Sec. 7. Section 1, chapter 73, Laws of 1967 ex. sess. as amended by section 3, chapter 178, Laws of 1971 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 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. 8. Section 3, chapter 73, Laws of 1967 ex. sess. as amended by section 6, chapter 178, Laws of 1971 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 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 RCW 29.72.045 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;

~~((4))~~ (3) The state canvassing board as prescribed in RCW 29.62.100 shall perform the preliminary tasks and be responsible for the count of the 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;

~~((5))~~ (4) The actual count of the 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

~~((6))~~ (5) The tallying of the 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 each position 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. 9. Section 5, chapter 73, Laws of 1967 ex. sess. as amended by section 9, chapter 178, Laws of 1971 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 29.72.045))~~.

Such declaration properly executed is hereby declared to be a full and complete 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. as amended by section 10, chapter 178, Laws of 1971 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. as amended by section 11, chapter 178, Laws of 1971 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 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)).

NEW SECTION. Sec. 12. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

Each county auditor shall establish, on or before July 1, 1975, and maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county: PROVIDED, That an auditor in a county with more than 150,000 registered voters may decline to comply with the provisions of all or none of sections 1, 4, 12, 13, and 14 of this act. Where it is necessary or advisable, the auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as it now exists or is hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates: PROVIDED, That if the voter has not

voted at least five times since establishing his current registration record, only the available dates shall be included.

NEW SECTION. Sec. 13. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

There is established in the general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors for unrecoverable costs incident to the establishment and maintenance of voter registration records on electronic data processing systems. For establishment of such systems, county auditors in counties with fewer than thirty thousand registered voters at the time of the most recent state general election shall be paid thirty cents per registered voter from the voter registration assistance account. For maintenance of such voter registration files, county auditors in counties with fewer than ten thousand registered voters at the time of the most recent state general election shall be paid thirty cents per registered voter per year from the voter registration assistance account: PROVIDED, That prior to July 1, 1975, the secretary of state shall pro rate the maintenance subsidy for each county under such rules and regulations as he may prescribe to reflect the portion of the year or years during which the information on the computer file must be updated and maintained.

NEW SECTION. Sec. 14. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

The secretary of state, as chief election officer, shall adopt rules and regulations, not inconsistent with the provisions of this chapter to:

(1) Facilitate the establishment and maintenance of voter registration records by county auditors and the use of voter registration information in the conduct of elections; and

(2) Establish standards and procedures for the establishment and maintenance of voter registration records on electronic data processing systems.

He shall provide planning, coordination, training and other assistance in the conversion of voter registration files to maintenance by electronic data processing and he shall administer the voter registration assistance account.

NEW SECTION. Sec. 15. The following acts or parts of acts are each hereby repealed:

(1) Section 5, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.025;

(2) Section 8, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.045; and

(3) Section 13, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.900.

NEW SECTION. Sec. 16. This 1974 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 13, 1974.
Passed the House February 13, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 128
[Engrossed Senate Bill No. 3021]
OUT-OF-STATE VEHICLES—
REGISTRATION—PHYSICAL INSPECTION

AN ACT Relating to motor vehicles; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.030; amending section 46.12.040, chapter 12, Laws of 1961 and RCW 46.12.040; and providing an effective date.

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

Section 1. Section 46.12.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.030 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the director and shall contain:

(1) A full description of the vehicle, which said description shall contain the ((~~manufacturer's serial number if it be a trailer, the motor number or~~)) proper vehicle identification number ((~~if it be a motor vehicle~~)), the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director may require: PROVIDED, That the director may in any instance, in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either; PROVIDED FURTHER, That a physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is genuine and agrees with the

number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the director to make such inspections.

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application.

Sec. 2. Section 46.12.040, chapter 12, Laws of 1961 and RCW 46.12.040 are each amended to read as follows:

The application accompanied by a draft, money order, or certified bank check for one dollar, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee of ten dollars whenever physical examination of the vehicle is required as a part of the vehicle licensing or titling process. Such fee shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION. Sec. 3. This 1974 amendatory act shall take effect July 1, 1974.

Passed the Senate January 28, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 129

[Engrossed Senate Bill No. 3064]

DATA PROCESSING REVOLVING FUND

AN ACT Relating to state government; creating the data processing revolving fund; adding a new section to chapter 43.105 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 43.105 RCW a new section to read as follows:

For the purposes of distributing and apportioning the full cost of data processing and data communication to its users and for the purpose of extending the useful life of state owned data processing and data communication equipment, and for such other purposes as may be necessary or convenient to carry out the purposes of this chapter, there is hereby created within the state treasury a revolving fund to be known as the "data processing revolving fund" which shall be used for the acquisition of data processing and data communication services, supplies and equipment handled or rented by the Washington state data processing authority or under its authority by any Washington state data processing service center designee, and the payment of salaries, wages and other costs incidental to the acquisition, operation and administration of acquired data processing services, supplies and equipment. The data processing revolving fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment and services rendered to governmental agencies. The data processing moneys presently held in, or hereafter accruing to, the present central stores revolving fund created by RCW 43.19.1923 are hereby transferred to the data processing revolving fund created by this section. As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.210.

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 January 31, 1974.
Passed the House February 11, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 130

[Engrossed Substitute Senate Bill No. 3118]

DRIVING OR PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED—
SPECIAL PENALTY ASSESSMENT

AN ACT Relating to highway safety; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 284, Laws of 1971 ex. sess. and RCW 46.61.515; amending section 1, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.015; adding a new section to chapter 46.61 RCW; providing penalties; and declaring an emergency.

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

Section 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 284, Laws of 1971 ex. sess. 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) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation

of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: PROVIDED, That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(3) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62 or 35.20 RCW, or any other section, the penalty assessment provided for in subsection (2) of this section shall not be suspended, waived, modified, or deferred in any respect and all moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (2) of this section.

~~((2))~~ (4) 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))~~ (5) 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.

Sec. 2. Section 1. chapter 199, Laws of 1969 ex. sess. and RCW 3.62.015 are each amended to read as follows:

The state auditor shall establish distribution percentages for use by the county treasurer and state treasurer in remitting justice court income, except for (1) fines, forfeitures, and penalties assessed and collected because of the violation of city and/or county ordinances ~~((and))~~ (2) fees and costs assessed and collected because of a civil action and (3) penalty assessments assessed and collected

pursuant to section 1 (2) of this 1974 amendatory act. A separate percentage shall be established for each city within the county, and for each county, and for the amount that each county shall remit to the state treasurer. These percentages shall be established by reviewing the financial records of each county for the six years prior to January 1, 1969, and determining the average percentage of the net income, from that county's justice courts, that each city, and the county, and the state has received for that period of time. The percentages determined by this procedure shall then be provided to each county treasurer for his use in distributing justice court income. Percentages shall be established for each state fund, now receiving justice court income, by determining the average percentage of justice court income that each fund has received from the total income remitted to the state by the counties for this period of time, except that any state fund receiving less than five hundred dollars each year for the two years 1967 and 1968 shall not have a percentage established for it and the amounts of income in such situation shall be added to the amounts remitted to the state general fund for the purpose of calculating average distribution percentages.

The state auditor, with the assistance of the administrator for the courts, shall review the distribution percentages annually. This review shall be based upon the annual percentages of types of violations, in relationship to the total cases processed, to determine if the original percentages established by this section are still proportionately accurate within a margin of plus or minus five percent. In the event the annual review indicates that the existing percentages are not proportionately accurate, the state auditor shall revise the distribution percentages to the percentages indicated in the annual review and notify the county and state treasurer within fifteen days in advance of any quarterly distribution of the revised percentages and the statistics supporting the revision.

NEW SECTION. Sec. 3. There is added to chapter 46.61 RCW a new section to read as follows:

The gross proceeds of the penalty assessments provided for in section 1 (2) of this 1974 amendatory act shall be separately accounted for and transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall also separately account for such moneys, place them in a separate fund, and shall transmit to the state treasurer monthly and without deduction the gross amount of such penalty assessments received, which shall be credited forthwith to the highway safety fund of the state treasury.

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 February 4, 1974.
Passed the House February 13, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 131

[Engrossed Senate Bill No. 3135]

PROPERTY TAXES—VALUATION OF REALTY—
OWNERS' REPORTS—ADJUSTMENTS

AN ACT Relating to real property taxes; amending section 84.41.040, chapter 15, Laws of 1961 as amended by section 7, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.040; and adding a new section to chapter 84.41 RCW.

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

Section 1. Section 84.41.040, chapter 15, Laws of 1961 as amended by section 7, chapter 288, Laws of 1971 ex. sess. and RCW 84.41.040 are each amended to read as follows:

Each county assessor shall (1) cause real property being valued to be physically inspected, and/or (2) require property owners to report pertinent data at least once every four years in order to provide adequate data from which to make accurate valuations. 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.

Any county assessor in class A counties west of the Cascades electing to require property owners to report pertinent data, pursuant to subsection (2) of paragraph 1 of this section, may employ any reporting system approved by the Department of Revenue and the Ways and Means Committees of the Senate and House of Representatives including, but not limited to, (1) a system by which the assessor sends his current data to each property owner, who checks the data and reports incorrect data and additional changes; or (2) a system of straight self-reporting of assessment data by each property owner to the assessor.

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.
The provisions of this section shall expire December 31, 1976.

NEW SECTION. Sec. 2. There is added to RCW [chapter] 84.41 a new section to read as follows.

Each county assessor shall cause real property being valued to be physically inspected at least once every four years in order to provide adequate data from which to make accurate valuations. 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.

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. The provisions of this section shall take effect on January 1, 1977.

Passed the Senate February 5, 1974.
Passed the House February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 132
[Senate Bill No. 3209]
PENSION INSURANCE PREMIUMS—
TAX EXEMPTIONS

AN ACT Relating to taxation of insurance premiums; and amending section 1, chapter 166, Laws of 1963 and RCW 48.14.021.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 166, Laws of 1963 and RCW 48.14.021 are each amended to read as follows:

As to premiums received from policies or contracts issued in connection with a pension, annuity or profit-sharing plan exempt or qualified under sections 401, 403 (b), 404, or 501 (a) of the United States internal revenue code, the rate of tax specified in RCW 48.14.020 shall be reduced twelve and one-half percent with respect to the tax payable in 1964, twenty-five percent with respect to the tax payable in 1965, thirty-seven and one-half percent with respect to the tax payable in 1966, fifty percent with respect to the tax payable in 1967, sixty-two and one-half percent with respect to the tax payable in 1968, seventy-five percent with respect to the tax payable in 1969, eighty-seven and one-half percent with respect to

the tax payable in 1970, and one hundred percent with respect to the tax payable in 1971 and annually thereafter.

Passed the Senate February 6, 1974.
Passed the House February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 133

[Engrossed Senate Bill No. 3338]

HIGHWAYS AND STREETS--EXCLUSIVE OR
PREFERENTIAL USES, AUTHORITY, CRITERIA--
CONTROL OF ACCESS FACILITIES

AN ACT Relating to the regulation of motor vehicles; amending section 47.52.025, chapter 13, Laws of 1961 and RCW 47.52.025; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.52 RCW.

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

Section 1. Section 47.52.025, chapter 13, Laws of 1961 and RCW 47.52.025 are each amended to read as follows:

((Such)) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by ((the)) various classes of vehicles or traffic ((in a manner consistent with RCW 47.52.040)). Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of public transportation vehicles, privately owned buses, or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

The state highway commission and local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles

or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days.

NEW SECTION. Sec. 3. There is added to chapter 47.52 RCW a new section to read as follows:

(1) The state highway commission may adopt regulations for the control of vehicles entering any state limited access highway as it deems necessary (a) for the efficient or safe flow of traffic traveling upon any part of the highway or connections therewith or (b) to avoid exceeding federal, state, or regional air pollution standards either along the highway corridor or within an urban area served by the highway.

(2) Regulations adopted by the highway commission pursuant to subsection (1) of this section may provide for the closure of highway ramps or the metering of vehicles entering highway ramps or the restriction of certain classes of vehicles entering highway ramps (including vehicles with less than a specified number of passengers), and any such restrictions may vary at different times as necessary to achieve the purposes mentioned in subsection (1) of this section.

(3) Restrictions of vehicles authorized by regulations adopted pursuant to this section shall be effective when proper notice thereof is given by any police officer or by appropriate signals, signs, or other traffic control devices.

Passed the Senate February 5, 1974.
Passed the House February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

CHAPTER 134
[Second Substitute House Bill No. 383]
PLATS AND SUBDIVISIONS

AN ACT Relating to plats and subdivisions; amending section 3, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.030; amending section 4, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.040; amending section 6, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.060; amending section 9, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.090; amending section 11, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.110; amending section 12, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.120; amending section 13, chapter 271, Laws of 1969

ex. sess. and RCW 58.17.130; amending section 14, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.140; amending section 20, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.200; and amending section 21, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.210; amending section 24, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.240; adding new sections to chapter 271, Laws of 1969 ex. sess. and to chapter 58.17 RCW; and providing an effective date.

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

Section 1. Section 3, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.030 are each amended to read as follows:

Every subdivision shall comply with the provisions of this chapter. Every short subdivision as defined in this chapter shall comply with the provisions of any local regulation ((as may be)) adopted pursuant to RCW 58.17.060.

Sec. 2. Section 4, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.040 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts ((where the smallest lot is twenty acres or more and not containing a dedication of a public right-of-way;

~~(3) Divisions of land into lots or tracts none) each of which is ((are smaller than)) one-one hundred twenty-eighth of a section of land or larger, or five acres or larger ((and not containing a dedication)) if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have ((by ordinance provided otherwise;~~

~~(4)) adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;~~

~~(3) Divisions made by testamentary provisions, or the laws of descent((7 or upon court order));~~

V- (4) Divisions made by court order: PROVIDED, That this exemption shall not apply to land divided pursuant to dissolution or partition proceedings of a corporation, partnership, limited partnership, joint venture, or trust, unless the local government wherein the land is located is made a party to the proceedings and

has rendered its advice to the court in respect of the division proposed to be included within such order;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land and a local government has approved a binding site plan for the use of the land in accordance with local regulations. The term "site plan" means a drawing to a scale specified by local ordinance and which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; and (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan. A site plan approved by a local government body shall not be "binding" under this subsection unless development in conformity to the site plan is enforceable under a local ordinance.

Sec. 3. Section 6, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.060 are each amended to read as follows:

(Unless) The legislative body of a city, town, or county shall adopt((s)) regulations and procedures, and appoint((s)) administrative personnel for the summary approval of short plats and short subdivisions, ((the provisions of this chapter shall not apply to short subdivisions)) or revision thereof. Such regulations shall be adopted by ordinance and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions ((but shall not)) and may require surveys and monumentations and ((a)) shall require filing of a short plat for record in the office of the county auditor ((unless there is a dedication)): PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

Sec. 4. Section 9, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.090 are each amended to read as follows:

Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall set a date for a public hearing. Notice of such hearing shall be given by publication of at least one notice not less than ten days prior to the hearing in a newspaper of general circulation within the county. Additional notice of such hearing

((may)) shall be given by ((mail)) at least one other method which may include mailing to adjacent landowners, posting on the property, or in any manner local authorities deem necessary to notify adjacent landowners and the public. All hearings shall be public. All hearing notices shall include a legal description of the location of the proposed subdivision and either a vicinity location sketch or a location description in nonlegal language.

Sec. 5. Section 11, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.110 are each amended to read as follows:

The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made ((in the subdivision)) for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the legislative body may disapprove the proposed plat. Dedication of land to any public body, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The legislative body shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Sec. 6. Section 12, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.120 are each amended to read as follows:

The city, town, or county legislative body shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

No plat shall be approved by any city, town, or county legislative authority covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written

approval of the department of ((water resources;)) ecology of the state of Washington.

Sec. 7. Section 13, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.130 are each amended to read as follows:

Local regulations ((may)) shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city, town, or county legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town, or county legislative body and expressed in the bonds((; and)). In addition, local regulations may provide for methods of security, including the posting of a bond securing to the municipality the successful operation of improvements for an appropriate period of time up to two years after final approval. The municipality is hereby granted the power to enforce ((such)) bonds authorized under this section by all appropriate legal and equitable remedies. Such local regulations may provide that the improvements such as structures, sewers, and water systems shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

Sec. 8. Section 14, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.140 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ((sixty)) ninety days from date of filing thereof unless the applicant consents to an extension of such time period : PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. Ordinances may provide for the expiration of approval given to any preliminary plats.

Sec. 9. Section 20, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.200 are each amended to read as follows:

Whenever any parcel of land is divided into five or more lots, tracts, or parcels of land and any person, firm, or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting

v attorney, or the attorney general if the prosecuting attorney shall fail to act, shall commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter.

In addition, when a parcel of land is divided into five or more lots without having a final plat of such subdivision filed for record, an action may be initiated on behalf of any city, town or county to recover the damages, occasioned by failure to comply with all the provisions of this chapter, to the city, town or county, or to any innocent purchaser for value without actual notice that the parcel of land is divided without compliance with all the provisions of this chapter. Any damages recovered and collected for such an innocent purchaser under this section shall be paid to the innocent purchaser by the city, town or county: PROVIDED, That actual costs need not be incurred as a prerequisite to the maintenance of this action. The costs of such actions shall be taxed against the person, firm, corporation, or agent selling or transferring the property.

Sec. 10. Section 21, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.210 are each amended to read as follows:

No building permit, septic tank permit, or other development permit, shall be issued for any lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All ~~((other))~~ purchasers' or transferees' property shall comply with provisions of this chapter and ~~((such))~~ each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter or local regulations adopted pursuant thereto, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may as an alternative to conforming his property to these requirements, rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned thereby.

Sec. 11. Section 24, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.240 are each amended to read as follows:

Except for subdivisions excluded under the provisions of RCW 58.17.040, as now or hereafter amended, permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The local

authority shall determine the number and location of permanent control monuments within the plat, if any.

NEW SECTION. Sec. 12. There is added to chapter 271, Laws of 1969 ex. sess. and to chapter 58.17 RCW a new section to read as follows:

Each short plat and short subdivision granted pursuant to local regulations after July 1, 1974, shall be filed with the county auditor and shall not be deemed "approved" until so filed.

NEW SECTION. Sec. 13. There is added to chapter 271, Laws of 1969 ex. sess. and to chapter 58.17 RCW a new section to read as follows:

Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of this chapter, any provision of the local subdivision regulations, or any term or condition of plat approval prescribed for the plat by the local government, then the prosecuting attorney, or the attorney general if the prosecuting attorney shall fail to act, may commence an action to restrain and enjoin such use and compel compliance with the provisions of this chapter or the local regulations, or with such terms or conditions. The costs of such action may be taxed against the violator.

NEW SECTION. Sec. 14. There is added to chapter 271, Laws of 1969 ex. sess. and to chapter 58.17 RCW a new section to read as follows:

(1) The provisions of this 1974 amendatory act shall become effective July 1, 1974.

(2) The provisions of this 1974 amendatory act shall not apply to any plat which has been granted preliminary approval prior to July 1, 1974, but shall apply to any proposed plat granted preliminary approval on or after July 1, 1974.

Passed the House February 13, 1974.
Passed the Senate February 13, 1974.
Approved by the Governor February 19, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 383 entitled:

"AN ACT Relating to plats and subdivisions."

Veto
Message

In House Bill No. 383 as originally introduced certain subdivisions were exempted from the bill when made pursuant to a court order if (a) such division were exempted under another portion of the bill; or (b) prior to the court order the division had been granted final plat approval; or (c) the court order was conditioned on the division receiving final plat approval. Subsequently, the language of the bill was amended so that language in the bill presented to me provided that the exemption should not apply "unless the local government wherein the land is located is made a party to the proceedings and has rendered its advice to the court in respect

of the division proposed to be included within such order." Veto
Message

Under present legislation some developers who have subdivided without receiving an approved plat have gone to court, asked for and received a dissolution and have thus been able to subdivide without any action by the county in which the land is located. The language in the original version of HB 383 would have prevented this practice. The language in section 2, subsection 4 of the bill now before me would put the county in an advisory capacity only and would afford no real protection against the kind of land development practices which are so destructive of county land use planning. Accordingly, I have vetoed that item.

Section 9 of the bill provides that when a parcel of land is divided into five or more lots without having a final plat of such subdivision filed for record, an action may be initiated on behalf of any city, town or county to recover damages occasioned by the failure to comply with all provisions of RCW 58.17.200. In addition, however, section 9 provides that in such a lawsuit damages to any innocent purchaser for value without actual notice may also be recovered, and if any damages are recovered and collected for such innocent purchaser they shall be paid to the innocent purchaser by the city, town or county.

Local governments have expressed concern that this provision would unnecessarily put them in the collection business for private purchasers since such purchasers can always hire their own attorneys to bring a lawsuit for damages. Furthermore, the concern has been expressed that if a successful action is pursued by the prosecuting attorney a question would arise as to how the recovery would be shared by the local government that installed the sewers, drainage, roads or other necessary improvements and the innocent purchaser for damages incurred. Because of the uncertainty raised by this language and because I do not believe local government should be in a position of taking legal action for damages on behalf of private persons, I have determined to veto section 9.

With the foregoing exceptions, the remainder of House Bill No. 383 is approved."

CHAPTER 135

[Substitute House Bill No. 473]

GAMBLING

[Veto override: See chapter 155, infra.]

AN ACT Relating to gambling; amending section 1, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.010; amending section 2, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as amended by section 4, chapter 41, Laws of 1973 2nd ex. sess. and RCW 9.46.070; amending section 8, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.080; amending section 11, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.110; amending section 20, chapter 218, Laws of

1973 1st ex. sess. and RCW 9.46.200; amending section 21, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.230; adding new sections to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; repealing section 28, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.280; prescribing penalties; declaring an emergency and prescribing an effective date.

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

Section 1. Section 1, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.010 are each amended 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, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull-tabs, card games and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

Sec. 2. Section 2, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.020 are each amended to read as follows:

(1) "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 or said game is conducted ((on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition)) as part of and upon the site of:

(i) a civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or

(ii) a worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(iii) a community-wide civic festival held not more than once annually and sponsored or approved by a city or town: PROVIDED, That participants in amusement games as defined and regulated shall not be designated as gamblers, nor such amusement game be defined as gambling.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee 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.

(3) "Bona fide charitable or nonprofit organization" means: (a) 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, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. 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, floods, and other national calamities and to devise and carry on measures for preventing the same.

((The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended; shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section)).

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

~~((16))~~ (5) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

~~((17))~~ (6) "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.

(7) "Fishing derby" means a fishing contest, with the payment or giving of an entry fee or other consideration by some or all of the contestants; wherein the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value; the prize or prizes is or are awarded based upon the lawful catching of fish by any one or more of the contestants; and when such contest is conducted by a bona fide charitable or nonprofit organization.

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (13) of this section shall not constitute gambling.

(9) "Gambling device" ((other than for the purposes of subsection (18) of this section)) means: (a) Any device or mechanism 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 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. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That

owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "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.

(11) "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.

(12) "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.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper((7)) or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this

state ((not more than once a year over a period of not more than ninety days));

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material; ((or))

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer((:)); or

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and 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 initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" 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".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, 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;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, 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 gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, 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: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "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, or to the winner or winners of said prize or prizes.

(18) "Social card game" means a card game, including but not limited to the game commonly known as 'Mah Jongg', which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players; PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing; PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to section 4 of this 1974 amendatory act; and

(e) The type of card game is one specifically approved by the commission pursuant to section 4 of this 1974 amendatory act; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to section 4 of this 1974 amendatory act.

(19) "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.

(20) "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 chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

Sec. 3. Section 3, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, fishing derby, ((and)) to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by members and quests only to play social card games authorized by the commission, when licensed ((and)), conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed \$5000; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

((2)) (3) The legislature hereby authorizes any person, association or organization to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

((3)) (4) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted ((upon any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition)) as a part of and upon the site of:

(a) A civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or

(b) A worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(c) A community-wide civic festival held not more than once annually and sponsored or approved by a city or town.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, or fishing derby, when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 4. Section 7, chapter 218, Laws of 1973 1st ex. sess. as amended by section 4, chapter 41, Laws of 1973 2nd ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, fishing derby, raffles, amusement games, and social card games to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That ((any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated areas of any county; unless a county; or any first class city located therein with respect to such city; shall prohibit such gambling activity: PROVIDED, FURTHER, That)) the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-
V tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said

licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

((4)) [3] To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended.

((5)) [4] To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof: PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

((6)) [5] To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having ((an)) a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation

of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter

V or of any person holding ((an) a managerial or ownership interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity: PROVIDED FURTHER, That fingerprinting shall be required only in those cases where the commission or the director has cause to believe that information gained thereby may disclose criminal or other relevant activity;

V ((7)) (6) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

((8)) (7) To require that all income from bingo games, raffles, and amusement games be ((receipted for at the time the income is received from each individual player and that all prizes be receipted for at the time the prize is distributed to each individual player and to require that all raffle tickets be consecutively numbered and accounted for: PROVIDED, That in lieu of the requirements of this subsection, agricultural fairs as defined herein shall report such income not later than thirty days after the termination of said fair;)) recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

((9)) (8) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(9) To regulate and establish the type and scope of and manner of conducting social card games permitted to be played, and the extent of wager, money or other thing of value which may be wagered or contributed or won by a player in a social card game;

(10) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter;

((11) To regulate and establish for bona fide charitable nonprofit corporations and organizations reasonable admission fees which may be imposed by such organizations for the purpose of defraying the expenses incident to a social card or other game or fund raising endeavor and the balance over and above such expenses it to be used solely for the charitable purposes of the corporation or organization;

~~((10))~~ (12) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

~~((11))~~ (13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

~~((12))~~ (14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended; ~~((and))~~

~~((14))~~ (15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and

~~((13))~~ (16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 5. Section 23, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in ~~((REW 9-46-020 (9)))~~ section 2 (9) of this 1974 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 chapter.

(2) No property right in any gambling device as defined in ~~((REW 9-46-020 (9)))~~ section 2 (9) of this 1974 amendatory act shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(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 shall not apply to such items utilized in activities enumerated in RCW 9.46.030 as now or hereafter amended or any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended 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 shall not apply to devices used in those activities enumerated in RCW 9.46.030 as now or hereafter amended, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. 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 shall not apply to records relating to activities enumerated in RCW 9.46.030 as now or hereafter amended or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

NEW SECTION. Sec. 6. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued:

PROVIDED, That a county or city may not prohibit a bona fide charitable or nonprofit organization from conducting social card games when licensed to do so and when the terms of the license permit only members of such organization to play at such games and when the terms of the license specifically prohibit the organization from imposing or collecting any admission fee.

Sec. 7. Section 8, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.080 are each amended to read as follows:

The department of motor vehicles, subject to the approval of the commission, shall employ a full time employee as director respecting gambling activities, who shall be the administrator for the commission in carrying out its powers and duties and who, with the advice and approval of the commission shall issue rules and regulations governing the activities authorized hereunder and shall supervise departmental employees in carrying out the purposes and provisions of this chapter. ((In addition the department shall make available to the commission such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter.)) In addition, the department shall furnish two assistant directors, together with such investigators and enforcement officers and with such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter. The director, both assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter

41.06 RCW, as now law or hereafter amended. Neither the director nor any departmental employee working therefor shall be an officer or manager of any charitable or nonprofit organization, or of any organization which conducts gambling activity in this state.

Sec. 8. Section 11, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by ((any)) a county, ((except for any first class city located therein with respect to such city;)) if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas((;)), except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the ((gross income of the business in which the punch boards and pull-tabs are displayed)) gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs 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 for the purposes of this chapter; and (4) when any person shall win over ((five)) fifty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo, raffles and amusement games shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts.

Sec. 9. Section 21, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter.

(2) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors and each of the investigators and inspectors assigned by the department of motor vehicles to the commission shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

NEW SECTION. Sec. 10. Section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.200 are each amended to read as follows:

In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this act including a director, officer, and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit, shall be liable, jointly and severally, for money damages suffered by any person because of any violation of this chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent any such violation from taking place, ((the burden of proof thereof shall be on such director, officer, and/or manager)) and if such director, officer and/or manager shall ((sustain the burden of proof)) establish by a preponderance of the evidence that he did not have such knowledge and that he had exercised all reasonable care to prevent the violations he shall not be liable hereunder. ((Any civil action under this

V- section may be considered a class action-))

NEW SECTION. Sec. 11. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No person shall intentionally obstruct or attempt to obstruct a public servant in the administration or enforcement of this chapter by using or threatening to use physical force or by means of any unlawful act. Any person who violates this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 12. Section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040 are each amended to read as follows:

There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be

filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050 (2) provided.

In addition to the members of the commission there shall ~~((initially))~~ be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; ~~((all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973))~~ such appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

NEW SECTION. Sec. 13. If any provision of this 1974 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 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on May 20, 1974: PROVIDED, That this act shall be subject to referendum petition pursuant to Article II, Section 1 of the constitution of the State of Washington.

NEW SECTION. Sec. 15. Section 28, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.280 are each hereby repealed.

Passed the House February 13, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to certain items Substitute House Bill No. 473 entitled:

"AN ACT Relating to gambling."

Veto
Message

The items which I have vetoed are as follows:

1. Definition of "amusement games."

Section 2 (1) (f) (iii) contains a proviso that provides that participants in amusement games are not gamblers and that such amusement games are not to be defined as gambling. Veto
Message

The effect of the proviso is to take all amusement games as defined in the statute and participants in such games out of the gambling laws and thus preclude enforcement of criminal penalties where there have been criminal violations. I have accordingly vetoed the referenced item.

2. Definition of "bona fide charitable or nonprofit organization."

Section 2 (3) contains an item striking existing language which creates a presumption that an organization is not a bona fide charitable or nonprofit organization if contributions to the organization do not qualify as charitable contributions for tax purposes. The present language is a necessary element in the operation of the Gambling Commission as it places a strict burden of proving the qualifying status on an applicant. This is a necessary safeguard in the law to prevent the doors from being opened to professional gambling activities. I have therefore vetoed the referenced item.

3. Definition of "raffle."

Section 2 (17) contains amendatory language attempting to clarify that proceeds of a raffle may indeed inure to the benefit of the winner or winners or prizes. I have vetoed the item consisting of such language because I believe it is redundant, and that it further raises a problem in other sections of the bill by creating a presumption that proceeds may not go to winners of amusement games (Section 2 (1)) and bingo games (Section 2 (4)) since the same amendatory language was not placed in those subsections.

4. Definition of "social card game."

Section 2 (18) (d) contains a proviso that would allow a bona fide charitable or nonprofit organization to charge a membership fee or admission fee for the playing of social card games. This would open the way for such an organization to increase its membership fee or admission fee to such an extent as to collect, in effect, a charge for allowing members to engage in social card games. Such a charge is prohibited in the first part of subsection (d) in Section 2 (18). Accordingly, I have vetoed the referenced proviso.

5. Authorization of social card games.

Sections 3 and 4 of the bill contain three items that would unduly and unwisely broaden the authorization of social card games which is the heart of the amendatory language in Section 3. The item "and guests" in Section 3, subsection 1 on page 12, would open the way for any outsiders to participate in social card games on the premises of a licensed organization so long as they are characterized as guests.

Section 3 (3) and Section 4 (2) contain items which would allow any person, association, or organization to conduct social card games as a commercial stimulant.

These items all have the effect of paving the way for public card rooms which pose serious problems of enforcement to local police officials and foster a climate of open tolerance and/or clandestine payoffs for non-enforcement of gambling laws and regulations. Accordingly, I have vetoed these items.

6. Gambling Commission powers and duties.

Section 4 (5) of the bill contains two items restricting the investigative powers of the Commission in requiring fingerprints for background checks. One item restricts such a check to persons holding "a managerial or ownership" interest in the gambling activity. This provision would encourage those persons who do not wish to reveal their backgrounds to set up sham corporations or organizations to evade this requirement.

Another item restricts the power of fingerprinting to only those cases where there is reason to believe a

background check would disclose criminal activity. This restriction creates a situation where an unwarranted presumption of past criminal activity exists each time the Commission sees fit to require fingerprinting. Veto
Message

I do not believe that the Commission has exercised or is about to exercise its fingerprinting power in an arbitrary and capricious manner or in any manner for the sole purpose of harassing an applicant. The items creating the restrictions are not warranted and I have therefore vetoed the same.

7. Admission fees for social card games.

Subsections 10 and 11 in Section 4 authorize the Gambling Commission to regulate and establish admission fees for playing in social card games. I have stated earlier that the admission fee can serve as a subterfuge against the prohibition of charging an amount for playing in social card games and have therefore vetoed the referenced subsections.

8. Local option on gambling.

Section 6 contains an item consisting of a proviso which precludes a county or city from prohibiting social card games in an organization licensed to conduct such games without imposing or collecting any admission fee.

I see no good reason why a county or city, if it chooses to prohibit bingo and raffle games, should not be allowed to prohibit social card games even if an organization has previously been licensed to conduct such games, and have therefore vetoed that item.

9. Punch board and pull-tab regulation.

RCW 9.46.110 presently requires the reporting of all winners of over five dollars in money or merchandise from punch boards and pulltabs. An item in Section 8 of the bill would raise the amount to fifty dollars.

This higher amount would cover most, if not all winning punches or pulls, and would therefore effectively remove this reporting requirement. This would thereby remove the safeguard in the law against an owner of licensee of punch boards and pull-tabs from punching or pulling the larger winning numbers before a player has taken his chance, since there would be no way of determining the person or persons who made winning plays.

10. Class actions for damages.

RCW 9.46.200 presently allows any civil action under that section to be considered a class action. Section 10 of the bill contains an item striking that provision of the law. Removal of that provision would have the effect of discouraging persons who have wrongfully suffered losses and damages from bringing suit against a wrongdoer unless the amount of his loss or damage were substantial enough to justify the costs and expenses attendant to a lawsuit. I believe the original intent of the law should be restored, and have therefore vetoed the referenced item.

11. Effective date.

Section 14 of the bill declares an emergency, sets an effective date, and provides that the bill is subject to referendum. Our State Constitution clearly states in Article II, Section 1 (b) that the right of referendum does not exist as to laws "necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." Section 14 is therefore wholly inconsistent in its component parts. I believe the people must have a right of referendum on a bill of this nature, and the Legislature has not, in my opinion, preserved that right effectively in Section 14. I have therefore vetoed the entire section.

With the exception of the foregoing items, the remainder of Substitute House Bill No. 473 is approved."

CHAPTER 136
[House Bill No. 474]
PUBLIC EMPLOYEES—POLITICAL
CONTRIBUTIONS AND ACTIVITIES

AN ACT Relating to public employees; and amending section 25, chapter 1, Laws of 1961 and RCW 41.06.250.

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

Section 1. Section 25, chapter 1, Laws of 1961 and RCW 41.06.250 are each amended to read as follows:

(1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited; PROVIDED, HOWEVER, That officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No ((person)) elected official or employee of the state or a political subdivision thereof shall solicit on state property or property of a political subdivision of this state any contribution to be used for ((partisan;)) political purposes.

(2) Employees of the state or any political subdivision thereof shall have the right to vote and to express their opinions on all political subjects and candidates ((; but shall not)) and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit ((a classified)) an employee of the state or any political subdivision thereof from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) ((Nothing in this section shall prohibit appointment, nomination or election to)) A classified civil service employee shall not hold a part time public office in a political subdivision of the state when the holding of such office is ((not)) incompatible with, ((nor)) or substantially interferes with, the discharge of official duties in state employment.

(4) For persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or ((in part)) primarily by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States civil service commission.

(5) The provisions of this section shall supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any subdivision thereof,

including any provision of any county charter, insofar as they may be in conflict with the provisions of this section.

Passed the House February 11, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to certain items House Bill No. 474 entitled:

"AN ACT Relating to public employees."

Veto
Message

House Bill No. 474 makes various changes to RCW 41.06.250 relating to political activities of public employees and political solicitations on public property.

One amendatory item in section 1 of RCW 41.06.250 would ease the present restriction of the law against all persons from soliciting on state property by confining the restriction to only elected officials or employees of the state and its political subdivisions. The consequences of this change would seem to be highly questionable and potentially disruptive. Thus, the door would be open to political solicitation not only by representatives of elected officials but also by any number of party or campaign officials and workers. For these reasons, I have determined to veto that item.

A second item in the same section broadens the restriction against solicitations on public property to include contributions for any political purposes. The existing language restricts only contributions for partisan political purposes. I believe this change is unnecessarily broad in its effect and rules out the opportunity for many public employees to contribute to issue-oriented political campaigns. Accordingly, I have vetoed the referenced item. With the foregoing exceptions, the remainder of House Bill No. 474 is approved."

CHAPTER 137

[Second Substitute House Bill No. 637]

FOREST PRACTICES ACT OF 1974

AN ACT Relating to forest practices; defining crimes; adding a new chapter to Title 76 RCW; adding a new section to chapter 90.48 RCW; repealing section 2, chapter 193, Laws of 1945, section 1, chapter 218, Laws of 1947, section 1, chapter 44, Laws of 1953, section 1, chapter 79, Laws of 1957, section 10, chapter 207, Laws of 1971 ex. sess. and RCW 76.08.010; repealing section 1, chapter 193, Laws of 1945 and RCW 76.08.020; repealing section 3, chapter 193, Laws of 1945, section 2, chapter 218, Laws of 1947, section 1, chapter 115, Laws of 1955 and RCW 76.08.030; repealing section 4, chapter 193, Laws of 1945, section 3, chapter 218, Laws of 1947, section 2, chapter 79, Laws of 1957 and RCW 76.08.040; repealing section 5, chapter 193, Laws of 1945, section 4, chapter 218, Laws of 1947, section 3, chapter 79, Laws of 1957, section 11, chapter

207, Laws of 1971 ex. sess. and RCW 76.08.050; repealing section 6, chapter 193, Laws of 1945, section 5, chapter 218, Laws of 1947, section 2, chapter 44, Laws of 1953, section 12, chapter 207, Laws of 1971 ex. sess. and RCW 76.08.060; repealing section 7, chapter 193, Laws of 1945 and RCW 76.08.070; repealing section 8, chapter 193, Laws of 1945, section 6, chapter 218, Laws of 1947, section 3, chapter 44, Laws of 1953, section 2, chapter 115, Laws of 1955, section 1, chapter 40, Laws of 1961 and RCW 76.08.080; repealing section 9, chapter 193, Laws of 1945, section 4, chapter 44, Laws of 1953 and RCW 76.08.090; prescribing penalties; prescribing effective dates; and declaring an emergency.

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

NEW SECTION. Section 1. (1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive state-wide system of laws and forest practices regulations which will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber;

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such regulation;

(f) Provide for interagency input and intergovernmental coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices; and

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Appeals board" shall mean the forest practices appeals board created by section 21 of this 1974 act.

(2) "Commissioner" shall mean the commissioner of public lands.

(3) "Contiguous" shall mean land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

(4) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices regulations.

(5) "Department" shall mean the department of natural resources.

(6) "Forest land" shall mean all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(7) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(8) "Forest practice" shall mean any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(9) "Forest practices regulations" shall mean any rules promulgated pursuant to section 4 of this 1974 act.

(10) "Application" shall mean the application required pursuant to section 5 of this 1974 act.

(11) "Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(12) "Person" shall mean any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(13) "Public resources" shall mean water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(14) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

(15) "Timber owner" shall mean any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(16) "Board" shall mean the forest practices board created in section 3 of this 1974 act.

NEW SECTION. Sec. 3. (1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of seven members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of commerce and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) Four members of the general public appointed by the governor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, and the terms of two members shall expire December 31, 1978. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board. Four members of the board shall constitute a quorum. ^v

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall receive forty dollars per diem for each day or major portion thereof actually spent in attending to their duties as board members and in addition they shall be entitled to reimbursement for subsistence and 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.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

NEW SECTION. Sec. 4. (1) Where necessary to accomplish the purposes and policies stated in section 1 of this 1974 act, and to implement the provisions of this chapter, the board shall promulgate forest practices regulations establishing minimum standards for forest practices and setting forth necessary administrative provisions, pursuant to chapter 34.04 RCW and in accordance with the procedures enumerated in this section and section 20 of this 1974 act. Forest practices regulations pertaining to water quality protection shall be promulgated individually by the board and by the department of ecology after they have reached agreement with respect thereto. All other forest practices regulations shall be promulgated by the board.

Forest practices regulations shall be administered and enforced by the department except as otherwise provided in this chapter. Such regulations shall be promulgated and administered so as to give consideration to all purposes and policies set forth in section 1 of this 1974 act.

(2) The board shall prepare proposed forest practices regulations. In addition to any forest practices regulations

relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices regulations relating to water quality protection.

Prior to initiating the rule making process, the proposed regulations shall be submitted for review and comments to the department of fisheries, the department of game, and to the counties of the state. After receipt of the proposed forest practices regulations, the departments of fisheries and game and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed regulations relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed regulations pursuant to chapter 34.04 RCW. At such hearing(s) any county may propose specific forest practices regulations relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

NEW SECTION. Sec. 5. (1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that may be conducted without submitting an application: PROVIDED, That no forest practice shall be within Class I if it has a direct potential for damaging a public resource.

Class II: Forest practices for which the application must be approved or disapproved by the department within fourteen calendar days from the date the department receives the application.

Class III: Forest practices for which the application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application.

(2) No Class II or Class III forest practice shall be commenced or continued after January 1, 1975 unless the department has approved an application containing all information required by section 6 of this 1974 act: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this 1974 act have not been adopted in time to meet such schedules, the department shall have the authority to approve applications on such terms and conditions consistent with this 1974

act and the purposes and policies of section 1 of this 1974 act until applicable forest practices regulations are in effect.

(3) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. If the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, then, on petition of the applicant the chairman of the appeals board shall issue an order directing the department to approve or disapprove the application within five days or issue a temporary approval until the application is either finally approved or disapproved: PROVIDED, That the temporary approval shall be issued only if it meets the conditions set by the board for such temporary approvals: PROVIDED, FURTHER, That the department shall have until April 1, 1975 to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975 under the provisions of subsection (2) of this section. Upon receipt of any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, game, and fisheries, and to the county in which the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(4) If the county believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with section 24 of this 1974 act, it may so notify the department and the applicant, specifying its objections.

(5) The department shall not approve portions of applications to which a county objects if:

(a) The department receives written notice from the county of such objections within seven business days for a class II or fourteen business days for a class III application from the time of its transmittal to the county, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county objections to the appeals board. If the objections are based on local authority consistent with section 24 of this 1974 act, the department shall disapprove the application until such time as the county consents to its approval or such

disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county objections. Unless the county either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county objections has expired.

(6) In addition to any rights under the above paragraph, the county may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(7) Appeals under this section shall be made to the appeals board in the manner and time provided in section 22 (9), of this 1974 act. In such appeals there shall be no presumption of correctness of either the county or the department position.

(8) The department shall, within four business days notify the county of all approvals and disapprovals of an application affecting lands within the county, except to the extent the county has waived its right to such notice.

(9) A county may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

NEW SECTION. Sec. 6. (1) The department shall prescribe the form and contents of the application. The forest practices regulations shall specify by whom and under what conditions the application shall be signed. The application shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction to afford protection to public resources; and

(j) An affirmation that the statements contained in the application are true.

(2) At the option of the applicant, the application may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it. (a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under section 7 of this 1974 act;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city and regional governmental authority permitted under section 24 of this 1974 act as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted;

(i) For six years after the date of the application the county or city and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of

use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county or municipality shall constitute a violation of each of the county, municipal and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(4) The application shall be either signed by the forest land owner or accompanied by a statement signed by the forest land owner indicating his intent with respect to conversion and acknowledging that he is familiar with the effects of this subsection.

(5) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a greater than ordinary potential for causing material damage to a public resource, as determined by the department, the applicant shall notify the department five days before the commencement of actual operations.

(6) Before commencing any forest practice in a manner or to an extent significantly different from that described in a previously approved application, the applicant shall submit to the department a new application form in the manner set forth in this section.

(7) The approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval and shall not be renewed unless a new application is filed and approved.

(8) Notwithstanding any other provision of this section, no prior application shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application to the department within forty-eight hours after commencement of such practice.

NEW SECTION. Sec. 7. After the completion of a logging operation, satisfactory reforestation as defined by the rules and regulations promulgated by the board shall be completed within three years: PROVIDED, That a longer period may be authorized if seed or seedlings are not available: PROVIDED FURTHER, That a period of up to five years may be allowed where a natural regeneration plan is approved by the department. Upon the completion of a reforestation operation a report on such operation shall be filed with the department of natural resources. Within six months of receipt of such a report the department shall inspect the reforestation operation, and shall determine either that the reforestation

operation has been properly completed or that further reforestation and inspection is necessary.

The forest practices regulations may provide alternatives to or limitations on the applicability of reforestation requirements with respect to forest lands being converted in whole or in part to another use which is compatible with timber growing.

NEW SECTION. Sec. 8. (1) The department shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of this chapter or the forest practices regulations; or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) The stop work order shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted; and

(d) The right of the operator to a hearing before the appeals board.

The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest land owner at the addresses shown on the application. The operator, timber owner, or forest land owner may commence an appeal to the appeals board within fifteen days after service upon the operator. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be a contested case within the meaning of chapter 34.04 RCW. The operator shall comply with the order of the department immediately upon being served, but the appeals board if requested shall have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

NEW SECTION. Sec. 9. If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator a notice, which shall clearly set forth:

(1) (a) The specific nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of this chapter or of the forest practice regulations relating thereto;

(2) The right of the operator to a hearing before the department; and

(3) The specific course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

The department shall mail a copy thereof to the forest land owner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. Such notice to comply shall become a final order of the department and such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest land owner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than twenty days after receiving such request. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within thirty days after the date of such final order, the operator, forest land owner, or timber owner appeals such final order to the appeals board.

NEW SECTION. Sec. 10. If the department of ecology determines that a person has failed to comply with the forest practices regulations relating to water quality protection, and that the department of natural resources has not issued a stop work order or notice to comply, the department of ecology shall inform the department thereof. If the department of natural resources fails to take authorized enforcement action under sections 8, 9, 12, 13, and 17 of this 1974 act, the department of ecology may take such action, except that no civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources.

NEW SECTION. Sec. 11. Unless declared invalid on appeal, a final order of the department or a final decision of the appeals board shall be binding upon all parties.

NEW SECTION. Sec. 12. If an operator fails to undertake and complete any course of action with respect to a forest practice, as required by a final order of the department or a final decision of the appeals board or any court pursuant to sections 8 and 9 of this 1974 act, the department may determine the cost thereof and give written notice of such cost to the operator, the timber owner and the owner of the forest land upon or in connection with which such forest practice was being conducted. If such operator, timber owner, or forest land owner fails within thirty days after such notice is given to undertake such course of action, or having undertaken such course of action fails to complete it within a reasonable time, the department may expend any funds available to undertake and complete such course of action and such operator, timber owner, and forest land owner shall be jointly and severally liable for the actual, direct cost thereof, but in no case more than the amount set forth in the notice from the department. If not paid within sixty days after the department completes such course of action and notifies such forest land owner in writing of the amount due, such amount shall become a lien on such forest land and the department may collect such amount in the same manner provided in chapter 60.04 RCW for mechanics' liens.

NEW SECTION. Sec. 13. When the operator has failed to obey a stop work order issued under the provisions of section 8 of this 1974 act the department may take immediate action to prevent continuation of or avoid material damage to public resources. If a final order or decision fixes liability with the operator, timber owner, or forest land owner, they shall be jointly and severally liable for such emergency costs which may be collected in the manner provided for in section 12 of this 1974 act.

NEW SECTION. Sec. 14. (1) The department of natural resources, through the attorney general, may take any necessary action to enforce any final order or final decision, or to enjoin any forest practices by any person for a one year period after such person has failed to comply with a final order or a final decision.

(2) The department of ecology, through the attorney general, may take any necessary action to enforce any final order of such department or any final decision of the pollution control hearings board relating to water quality protection, or to enjoin any forest practices relating to water quality protection by any person for a one year period after such person has failed to comply with a final order or final decision.

(3) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the

department or the department of ecology, the forest landowner, timber owner or operator to enforce the forest practice regulations or any final order of the department, or the department of ecology, the appeals board or the pollution control hearings board: PROVIDED, That no civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources or department of ecology: AND PROVIDED FURTHER, That such actions shall not be commenced unless the department or the department of ecology fails to take appropriate action after ten days written notice to the respective department by the county of a violation of the forest practices regulations or final orders of the department or the department of ecology or the appeals board or the pollution control hearings board.

NEW SECTION. Sec. 15. The department shall make inspections of forest lands, before, during and after the conducting of forest practices as necessary for the purpose of insuring compliance with this chapter and the forest practice regulations and to insure that no material damage occurs to the natural resources of this state as a result of such practices.

Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices regulations.

NEW SECTION. Sec. 16. Any duly authorized representative of the department of ecology shall have the right to enter upon forest land at any reasonable time to administer the provisions of this chapter and section 30 of this 1974 act.

NEW SECTION. Sec. 17. Every person who fails to comply with any provision of sections 1 through 28 of this 1974 act or of the forest practices regulations shall be subject to a penalty in an amount of not more than one thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a continuing violation, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided for: PROVIDED, That no penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his duties in the administration of this chapter or of any regulation promulgated thereunder.

The penalty herein provided for shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department of natural resources, or the department of ecology if water quality protection is involved, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department imposing the penalty for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided the department imposing the penalty deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of natural resources and the department of ecology shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such regulations as they may deem proper.

Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board: PROVIDED, That the appeal of any penalty imposed by the department of ecology relating to water quality protection shall be to the pollution controls hearing board.

Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department or the department of ecology. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department or the department of ecology setting forth the disposition of the application.

Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

If the amount of any penalty is not paid to the department or the department of ecology within thirty days after it becomes due and payable, the attorney general, upon the request of the respective director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county

in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

NEW SECTION. Sec. 18. All penalties received or recovered by state agency action for violations as prescribed in section 17 of this 1974 act shall be deposited in the state general fund. All such penalties recovered as a result of local government action shall be deposited in the local government general fund. Any funds recovered as reimbursement for damages pursuant to sections 8 and 9 of this 1974 act shall be transferred to that agency with jurisdiction over the public resource damaged, including but not limited to political subdivisions, the department of game, the department of fisheries, the department of ecology, the department of natural resources, or any other department that may be so designated: PROVIDED, That nothing herein shall be construed to affect the provisions of RCW 90.48.142.

NEW SECTION. Sec. 19. In addition to the penalties imposed pursuant to section 17 of this 1974 act, any person who conducts any forest practice or knowingly aids or abets another in conducting any forest practice in violation of any provisions of sections 1 through 28 or 30 of this 1974 act, or of the regulations implementing sections 1 through 28 or 30 of this 1974 act, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

NEW SECTION. Sec. 20. (1) On or before the thirtieth day after the effective date of this section, the governor shall appoint, with the approval of the board, the forest practices advisory committee to consist of the following members: a designated representative of the college of forest resources of the University of Washington, a designated representative of the department of forestry and range management of the college of agriculture of Washington State University, a designated representative of the Washington soil and water conservation districts, a designated representative of the department of fisheries, and a designated representative of the department of game; three representatives of private forest land owners and timber owners who regularly engage in forest operations, who are selected for staggered three year terms to represent eastern and western Washington and large and small owners; and three members of the public at large selected for staggered three

year terms who have no direct financial interest other than wages in the forest products industry. The advisory committee shall select a chairman from among its members whose vote shall be counted twice in case of a tie vote.

(2) The advisory committee shall hold hearings and take testimony and, on or before August 1, 1974, shall prepare proposed forest practices regulations and submit them to the board. The forest practices regulations shall be applicable state-wide to the extent practicable but shall establish not less than two or more than five forest regions within the state to which different regulations may be applicable, reflecting variations in such factors as timber and soil types and climatic conditions. To assist in the initial preparation of proposed forest practices regulations for different forest regions, the chairman of the advisory committee shall establish regional committees to assist the advisory committee. Such regional committees shall be composed of nine members, four of whom are private forest land owners regularly engaged in forest practices.

(3) No permanent forest practices regulations shall be promulgated by the board until it first requests and receives the written recommendation of the advisory committee.

(4) Nothing contained in this section shall be construed to preclude submission of proposed forest practices regulations by any other persons or to eliminate any procedures set forth in chapter 34.04 RCW for adoption, repeal, or modification of rules.

NEW SECTION. Sec. 21. (1) There is hereby created the forest practices appeals board of the state of Washington as an agency of state government.

(2) The appeals board shall consist of three members qualified by experience and training in pertinent matters pertaining to the environment, and at least one member of the appeals board shall have been admitted to the practice of law in this state and shall be engaged in the legal profession at the time of his appointment. The appeals board shall be appointed by the governor with the advice and consent of the senate, and no more than two of the members at the time of appointment or during their term shall be members of the same political party.

(3) Members shall be appointed for a term of six years and shall serve until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. The terms of the first three members of the appeals board shall be staggered so that their terms shall expire after two, four, and six years.

(4) Any member may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member by the tribunal shall disqualify such member for reappointment.

(5) Each member of the appeals board:

(a) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member, nor shall he serve on or under any committee of any political party; and

(b) Shall not for a period of one year after the termination of his membership, act in a representative capacity before the appeals board on any matter.

NEW SECTION. Sec. 22. (1) The appeals board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43.03 RCW.

(2) The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

(3) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(4) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations

necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(5) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(6) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(7) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(8) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the pollution control hearings board established by RCW 43.21B.010 shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department of ecology.

(9) (a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in subparagraph (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. The scope of review by the board and the standards of reviews used by the boards for determining the validity of any final decision shall be those contained in RCW 34.04.130.

NEW SECTION. Sec. 23. (1) In all appeals over which the appeals board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, unless such party has had an informal hearing with the department. Such election shall be made according to the rules of practice and procedure to be promulgated by the appeals board. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

(2) In all appeals the appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions but such powers shall be exercised in conformity with chapter 34.04 RCW.

(3) In all appeals involving formal hearing the appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases.

(4) All proceedings, including both formal and informal hearings, before the appeals board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. The appeals board shall publish such rules and arrange for the reasonable distribution thereof.

(5) Judicial review of a decision of the appeals board shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140.

NEW SECTION. Sec. 24. No county, city, municipality or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(1) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (a) Where the application submitted under section 6 of this 1974 act indicates that the lands will be converted to a use other than commercial timber production; or (b) on lands which have been platted after January 1, 1960; or (c) on tracts of forest land not otherwise covered under subsections (a) and (b) and less than twenty acres including road rights of way in contiguous ownership not classified, designated and taxed under chapter 84.34 RCW, chapter 84.33 RCW, or chapter 84.28 RCW: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices

regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(2) Taxing powers;

(3) Regulatory authority with respect to public health; and

(4) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971".

NEW SECTION. Sec. 25. The board shall establish a policy for a continuing program of orientation and training to be conducted by the department with relation to forest practices and the regulation thereof pursuant to sections 1 through 28 of this 1974 act.

NEW SECTION. Sec. 26. The department shall represent the state's interest in matters pertaining to forestry and forest practices, including federal matters, and may consult with and cooperate with the federal government and other states, as well as other public agencies, in the study and enhancement of forestry and forest practices. The department is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies for the purposes of carrying out the provisions of this chapter.

Nothing in this chapter shall modify the designation of the department of ecology as the agency representing the state for all purposes of the Federal Water Pollution Control Act.

NEW SECTION. Sec. 27. The department, along with other affected agencies and institutions, shall annually determine the state's needs for research in forest practices and the impact of such practices on public resources and shall recommend needed projects to the governor and the legislature.

NEW SECTION. Sec. 28. Forest land owners shall permit reasonable access requested by appropriate agencies for removal from stream beds abutting their property of log and debris jams accumulated from upstream ownerships. Any owner of logs in such jams in claiming or removing them shall be required to remove all unmerchantable material from the stream bed in accordance with the forest practices regulations. Any material removed from stream beds must also be removed in compliance with all applicable laws administered by other agencies.

NEW SECTION. Sec. 29. Sections 1 through 28 of this 1974 act shall be known and may be cited as the "Forest Practices Act of 1974".

NEW SECTION. Sec. 30. There is added to chapter 90.48 RCW a new section to read as follows:

(1) The department of ecology, pursuant to powers vested in it previously by chapter 90.48 RCW and consistent with the policies

of said chapter and RCW 90.54.020 (3), shall be solely responsible for establishing water quality standards for waters of the state. On or before January 1, 1975, the department of ecology shall examine existing regulations containing water quality standards and other applicable rules and regulations of said department pertaining to waters of the state affected by nonpoint sources of pollution arising from forest practices and, when it appears appropriate to the department of ecology, modify said regulations. In any such examination or modification the department of ecology shall consider such factors, among others, as uses of the receiving waters, diffusion, down-stream cooling, and reasonable transient and short-term effects resulting from forest practices.

Promulgation of forest practices regulations by the department of ecology and the forest practices board, shall be accomplished so that compliance with such forest practice regulations will achieve compliance with such water quality standards.

(2) The department of ecology shall monitor water quality to determine whether revisions in such water quality standards or revisions in such forest practices regulations are necessary to accomplish the foregoing result, and either promulgate appropriate revisions to such water quality standards or propose appropriate revisions to such forest practices regulations or both.

(3) Notwithstanding any other provisions of chapter 90.48 RCW or of the rules and regulations promulgated thereunder, no permit system pertaining to nonpoint sources of pollution arising from forest practices shall be authorized, and no civil or criminal penalties shall be imposed with respect to any forest practices conducted in full compliance with the applicable provisions of sections 1 through 28 of this 1974 act, forest practices regulations, and any approvals or directives of the department of natural resources thereunder.

(4) Prior to the department of ecology taking action under statutes or regulations relating to water quality, regarding violations of water quality standards arising from forest practices, the department of ecology shall notify the department of natural resources.

NEW SECTION. Sec. 31. Nothing in sections 1 through 28 or section 30 of this 1974 act shall modify chapter 70.94 RCW or any other provision of law relating to the control of air pollution.

NEW SECTION. Sec. 32. Nothing in sections 1 through 28 of this 1974 act shall modify any requirements to obtain permits, or any violations that may be found, under the Shoreline Management Act of 1971 (chapter 90.58 RCW), the Hydraulics Act (RCW 75.20.100), other

state statutes in effect on January 1, 1975, and any local ordinances not inconsistent with section 24 of this 1974 act.

NEW SECTION. Sec. 33. Sections 1 through 29 and sections 31 and 32 of this 1974 act shall constitute a new chapter in Title 76 RCW.

NEW SECTION. Sec. 34. (1) The following acts or parts of acts are each repealed:

(a) Section 2, chapter 193, Laws of 1945, section 1, chapter 218, Laws of 1947, section 1, chapter 44, Laws of 1953, section 1, chapter 79, Laws of 1957, section 10, chapter 207, Laws of 1971 ex. sess. and RCW 76.08.010;

(b) Section 1, chapter 193, Laws of 1945 and RCW 76.08.020;

(c) Section 3, chapter 193, Laws of 1945, section 2, chapter 218, Laws of 1947, section 1, chapter 115, Laws of 1955 and RCW 76.08.030;

(d) Section 4, chapter 193, Laws of 1945, section 3, chapter 218, Laws of 1947, section 2, chapter 79, Laws of 1957 and RCW 76.08.040;

(e) Section 5, chapter 193, Laws of 1945, section 4, chapter 218, Laws of 1947, section 3, chapter 79, Laws of 1957, section 11, chapter 207, Laws of 1971 ex. sess. and RCW 76.08.050;

(f) Section 6, chapter 193, Laws of 1945, section 5, chapter 218, Laws of 1947, section 2, chapter 44, Laws of 1953, section 12, chapter 207, Laws of 1971 ex. sess. and RCW 76.08.060;

(g) Section 7, chapter 193, Laws of 1945 and RCW 76.08.070;

(h) Section 8, chapter 193, Laws of 1945, section 6, chapter 218, Laws of 1947, section 3, chapter 44, Laws of 1953, section 2, chapter 115, Laws of 1955, section 1, chapter 40, Laws of 1961 and RCW 76.08.080; and

(i) Section 9, chapter 193, Laws of 1945, section 4, chapter 44, Laws of 1953 and RCW 76.08.090.

(2) Notwithstanding the foregoing repealer, obligations under such sections or permits issued thereunder and in effect on the effective date of this section shall continue in full force and effect, and no liability thereunder, civil or criminal, shall be in any way modified.

NEW SECTION. Sec. 35. Permits issued by the department under the provisions of RCW 76.08.030 during 1974 shall be effective until April 1, 1975 if an application has been submitted under the provisions of section 5 of this 1974 act prior to January 1, 1975.

NEW SECTION. Sec. 36. If any provision of this 1974 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 shall not be affected.

NEW SECTION. Sec. 37. Sections 3, 4, 5, 6, 20, 30, and 36 of this 1974 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. Sections 1, 2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35 shall take effect January 1, 1975.

Passed the House January 29, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 14, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to certain items Second Substitute House Bill No. 637 entitled:

Veto
Message

"AN ACT Relating to forest practices."

Section 3 of the bill purports to create a seven member forest practices board to be appointed by the Governor. However, the section elsewhere requires the appointment of nine members. Accordingly, I have vetoed that item limiting the board to seven members. Section 3 also provides that a quorum of the board shall consist of four members. Since this provision is obviously related to a board of seven members, I have vetoed that item establishing the quorum at four. Additionally, this section provides for the staggering of the terms of the board members, but does not do so for all nine members. I would urge the Legislature to consider future amendments to this act that would provide an appropriate quorum and establish the initial terms of office for all board members.

Subsection 3 of section 20 provides that the forest practices board may not permanently adopt forest practice regulations without first requesting and receiving the recommendations of the advisory committee. Such a provision could unduly restrict the forest practices board in its responsibility to adopt regulations. Accordingly, I have vetoed that item. Section 20 also provides for the appointment of the advisory committee members by the Governor. However, in so doing reference is made to the appointment of "designated representatives" of certain agencies. In the absence of any language identifying who is to designate the representative appointed by the Governor, appointments will be made on the basis that it is the Governor.

Subsection 9 of section 22 would limit the scope of review of the appeals board over administrative decisions to that provided in the Administrative Procedures Act for judicial review of decisions in contested cases before an administrative body. Such a limitation was specifically drawn for judicial review, not administrative review such as will be conducted by the appeals board. Accordingly, I have vetoed that item.

With the exception of those items noted above, I have approved the remainder of Second Substitute House Bill No. 637."

CHAPTER 138

[House Bill No. 916]

STATE ROUTE NO. 305

[Veto override: See chapter 154, infra.]

AN ACT Relating to outdoor advertising; amending section 5, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.045; amending section 7, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.062; and amending section 10, chapter 96, Laws of 1961 as last amended by section 11, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.100; repealing, reenacting and amending section 14, chapter 96, Laws of 1961 as amended by section 18, chapter 62, Laws of 1971 ex. sess. and by section 28, chapter 73, Laws of 1971 ex. sess. and RCW 47.42.140.

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

Section 1. Section 5, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.045 are each amended 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 outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, 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. 2. Section 7, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.062 are each amended 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; PROVIDED, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(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.

Sec. 3. Section 10, chapter 96, Laws of 1961 as last amended by section 11, chapter 62, Laws of 1971 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 (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended ((by *this 1974 amendatory act)), shall be maintained by any person (a) after three years from May 10, 1971, 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.

Sec. 4. Section 14, chapter 96, Laws of 1961 as amended by section 18, chapter 62, Laws of 1971 ex. sess. and by section 28, chapter 73, Laws of 1971 ex. sess. and RCW 47.42.140 are each repealed, reenacted and amended to read as follows:

The following portions of state highways are designated as a part of the scenic system:

(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 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 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

~~(10)~~ 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))~~ (11) 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.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 15, 1974, with the exception of certain sections which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to certain sections House Bill No. 916 entitled:

"AN ACT Relating to outdoor advertising."

Veto
Message

Sections 1, 2, and 3 of this bill exempt from the application of the 1971 Highway Advertising Control Act all type 3 on premise signs located within an incorporated city or town or within a commercial or industrial area. Section 4 adds a new route to the scenic highway system.

The 1971 Act was enacted after considerable compromise and negotiation by and between all interested groups, and the principal control portions are not to take effect until May, 1974. The exemptions enacted in House Bill 916 virtually destroy the integrity of the 1971 Act, by not only eliminating controls over on-premise

signs within incorporated cities and towns but also within "commercial and industrial areas" which is a term very broadly defined in the 1971 Act. Veto Message

Even after May, 1974, the statute as it presently reads allows for two on-premise signs for each business establishment, one facing in each direction alongside an interstate or primary highway. This ensures that these businesses will retain their essential visual identification. For these reasons, I have determined to veto sections 1, 2, and 3 of the bill. With these exceptions, the remainder of House Bill No. 916 is approved."

CHAPTER 139
[House Bill No. 1144]
INSURANCE AND HEALTH CARE—
NEWBORN INFANT CARE

AN ACT Relating to health care; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 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 48.20 RCW a new section to read as follows:

Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state more than one hundred twenty days after the effective date of this 1974 act, which provides coverage for dependent children of the insured, shall provide coverage for newborn infants of the insured from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children

V from the moment of birth, but need not include benefits for routine well-baby care.

NEW SECTION. Sec. 2. There is added to chapter 48.21 RCW a new section to read as follows:

Any group disability insurance contract except blanket disability insurance contract, providing hospital and medical expenses and health care services, renewed, delivered or issued for delivery in this state more than one hundred twenty days after the effective date of this 1974 act, which provides coverage for the dependent children of persons in the insured group, shall provide coverage for newborn infant children of persons in the insured group from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of

V birth, but need not include benefits for routine well-baby care.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

Any health care service plan contract under this chapter delivered or issued for delivery in this state more than one hundred twenty days after the effective date of this 1974 act, which provides coverage for dependent children of the insured or covered group member, shall provide coverage for newborn infants of the insured or covered group member from and after the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth, but need not include benefits for routine well-baby care.

NEW SECTION. Sec. 4. There is added to chapter 48.52 RCW a new section to read as as follows:

Any self insurer providing coverage or health care benefits or services for dependent children shall include coverage or health care service benefits or services for congenital anomalies of newborn children from the moment of birth.

NEW SECTION. Sec. 5. This 1974 act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions, and shall take effect immediately.

Passed the House February 8, 1974.

Passed the Senate February 6, 1974.

Approved by the Governor February 16, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State February 26, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 1144 entitled:

"AN ACT Relating to health care."

Veto
Message

This bill provides for coverage to newborn infants in various forms of health care service insurance coverage to close a gap that has long existed by the exclusion from coverage of newborn infants until a certain number of days after birth. As a result of this exclusion, many families have been hard hit by major medical expenses that could not have been anticipated.

Sections 1, 2, and 3 of the bill each contains an item that would exclude from the coverage provided to newborn infants "benefits for routine well-baby care." Nowhere in the bill is there a definition of what constitutes routine well-baby care, and without such definition exclusions could be written into future coverage that could well defeat the purpose of this bill.

Moreover, experts in pediatric care have long maintained that there is no such thing as a "well-baby" during the first 48 hours of an infant's life. During those critical first 48 hours, a newborn infant is highly susceptible to a number of potentially serious physical malfunctions, and the high degree of care necessary to carry a newborn infant through this period could be discouraged by a broadly written well-baby care exclusion in health care insurance contracts.

For these reasons, I have determined to veto the referenced items in section 1, 2, and 3 of the

bill. With the exception of those items, the remainder of House Bill No. 1144 is approved." ^{veto} Message

CHAPTER 140
[House Bill No. 1169]
WASHINGTON COMMISSION ON ASIAN-AMERICAN AFFAIRS

AN ACT Relating to state government; establishing the Washington Commission on Asian-American Affairs; creating a new chapter in Title 43 RCW; declaring an emergency; and providing an expiration date.

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 Asian-Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Asian-Americans by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Asian-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 chapter.

NEW SECTION. Sec. 2. As used in this chapter unless the context indicates otherwise:

(1) "Asian-Americans" include persons primarily of Japanese, Chinese, Filipino, or Korean ancestry; "Asian-Americans" also include persons of Samoan, Guamanian, Thai, Viet-Namese, other Far East or South East Asian and Pacific Island ancestry.

(2) "Commission" means the Washington state commission on Asian-American affairs in the office of the governor.

NEW SECTION. Sec. 3. There is established a Washington state commission on Asian-American affairs in the office of the governor. The now existing Asian-American advisory council shall become the commission upon enactment of this 1974 act. The council may transfer all office equipment, including files and records to the commission.

NEW SECTION. Sec. 4. (1) The commission shall consist of twenty-four members appointed by the governor with the advice and consent of the senate.

Two of the members to be appointed shall be members of the House of Representatives to be selected by the Speaker of the House of Representatives and two of the members shall be members of the Senate of the state of Washington to be selected by the president of the Senate. The legislative members selected by

each house shall be one member from each political party. In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) The currently serving Asian-American advisory council members shall serve out their original terms which commenced on July 1, 1972, as follows: Seven to serve one year; seven to serve two years; and six to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. 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) Sixty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council.

NEW SECTION. Sec. 5. The commission shall:

(1) Elect one of its members to serve as chairman; and also such other officers as necessary to form an executive committee;

(2) Adopt rules and regulations pursuant to chapter 34.04 RCW.

(3) Meet at the call of the chairman or the call of a majority of its members, but in no case less often than once during any three month period;

(4) Be authorized to appoint such citizen task force as it deems appropriate.

NEW SECTION. Sec. 6. The executive director shall employ a staff who shall be state employees pursuant to Title 41 RCW and prescribe their duties as may be necessary to implement the purposes of this chapter.

NEW SECTION. Sec. 7. (1) The commission shall examine and define issues pertaining to the rights and needs of Asian-Americans, and make recommendations to the governor and state agencies with respect to desirable changes in program and law.

(2) The commission shall further advise such state government agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Asian-Americans.

(3) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.

NEW SECTION. Sec. 8. 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 and benefits to Asian-Americans in government, education, economic development, employment, and services.

NEW SECTION. Sec. 9. (1) The commission may for the purpose of carrying out the purposes of this chapter hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the commission may deem advisable. The commission may administer oaths or affirmations to witnesses appearing before it. At least five members of the commission must be present to conduct a hearing.

(2) The commission may secure directly from any department or agency of the state information necessary to enable it to carry out the purposes of this chapter. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

NEW SECTION. Sec. 10. The commission shall have authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

NEW SECTION. Sec. 11. If any provision of this 1974 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. Sections 1 through 11 of this 1974 act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. This 1974 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. 14. This act shall expire automatically on June 30, 1977, unless such expiration date be removed or extended by subsequent action of the legislature.

Passed the House February 11, 1974.
Passed the Senate February 7, 1974.
Approved by the Governor February 16, 1974, with the exception of an item in Section 4 which is vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to one item House Bill No. 1169 entitled:

"AN ACT Relating to state government; establishing the Washington Commission on Asian-American Affairs."
Veto Message

This bill provides for the creation of the Washington Commission on Asian-American Affairs within the office of the Governor.

Section 4 of the bill contains an item providing for the appointment of four members of the Legislature to the commission. I believe this type of appointment sets a questionable precedent in the area of the separation of executive and legislative powers. The Legislature has seen fit to make the commission a part of the executive branch by placing it within the office of the Governor. While there would be nothing objectionable to the appointment by the Governor of a member of the Legislature to the commission who happens to have the background and experience which would aid the commission in its duties, it is quite another matter for the Legislature to mandate the Governor to appoint four legislators chosen respectively by the Speaker of the House of Representatives and the President of the Senate. Accordingly, I have vetoed the referenced item.

With the exception of that item, the remainder of House Bill No. 1169 is approved."

CHAPTER 141
[House Bill No. 1295]
BICYCLE ROUTES

AN ACT Relating to bicycle routes and bicycles; amending section 36.75.240, chapter 4, Laws of 1963 and RCW 36.75.240; adding new sections to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW; adding a new section to chapter 4, Laws of 1963 and to chapter 36.81 RCW; adding a new section to chapter 4, Laws of 1963 and to chapter 36.82 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.75 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.77 RCW; and amending section 2, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.030; amending section 83, chapter 155, Laws of 1965 1st ex. sess. and RCW 46.61.770; making an appropriation; and declaring an emergency.

NEW SECTION. Section 1. There is added to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW a new section to read as follows:

The state of Washington is confronted with emergency shortages of energy sources utilized for the transportation of its citizens and must seek alternative methods of providing public mobility.

Bicycles are suitable for many transportation purposes, and are pollution-free in addition to using a minimal amount of resources and energy. However, the increased use of bicycles for both transportation and recreation has led to an increase in both fatal and nonfatal injuries to bicyclists.

The legislature therefore finds that the establishment, improvement, and upgrading of bicycle routes is necessary to promote public mobility, conserve energy, and provide for the safety of the bicycling and motoring public.

NEW SECTION. Sec. 2. There is added to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW a new section to read as follows:

Each city and county eligible for receipt of urban arterial trust funds is hereby authorized and directed to establish a system of bicycle routes throughout its jurisdiction. Such routes shall, when established in accordance with standards adopted by the urban arterial board, be eligible for establishment, improvement, and upgrading with urban arterial trust funds when accomplished in connection with an arterial project.

NEW SECTION. Sec. 3. There is added to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW a new section to read as follows:

Prior to July 1, 1974, the urban arterial board shall adopt:

(1) Standards for the designation of a bicycle route system which shall include, but need not be limited to, consideration of:

(a) Existing and potential bicycle traffic generating activities, including but not limited to places of employment, schools, colleges, shopping areas, and recreational areas;

(b) Directness of travel and distance between potential bicycle traffic generating activities; and

(c) Safety for bicyclists and avoidance of conflict with vehicular traffic which shall include, wherever feasible, designation of bicycle routes on streets parallel but adjacent to existing designated urban arterial routes.

(2) Insofar as is practicable to achieve reasonable uniformity, design standards for bicycle routes shall take into consideration the construction standards and signing system devised by the state highway department pursuant to RCW 47.30.060.

NEW SECTION. Sec. 4. After April 1, 1974, two pilot programs shall be implemented to test the criteria adopted by the urban arterial board pursuant to section 3 of this 1974 amendatory act. The pilot programs shall be in cities and counties designated by the urban arterial board. A report of those programs and recommendations for any changes in criteria shall be made by the cities and counties involved to the urban arterial board prior to November 1, 1974. The urban arterial board shall then make any changes it finds desirable in the criteria, taking into consideration the experience gained in the pilot programs and the recommendations of the cities involved.

NEW SECTION. Sec. 5. To carry out the provisions of sections 3 and 4 of this 1974 amendatory act, there is appropriated to the urban arterial board the sum of fifty thousand dollars, or so much thereof as may be necessary, from the urban arterial trust account of the motor vehicle fund.

NEW SECTION. Sec. 6. There is added to chapter 83, Laws of 1967 ex. sess. and to chapter 47.26 RCW a new section to read as follows:

The revisions of long range arterial construction plans directed by RCW 47.26.170 shall include plans for a bicycle route system.

Sec. 7. Section 36.75.240, chapter 4, Laws of 1963 and RCW 36.75.240 are each amended to read as follows:

The boards may expend funds credited to the county road fund from any county or road district tax levied for the construction of county roads for the construction of sidewalks, bicycle paths, lanes, routes, and roadways, and pedestrian allocated paths or walks((, or either, parallel and adjacent to any county road)).

NEW SECTION. Sec. 8. There is added to chapter 4, Laws of 1963 and to chapter 36.82 RCW a new section to read as follows:

Any funds deposited in the county road fund may be used for the construction, maintenance, or improvement of bicycle paths, lanes, routes, and roadways, and for improvements to make existing streets and roads more suitable and safe for bicycle traffic.

NEW SECTION. Sec. 9. There is added to chapter 4, Laws of 1963 and to chapter 36.81 RCW a new section to read as follows:

The annual revision and extension of comprehensive road programs pursuant to RCW 36.81.121 shall include consideration of and, wherever reasonably practicable, provisions for bicycle paths, lanes, routes, and roadways: PROVIDED, That no provision need be made for such a path, lane, route, or roadway where the cost of establishing it would be excessively disproportionate to the need or probable use.

NEW SECTION. Sec. 10. There is added to chapter 7, Laws of 1965 and to chapter 35.75 RCW a new section to read as follows:

Any city or town may use any funds available for street or road construction, maintenance, or improvement for building, improving, and maintaining bicycle paths, lanes, roadways, and routes, and for improvements to make existing streets and roads more suitable and safe for bicycle traffic: PROVIDED, That any such paths, lanes, roadways, routes, or streets for which any such street or road funds are expended shall be suitable for bicycle transportation purposes and not solely for recreation purposes.

NEW SECTION. Sec. 11. There is added to chapter 7, Laws of 1965 and to chapter 35.77 RCW a new section to read as follows:

The annual revision and extension of comprehensive street programs pursuant to RCW 35.77.010 shall include consideration of and, wherever reasonably practicable, provisions for bicycle routes: PROVIDED, That no provision need be made for any such route where the cost of establishing it would be excessively disproportionate to the need or probable use.

Sec. 12. Section 2, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.030 are each amended to read as follows:

Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians or bicyclists ((or would accommodate)), or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially ((benefit)) increase the motor vehicle safety ((of the traveling public by)) the provision ((within the right of way)) of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail ((r)) is hereby authorized. The state highway commission, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to spend [expend] reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.100, as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

NEW SECTION. Sec. 13. Section 2, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.030 are each amended to read as follows:

Where an existing highway severs, or where the right of way of an existing highway accommodates or would accommodate, or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially benefit the safety of the traveling public by the provision ((within the right of way)) of facilities for pedestrians, equestrians, or bicyclists which are part of a comprehensive trail plan adopted by federal, state, or local

governmental authority having jurisdiction over the trail, the state highway commission, or the county or city having jurisdiction over the highway, road, or street, or facility is authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.100 as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

v

NEW SECTION. Sec. 14. Section 83, chapter 155, Laws of 1965 1st ex. sess. and RCW 46.61.770 are each amended to read as follows:

(1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

NEW SECTION. Sec. 15. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 11, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974, with the exception of section 13 which is vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to one section House Bill No. 1295 entitled:

"AN ACT Relating to bicycle routes and bicycles." Veto Message

This bill provides for the consideration and establishment of bicycle routes by the Urban Arterial Board.

By legislative oversight, sections 12 and 13 of the bill amend the same section of law, RCW 47.30.030. In order to prevent internal inconsistency in the bill, I have determined to veto section 13.

With the above noted exception, the remainder of House Bill No. 1295 is approved."

CHAPTER 142
[Substitute House Bill No. 1310]
SUPPLEMENTAL APPROPRIATIONS

AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning

July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations; amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified); amending section 112, chapter 137, Laws of 1973 1st ex. sess. (uncodified); repealing section 6, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 62, chapter 137, Laws of 1973 1st ex. sess; and declaring an emergency.

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

NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE STATE
EMPLOYEES' INSURANCE BOARD

State Employees' Insurance Revolving Fund

Appropriation \$ 48,569

NEW SECTION. Sec. 3. FOR THE PUBLIC
DISCLOSURE COMMISSION

General Fund Appropriation \$ 190,242

NEW SECTION. Sec. 4. FOR THE GOVERNOR'S
INDIAN ADVISORY COUNCIL

General Fund Appropriation \$ 116,626

NEW SECTION. Sec. 5. FOR THE ASIAN-AMERICAN
ADVISORY COUNCIL

General Fund Appropriation \$ 57,126

NEW SECTION. Sec. 6. FOR THE WASHINGTON
STATE WOMEN'S COUNCIL

General Fund Appropriation \$ 58,556

NEW SECTION. Sec. 7. FOR THE STATE
TREASURER

State Treasurer's Service Fund Appropriation: PROVIDED,

v- That none of this appropriation shall be used to process after January 1, 1975 any warrant issued by the state in payment of salary and wages or reimbursement of expenses paid state

officials or employees or payments to vendors which shall contain any statement, representation, contract, or commitment that requires the payee to consent thereto as a condition of endorsement or receiving payment of such warrant.....

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War Veterans' Compensation Fund Appropriation \$ 2,093,815

NEW SECTION. Sec. 8. FOR THE WASHINGTON STATE DATA PROCESSING AUTHORITY

General Fund Appropriation: PROVIDED, That \$250,000 of this appropriation shall be used for capitalization of a Data Processing Revolving Fund \$ 525,700

NEW SECTION. Sec. 9. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 35,724

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation: PROVIDED, That this appropriation shall be available to fund a pilot program by Pierce county utilizing and developing a system of taxpayer reporting of assessment information as provided in chapter ... (SB 3135), Laws of 1974 ... ex. sess.: PROVIDED FURTHER, That any part of the appropriation for such pilot program may be used for matching purposes in in order to receive federal or other funds: PROVIDED FURTHER, That the department of revenue and Pierce county shall each make a separate evaluation of such pilot program and report the results of such evaluation to the House and Senate Ways and Means Committees not later than November 1, 1974: PROVIDED, That \$187,004 shall be expended for the purpose of conducting revaluation ratio studies or indicated ratio studies as prescribed by chapter 195, Laws of 1973 1st ex. sess. \$ 387,004

NEW SECTION. Sec. 11. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$ 2,400

NEW SECTION. Sec. 12. FOR THE DEPARTMENT
OF GENERAL ADMINISTRATION

General Fund Appropriation For Operations \$ 109,718

General Fund Appropriation

For fossil fuel allocation activities

in state government \$ 63,385

General Fund Appropriation: PROVIDED,

That this appropriation shall be
utilized solely for a demonstration
pilot program for migrant labor housing
authorized pursuant to the provisions
of chapter ... (SSB 2701), Laws of 1974

... ex. sess. \$ 100,000

NEW SECTION. Sec. 13. FOR THE INSURANCE
COMMISSIONER

General Fund Appropriation: PROVIDED,

That this appropriation shall be
used solely for the administration of
the voluntary no-fault insurance
program in the state

\$ 450,000

NEW SECTION. Sec. 14. FOR THE BOARD OF
ACCOUNTANCY

General Fund Appropriation \$ 6,000

NEW SECTION. Sec. 15. FOR THE LIQUOR
CONTROL BOARD

Liquor Board Revolving Fund Appropriation \$ 174,369

NEW SECTION. Sec. 16. FOR THE MILITARY
DEPARTMENT

General Fund Appropriation \$ 53,440

NEW SECTION. Sec. 17. FOR THE
HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service

Fund Appropriation: PROVIDED, That
this appropriation shall be used to
implement comprehensive classification
and compensation plan for classified
employees at institutions of higher
education

\$ 49,123

NEW SECTION. Sec. 18. FOR THE
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation

For Veterans' Services: PROVIDED, That this
amount or so much thereof as shall be

necessary along with available local funds shall be used to add nursing and medical related staffing at the State Veterans' Home and the State Soldiers' Home so as to meet state licensing standards for domiciliary and nursing home facilities \$ 450,624

General Fund Appropriation

For Adult Probation and Parole: PROVIDED, That this amount shall be used to fund the staff necessary to conduct pre-sentence investigations, preliminary hearings and to maintain current services and meet existing workloads \$ 1,030,601

General Fund Appropriation

For Mental Health: PROVIDED, That the Department of Social and Health Services is authorized to draw this amount in Federal Title XIX funds for use in the Community Mental Health and Drug Abuse programs \$ 2,395,995

General Fund Appropriation

For Community Social Services: PROVIDED, That this amount shall be used for the Adult Family Home Program to establish a basic monthly rate of \$175.00 for family home care and \$200.00 for minimum nursing care effective July 1, 1974: PROVIDED FURTHER, That this rate will be in effect until such time as the Department establishes a cost-related reimbursement system which shall recognize all relevant cost factors \$ 130,000

General Fund Appropriation

For Food Cost Increases: PROVIDED, That a total of \$23,365,519 shall be expended to increase food cost allowances for state institutions, public assistance recipients and vendors for the 1973-75 biennium: PROVIDED, That of this appropriation \$14,871,475 shall be from state funds

and \$8,494,044 shall be from federal funds: PROVIDED FURTHER, That the \$8,273,062 in excess social service revenue not contemplated in the 1973-75 biennial appropriations shall be returned to the General Fund and not used to expand departmental programs \$ 23,365,519

NEW SECTION. Sec. 19. FOR THE HUMAN RIGHTS COMMISSION
General Fund Appropriation \$ 46,156

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES
General Fund Appropriation: PROVIDED,
That this appropriation be used for increased workload due to enforcement of the Contractor's Registration Act \$ 25,000

NEW SECTION. Sec. 21. FOR THE BOARD OF PRISON TERMS AND PAROLES
General Fund Appropriation: PROVIDED,
That not less than \$65,000 of this appropriation shall be available to provide legal counsel to indigent parole violators \$ 210,140

NEW SECTION. Sec. 22. FOR THE EMPLOYMENT SECURITY DEPARTMENT
General Fund Appropriation: PROVIDED,
That this amount shall be used for the design, development, and implementation of an experimental program leading to employment of at least 100 mentally retarded persons currently in Activity Centers, Sheltered Workshops, Group Homes or Schools for the Mentally Retarded and this program will include employment preparation, diagnostic orientation and testing, academic tutoring, social adjustment, orientation to employment and employment relationships, job search and placement and employer orientation to provide employers of the trainees with an understanding of the unique assets and limitations of the mentally

retarded as they relate to employment responsibilities, and will provide for financial penalties to the extent that such performance objectives are not met \$ 170,000

General Fund Appropriation

For use in developing a program for the delivery of specialized employment services to persons previously convicted of a felony and all offenders receiving parole stipend moneys must actively participate in preemployment counseling and placement programs approved by the Department of Employment Security and refusal to participate in programs authorized by this provision will result in termination of any post release stipend being provided to subject felons: PROVIDED, That the department shall contract for the development of such a program after calling for competitive bids and contracts awarded under this provision will contain performance specifications and financial penalties to the contractor in the event of nonperformance \$ 250,000

General Fund Appropriation

For continuation of an ongoing performance oriented program of moving unemployed persons to full time employment: PROVIDED, That this funding is for the period January 1, 1975 through June 30, 1975: PROVIDED FURTHER, That the funds contained in this appropriation can be expended earlier in the event that the insured unemployment rate exceeds 6.5 percent in an area served by the program \$ 125,000

NEW SECTION. Sec. 23. FOR THE

DEPARTMENT OF MOTOR VEHICLES

General Fund Appropriation \$ 521,557

Highway Safety Fund Appropriation	\$	125,670
Motor Vehicle Fund Appropriation	\$	16,634
<u>NEW SECTION.</u> Sec. 24. FOR THE		
PLANNING AND COMMUNITY AFFAIRS AGENCY		
General Fund Appropriation: PROVIDED,		
That this appropriation shall be		
used exclusively for the drug		
abuse prevention program: PROVIDED,		
That \$72,327 is from state funds		
and \$950,000 is from federal funds	\$	1,022,327
<u>NEW SECTION.</u> Sec. 25. FOR THE STATE		
PATROL		
General Fund Appropriation	\$	308,457
Motor Vehicle Fund Appropriation	\$	430,000
<u>NEW SECTION.</u> Sec. 26. FOR THE POLLUTION		
CONTROL HEARINGS BOARD		
General Fund Appropriation	\$	111,092
<u>NEW SECTION.</u> Sec. 27. FOR THE PARKS		
AND RECREATION COMMISSION		
General Fund Appropriation		
For agency operations: PROVIDED, That		
\$30,000, or so much thereof as shall		
be necessary, be utilized for		
continuation of contractual agreements		
with Grays Harbor and Pacific Counties		
for beach patrol and law enforcement		
on North Beach, South Beach, and Long		
Beach	\$	187,218
General Fund--Trust Land Purchase		
Account Appropriation	\$	600,000
General Fund Appropriation		
For resource development and to facilitate		
the commission's capital program	\$	60,824
<u>NEW SECTION.</u> Sec. 28. FOR THE		
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION		
General Fund--Outdoor Recreation		
Account Reappropriation	\$	4,456,956
General Fund--Outdoor Recreation		
Account Appropriation		
For the purpose of updating the		
state outdoor recreation plan	\$	46,578
<u>NEW SECTION.</u> Sec. 29. FOR THE		
DEPARTMENT OF FISHERIES		
General Fund Appropriation	\$	1,931,202

NEW SECTION. Sec. 30. FOR THE
 DEPARTMENT OF GAME
 General Fund Appropriation \$ 23,460
 Game Fund Appropriation: PROVIDED, That at
 no time shall expenditures for Non-game
 Wildlife Programs exceed revenues
 realized from sale of personalized
 license plates: PROVIDED FURTHER, That
 \$10,000 shall be used solely for the
 protection and treatment of injured
 non-game species \$ 294,026

NEW SECTION. Sec. 31. FOR THE
 DEPARTMENT OF NATURAL RESOURCES
 General Fund Appropriation \$ 16,652
 General Fund--Resource Management Cost
 Account Appropriation \$ 607,412

NEW SECTION. Sec. 32. FOR THE
 DEPARTMENT OF AGRICULTURE

General Fund Appropriation: PROVIDED, That
 of this appropriation \$65,000 shall be
 used for inspectors to be utilized in
 brand inspection and to investigate
 rustling activities: PROVIDED, That
 \$5,000 shall be used for brand recording:
 PROVIDED FURTHER, That \$75,000 shall
 be expended by the department as their
 one-third share of a pilot program in Clark, Cowlitz
 Lewis and Thurston Counties directed toward
 eradication of the Noxious Tansy Ragwort
 Weed, each county and participating
 individual agricultural landowner to
 provide their equal one-third share \$ 145,000

General Fund Appropriation: PROVIDED, That
 this appropriation is to be expended
 exclusively for the operation of an
 animal diagnostic laboratory at
 Washington State University: PROVIDED
 FURTHER, That such amount be reduced
 proportionately by any sums collected
 by the Department of Agriculture for
 the purposes of providing said diagnostic
 services \$ 132,000
 Grain and Hay Inspection Fund Appropriation \$ 551,674

NEW SECTION. Sec. 33. FOR THE

EXPO '74 COMMISSION

General Fund Appropriation: PROVIDED,

That \$110,000 is for a state environmental program exhibit and a like amount is transferred from the State Trade Fair Fund to the General Fund pursuant to Chapter 93, Laws of 1972 ex. sess.: PROVIDED

FURTHER, That \$200,000 is for an Afro-American Pavilion at the Expo '74 Worlds Fair to be matched by at least an equal amount of funds from federal, local, and private sources

\$ 310,000

NEW SECTION. Sec. 34. FOR THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation for General

Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled -1.0; 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; all identified culturally disadvantaged children receiving an approved program, an added -.1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 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 adjusted to reflect legislative appropriation levels 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 1972-73 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 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 \$1,148,325 is included for allocation to local school districts outside the school apportionment formula during the 1973-74 school year for the purpose of funding the difference between funds received to date and hereafter through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: PROVIDED, That

an amount not to exceed \$345,020 is included for the five 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 the Board of Education: PROVIDED, That it is the intent of the Legislature that \$11,100,000 of the funds contained in this appropriation shall be used to reduce maintenance and operations excess levies to the extent an individual school district's revenue for 1974-75 exceeds the school district's revenue for 1973-74 exclusive of the two mill payment delayed from June to July: PROVIDED, That the Superintendent of Public Instruction shall withhold from the amounts otherwise to be distributed through the apportionment formula to the districts any funds in excess of such 1973-74 revenues unless such districts demonstrate that excess maintenance and operations levies have been reduced to a comparable level with 1973-74 school district revenues: PROVIDED, That no district shall be required to reduce excess maintenance and operation levies if such districts revenue per pupil for basic support is below the state-wide average of the 1973-74 school year for comparable districts: PROVIDED, That the receipt of federal funds which can be distributed through the apportionment formula and which provide funding in excess of 1973-74 categorical funding levels shall require the reversion of an equal amount of state funds at the end of the biennium: PROVIDED FURTHER, That the Superintendent of Public Instruction shall consult with the House and Senate Ways and Means Committees prior to taking any action in

compliance with these provisos and the determination of such committees shall be interpreted as a directive to the Superintendent of Public Instruction \$115,775,342

NEW SECTION. Sec. 35. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation

For the Superintendent of Public Instruction for state institutional education program \$ 1,183,003

Sec. 36. Section 112, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation: For allocation

by the Superintendent of Public Instruction for classified employee salary increases based on local prevailing wage rates and where appropriate equation with the State Department of Personnel salary schedule: PROVIDED, That the Superintendent of Public Instruction is authorized to expend from this appropriation an amount not to exceed \$50,000 for the conduct of a salary survey prior to the allocation of this appropriation: PROVIDED FURTHER, That ((the Superintendent of Public Instruction is authorized to appoint a five member advisory committee to assist in developing guidelines and criteria for allocation of this appropriation)) a base rate of not less than \$13.59 per month per full time equivalent classified employee shall be allocated to each district: PROVIDED FURTHER, That the Superintendent of Public Instruction is authorized to allocate the balance of this appropriation according to the guidelines developed in the salary survey..... \$ ((5,000,000))7,700,000

NEW SECTION. Sec. 37. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation: PROVIDED,

That this amount shall be used to expand, improve, and develop current and new information and accounting systems designed to improve the data base of the Superintendent of Public

Instruction \$ 135,000

NEW SECTION. Sec. 38. Allocations of the \$19,114,368 appropriated to the Superintendent of Public Instruction in section 86, chapter 137, Laws of 1973 1st ex. sess., for allocation to local school districts through the school apportionment formula for the purposes of continuing, during the 1973-75 biennium a state-wide average \$40 per month salary increase provided for classified employees February 1, 1973 and such additional per full-time classified employee increases (prorated for part-time) as are funded by such allocation, as heretofore done by the state Superintendent, are hereby ratified and approved.

NEW SECTION. Sec. 39. FOR THE ARTS COMMISSION

General Fund Appropriation: PROVIDED,

That \$100,000 of this appropriation shall be used for the purpose of securing federal funds to aid in development of a viable operatic program in this

state \$ 163,585

NEW SECTION. Sec. 40. FOR THE COUNCIL ON HIGHER EDUCATION

General Fund Appropriation

For the state student financial aid program as authorized by RCW 28B.10.800 through 28B.10.824: PROVIDED, That none of these funds shall be expended for

administrative purposes \$ 1,800,000

NEW SECTION. Sec. 41. FOR THE STATE LIBRARY

General Fund Appropriation: PROVIDED,

That \$1,336,000 of this amount should be allotted to local library districts to replace local property tax revenues and maintain present levels

of library service: PROVIDED, That \$1,669,353 of this amount shall be from Federal funds under which \$1,408,620 is available for library service and \$260,733 is available

for capital construction purposes:
PROVIDED HOWEVER, That no Federal funds shall be expended unless authorized by the Senate and House Ways and Means Committees of the legislature:

PROVIDED FURTHER, That \$863,000 of the State General Funds appropriated to the state library for the 1973-75 biennium shall be held in unallotted status and against which no expenditures or committments shall be made pending the determination by the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees as to whether or not Federal funds can be authorized in lieu of the \$863,000 appropriation of state funds:

PROVIDED FURTHER, That if the Federal funds are available, the \$863,000 in state funds shall revert to the state treasury \$ 3,005,353

NEW SECTION. Sec. 42. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation: PROVIDED, That an additional one hundred and fifty students may be enrolled for the 1974-75 school year and such enrollment growth shall be in addition to the 1973-75 allowed enrollment level \$ 171,627

NEW SECTION. Sec. 43. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation: PROVIDED, That \$100,000 is appropriated to accelerate and expand current research into alternative methods of burning grasses grown for commercial seed production pursuant to implementation of the Federal Clean Air Act: PROVIDED, That \$30,800 of this appropriation shall be used for research into alternative methods of controlling the noxious

weed Tansy Ragwort (Senecio-Jacobaea):

PROVIDED, That the remaining \$13,750 of this appropriation shall be used for research into an inventory of wetlands and the benefit of wetlands for water fowl habitat: PROVIDED, That an equal amount of \$13,750 shall be provided to Washington State University by the Department of Ecology from funds available to the Department of Ecology for water research:

PROVIDED FURTHER, That the appropriation of \$50,000 made to Washington State University by section 3, chapter 131, Laws of 1973 1st ex. sess. for staff, design, and beginning construction of an underground distribution test site, shall be placed in reserve and not expended

\$ 144,550

NEW SECTION. Sec. 44. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED, That this appropriation shall be for the continued implementation of a Management Information System directed toward analytical data gathering and evaluation of such data as required by the State Board for Community College Education and the Legislative and Executive branches of government: PROVIDED FURTHER, That no expenditure of any of these funds shall be made until the final system design is approved by the State Data Processing Authority and the Office of Program Planning and Fiscal Management

\$ 500,000

NEW SECTION. Sec. 45. FOR THE GOVERNOR--SPECIAL APPROPRIATIONS

General Fund Appropriation: PROVIDED, That these funds shall be distributed to institutions of higher education including community colleges to implement a uniform personnel classification and compensation system

\$ 1,467,000

NEW SECTION. Sec. 46. FOR THE GOVERNOR--SPECIAL APPROPRIATIONS

General Fund Appropriation: To provide effective July 1, 1974, sufficient appropriations as are necessary to implement a sixth increment step for ranges five through twenty-two inclusive, to the State Personnel Board salary schedule as adopted effective January 1, 1974: PROVIDED, That all employees in ranges five through twenty-two who on July 1, 1974 have been in the fifth step for twelve months or more shall on July 1, 1974 advance to the sixth step; employees who have been in the fifth step less than twelve months shall advance to the sixth step on their regular periodic increment date and any employee subsequently completing twelve months at the fifth step shall advance to the sixth step on their periodic increment date: PROVIDED FURTHER, That funds may be allocated from this appropriation to provide comparable salary increases for employees of judicial and legislative agencies: AND PROVIDED FURTHER, That classified employees under chapter 28B.16 RCW who are assigned to HEPB salary range 41 or below shall receive a 5% salary increase on July 1, 1974, if they were at the top step of their institutional salary range on or before July 1, 1973, or whenever they would have completed 12 months at the top step of their former institutional range and who are not now eligible for a 5% incremental step under the Higher Education Personnel Board Compensation Plan adopted January 1, 1974 \$ 4,650,228

Special Fund Salary Increase Revolving Fund Appropriation: The State Treasurer is hereby directed to transfer sufficient

revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective July 1, 1974, a sixth step for ranges five through twenty-two inclusive, to the State Personnel Board salary schedule as adopted effective January 1, 1974, and for comparable salary increases for employees of judicial and legislative agencies; and for a five percent salary increase for classified employees under the jurisdiction of chapter 28B.16 RCW who are assigned to HEPB salary range 41 or below effective July 1, 1974, if they were at the top step of their institutional salary range on or before July 1, 1973 or whenever they would have completed 12 months at the top step of their former institutional range and who are not now eligible for a 5% incremental step under the Higher Education Personnel Board compensation plan adopted January 1, 1974 \$ 1,743,108

Sec. 47. Section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED,

That up to \$((~~100,000~~)) 146,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75

biennium \$ ((~~20,992,445~~)) 20,992,445

General Fund Appropriation: For salary and related fringe benefit

increases in addition to any other increases authorized by chapter ((~~137~~)) 137, Laws of 1973 1st ex. sess. for faculty and exempt

personnel \$ 684,383

Sec. 48. Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE
General Fund Appropriation: PROVIDED, That
Central Washington State College may
expend an amount not to exceed \$125,000
to explore the feasibility of the
development and implementation of a
management by objective program for
the administration of public agencies .. \$ ((22,448,248)) 21,655,934

General Fund Appropriation: For salary
and related fringe benefit
increases in addition to any other
increases authorized by chapter ((~~---~~
{SSB 2854})) 137, Laws of 1973 1st
ex. sess. for faculty and exempt
personnel \$ 850,876

Sec. 49. Section 7, chapter 131, Laws of 1973 1st ex. sess.
(uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE
General Fund Appropriation \$ ((25,538,776)) 24,618,515

General Fund Appropriation: For salary
and related fringe benefit
increases in addition to any other
increases authorized by chapter
((~~---~~ {SSB 2854})) 137,
Laws of 1973 1st ex. sess. for
faculty and exempt personnel \$ 1,032,000

NEW SECTION. Sec. 50. FOR THE STATE

BOARD FOR COMMUNITY COLLEGE EDUCATION

	From the Community College Capital Improvements Account	From The Community College Capital Projects Account
(1) Construct classrooms, science labs, faculty offices, learning resource center, administration, dining and storage space at Olympia Vocational Technical Institute	\$ 1,382,377	\$ 222,000

(2) Working drawings for
vocational facilities, a
learning resource center,
faculty and administrative

offices, and classroom at
Spokane Community College
(Mission Campus) \$ 282,957

(3) Working drawings
for administrative space,
remodeling the learning
resource center, and a
new welding facility at
Green River Community
College \$ 40,216

(4) Working drawings for
vocational facilities,
learning resource center
space and remodeling of
present library at Lower
Columbia Community
College \$ 75,967

(5) Working drawings
for vocational facilities,
science labs and faculty
offices at Everett
Community College \$ 64,737

(6) Working drawings for
vocational facilities,
additions to the library
and dining facilities
and remodeling of the
library at Peninsula
College \$ 20,756 \$ 5,654

(7) Working drawings for
dining, office, health,
bookstore, study space,
and remodeling of existing
facility at Columbia
Basin College \$ 48,272

(8) Working drawings for
a library addition,
student dining and activity
space, and remodeling at
Spokane Community College
(Spokane Falls Campus) \$ 18,167 \$ 59,468

(9) Working drawings for
vocational facilities and
faculty offices in Unit C

at the South Seattle
campus of Seattle

Community College \$ 24,229

(10) Working drawings for
dining and office space at
Ft. Steilacoom Community

College \$ 7,481 \$ 17,455

(11) Working drawings for
dining space and remodeling
at Yakima Valley College

\$ 22,839

(12) Working drawings for
dining space, science labs,
and physical education
space at Edmonds Community

College \$ 85,312 \$ 16,250

(13) Working drawings for
learning resource center
and related office space
at Olympic College

\$ 30,719

(14) Working drawings for
student activity space at
Walla Walla Community

College \$ 23,059

(15) Working drawings for
library, classrooms, and
labs at Shoreline

Community College \$ 46,133

NEW SECTION. Sec. 51. FOR THE
STATE PARKS AND RECREATION COMMISSION

From the
Fund Designated

From the
General Fund

For development of
Snowmobile Facilities
at Mt. Spokane
and for safety
improvements at
Moran State
Park \$ 30,300

NEW SECTION. Sec. 52. FOR THE
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
General Fund Appropriation

For capital improvements required to
certify schools for the retarded as
skilled nursing homes \$ 650,000

General Fund--State and Local Improvement
 Revolving Account--Social and Health
 Services Facilities: Appropriated
 pursuant to the provisions of chapter
 130, Laws of 1972 ex. sess., (Referendum
 29), for social and health services
 facilities: The Department of Social
 and Health Services is authorized to
 obligate for purposes of carrying
 out the provisions of chapter 130,
 Laws of 1972 ex. sess., For Capital
 Improvements at the State Veterans' Home
 and the State Soldiers' Home required
 to meet state fire and safety standards \$ 2,000,000

NEW SECTION. Sec. 53. FOR THE

DEPARTMENT OF FISHERIES

	From the Fund Designated	From the General Fund
(1) For the construction of the Elwha spawning and egg incubation channel or such other capital facilities as needed to restore Elwha salmon run		\$ 280,000
(2) For capital construction and improvements at Minter Creek Hatchery		\$ 200,000

NEW SECTION. Sec. 54. FOR THE

DEPARTMENT OF GAME

	Reappropriations	From the General Fund
General Fund Outdoor Recreation Account 1971-73 biennium	\$ 362,993	

NEW SECTION Sec. 55. FOR THE

DEPARTMENT OF NATURAL RESOURCES

	From the Fund Designated	From the General Fund
(1) For capital facilities at		

Larch Mountain
Honor Camp
General Fund
CEP&RI Account \$ 200,000

(2) For nursery
reforestation and
timber sale capital
facilities

Resource Management
Cost Account \$ 1,777,000

(3) For reforestation
access road construction

General Fund
Forest Development
Account \$ 200,000

NEW SECTION. Sec. 56. FOR EASTERN WASHINGTON

STATE COLLEGE

Eastern Washington State College Capital

Projects Account appropriation for
planning and working drawings for
a fresh water research laboratory \$ 30,000

NEW SECTION. Sec. 57. The following sums, or so much thereof
as shall severally be found necessary, are hereby appropriated and
authorized to be expended out of the several funds indicated, for the
period from the effective date of this 1974 amendatory act to June
30, 1975, except as otherwise noted.

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:

WESTERN WASHINGTON STATE COLLEGE,

Final payment under agreement between the
Washington State Office of Economic
Opportunity and Western Washington State
College (New Careers Program)\$ 23,063.50

SALLY R. PATE, Reimbursement for special
education classes at Sequim School
for her son, Steven Robert Pate\$ 2,346.02

SKAMANIA COUNTY TREASURER, For labor and
equipment used on Fire District No. 74
flume fire\$ 641.06

LAYTON AND ROY STALCUP, For refund of
fuel tax\$ 487.82

GRAYS HARBOR COUNTY AUDITOR, For payment
of deficiency in the Tuberculosis Fund\$ 21,467.45

ROBERT BENSON, PUBLIC PRINTER, For
supplies and services furnished in
prior biennium to State Board for
Community College Education\$ 733.12

GEORGE ALLEN HARGROVE, For relief for unjust
imprisonment, King County Cause No.
49436: PROVIDED, That the State Auditor
is directed to draw up a separate
warrant with voucher to be presigned
by said George Allen Hargrove saying
"the acceptance of this amount releases
the state and all of its subdivisions,
and their agents, of further claims
arising out of the herein described
alleged false imprisonment
of the claimant".....\$ 38,000.00

JOSEPH S. KANE, For attorney fees and cost from
representing petitioner George Allen Hargrove:
PROVIDED, That the State Auditor is directed to draw
up a separate warrant to be presigned by
said Joseph S. Kane stating "the acceptance
of this amount relieves the state of
further claims on this case and satisfies
any claim for legal services I have against
my client, George Allen Hargrove"\$ 2,000.00

JOHN H. STENDER, Damage to automobile\$ 84.00

FRANK T. CONNOR, Damage to automobile\$ 101.80

JOHN S. MURRAY, Damage to automobile\$ 113.73

ANNE K. MACRAE, Damage to automobile\$ 116.93

PUBLIC ASSISTANCE BELATED CLAIMS

General Fund Appropriation to the Department
of Social and Health Services and to be
paid by the Department of Social and
Health Services to the following vendors in
full settlement of services rendered to
welfare patients to be paid at the rate
of sixty-seven percent of each late billing
received for services rendered on vouchers
approved by the Department of Social and
Health Services:

PROVIDENCE HOSPITAL, For hospital services rendered
at the request of the Department of Social

and Health Services	\$ 7,406.11
MALCOM GARBER, M. D., For services rendered at the request of the Department of Social and Health Services	\$ 54.00
ARTHUR J. MADSEN, M.D.	\$ 3,387.52
CHARLES T. AMES	\$ 16.08
E & E LABORATORIES	\$ 230.39
NEUROLOGICAL ASSOCIATION	\$ 135.34

NEW SECTION. Sec. 58. Notwithstanding any other provision of law to the contrary, the Department of Social and Health Services shall not implement a simplified grant schedule for public assistance recipients prior to June 1, 1974. The grant schedule in effect on January 1, 1974, shall remain effective until the Legislature can review alternatives to the present system of providing grants: PROVIDED FURTHER, That where assistance is being provided in the form of child welfare services resulting from a juvenile court order and the recipient person attains the age of eighteen, the department shall, in lieu of general assistance payments continue the child welfare services through the end of the school year immediately following the recipient person's eighteenth birthday if the recipient person otherwise qualifies for such services.

NEW SECTION. Sec. 59. It is the intention of the Legislature that \$3,072,876 from local funds presently available within the Public Health Program of the Department of Social and Health Services for Firland Hospital shall remain unexpended at the end of the 1973-75 biennium.

NEW SECTION. Sec. 60. It is the intention of the Legislature that the department of social and health services shall allocate from the current appropriation for the developmental disability program \$50,000, or so much thereof as is necessary to implement the department of personnel salary survey findings for the Schools for the Blind and Deaf in compliance with the recommendations presented at the November 8, 1973 Personnel Board meeting.

NEW SECTION. Sec. 61. (1) Notwithstanding the provisions of chapter 139, Laws of 1973 1st ex. sess., the department of social and health services shall establish nursing home accounting and reimbursement systems which recognize relevant cost related factors for department of social and health services patients, including but not limited to the scope or level of services or care, requirements of staff, and physical plant, and which may include a reasonable rate of return on investment; said formula shall provide that no payments shall be made to a nursing home which does not permit inspection by the department of social and health services of every part of its premises and an examination of all records, including financial

records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such system: PROVIDED FURTHER, That such reimbursement system shall not take effect until the department has specified staffing and other relevant treatment standards for the various classes of nursing homes and projected the costs associated with the establishment of such standards, and such standards and cost projections have been approved by the Ways and Means Committees of the House and Senate: AND PROVIDED FURTHER, That after such approval, the department shall file with the Ways and Means Committees of the House and Senate at least quarterly a report of the progress achieved in meeting such standards throughout the state and the actual costs incurred thereby.

(2) The department of social and health services shall explore the cost effectiveness of utilizing vendor services for medical assistance data processing, but shall not enter into any contract for such services without the approval of the Senate and House Ways and Means Committees.

NEW SECTION. Sec. 62. Notwithstanding any other provision of law or rule and/or regulations, the superintendent of public instruction is authorized to use not more than \$45,000 of apportionment funds to expand the state venereal disease education program and \$25,000 to assist the Pacific Science Center in conducting school district supplemental programs: PROVIDED, That the superintendent shall use funds currently held in reserve status to finance these programs.

NEW SECTION. Sec. 63. Notwithstanding any provisions of RCW 28B.16.100 the implementation of salary adjustments provided for higher education classified personnel by sections 45 and 46 of this 1974 amendatory act shall be subject only to the approval of the Office of Program Planning and Fiscal Management as to the availability of funds.

NEW SECTION. Sec. 64. There is hereby appropriated out of funds made available to this state under section 903 of the Social Security Act, as amended, the sum of five hundred thousand dollars, or so much thereof as may be necessary, to be used under the direction of the commissioner of the employment security department for the purpose of paying the legally authorized and required salaries and fringe benefits, including prior biennium employer contributions to the Public Employees Retirement System for retirement service credits, to the employees of the employment security department of the state of Washington in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such

payments at the staff level in effect for such department on February 1, 1974, for the remainder of the 1973-1975 biennium: PROVIDED, That no part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning on the date of enactment of this 1974 amendatory act: PROVIDED FURTHER, That the amount obligated pursuant to this 1974 amendatory act during any twelve-month period beginning on July 1st and ending on the next June 30th shall not exceed the amount by which (1) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (2) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such twenty-five twelve-month periods.

NEW SECTION. Sec. 65. The Office of Program Planning and Fiscal Management is hereby authorized and directed to transfer 1973-75 General Fund allotments from the Superintendent of Public Instruction to the Council on Higher Education after passage of Chapter ... (SB 3159), Laws of 1974 ... ex. sess. on the effective date of such chapter, as follows:

(1) So much of the \$5,000 appropriation to the Superintendent of Public Instruction remaining unexpended from the appropriation made in chapter 134, Laws of 1973 1st ex. sess. for assistance to blind students as provided for in RCW 28B.10.215; and

(2) \$7,500 from the appropriation made in chapter 134, Laws of 1973 1st ex. sess. for the Superintendent of Public Instruction (Including Board of Education) to implement the provisions of Chapter ... (SB 3159), Laws of 1974 ... ex. sess.

NEW SECTION. Sec. 66. The Office of Program Planning and Fiscal Management shall prepare a report on unfilled and unfunded positions for each and every agency of state government subject to executive budget review under the provisions of chapter 43.88 RCW. This report shall be submitted to the chairmen of the House and Senate Ways and Means Committees on or before March 29, 1974. The form and content of the report and the form and manner of data submission by state agencies shall be as prescribed by the Director of the Office of Program Planning and Fiscal Management subject to the approval of the chairmen of the House and Senate Ways and Means Committees.

NEW SECTION. Sec. 67. (1) Federal funds, which were not anticipated relative to the appropriations enacted by the Legislature for the biennium ending June 30, 1975 for programs financed from both state and federal revenues, shall be used in lieu of moneys from state or local revenue sources unless prohibited by federal law,

rule, regulation or other restriction. The provisions of RCW 43.79.260 through RCW 43.79.280 shall not apply to authorize expenditures beyond appropriated amounts from federal funds subject to this subsection. Exceptions to the rule imposed by this subsection may be granted by the Legislature if in session or by the Legislative Budget Committee during the interim between legislative sessions.

(2) Notwithstanding the provisions of RCW 43.79.260 through RCW 43.79.280 federal funds which are not subject to subsection (1) of this section and which were not anticipated relative to appropriations enacted by the Legislature shall not be allocated for expenditure in excess of appropriations provided by law for the biennium ending June 30, 1975 without prior approval of the Legislature if in session or by the Legislative Budget Committee during the interim between legislative sessions.

(3) Notwithstanding the provisions of RCW 43.79.260 through RCW 43.79.280 any unanticipated state or local revenues to appropriated funds or accounts shall not be allocated for expenditure in excess of appropriations provided by law for the biennium ending June 30, 1975 without prior approval of the Legislature if in session or by the Legislative Budget Committee during the interim between legislative sessions.

NEW SECTION. Sec. 68. It is the intention of the legislature that the term "agencies" as used in section 86, chapter 137, Laws of 1973 1st ex. sess. for the purposes of authorizing an additional state contribution to employees health insurance shall include the employees of the Public Pension Commission, Office of the Governor, Lieutenant Governor, Supreme Court, State Law Library, Court of Appeals, Administrator for the Courts, and the Judicial Council.

NEW SECTION. Sec. 69. Notwithstanding the provisions of RCW 43.03.060 relative to a maximum limit on the reimbursement of state officers and employees for use of private automobiles on official state business during the fiscal biennium ending June 30, 1975, state officers and employees shall be reimbursed for their expenses necessarily incurred in authorized travel by private automobile on official state business at a mileage rate of not to exceed thirteen cents per mile, effective March 1, 1974 as directed by the director of the Office of Program Planning and Fiscal Management. It is the intent of the Legislature that the Office of Program Planning and Fiscal Management and each state agency will carefully review existing travel practices and policies governing utilization of privately-owned automobiles on official state business and that sufficient economies be effected to at least offset any additional costs associated with the increase in the maximum reimbursement rate.

The increase in the maximum rate allowed by this section shall not be used as the basis for any supplemental legislative appropriation.

Sec. 70. Section 62, chapter 137, Laws of 1973 1st ex. sess. is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation: PROVIDED, That \$767,000 of the appropriation shall be expended as matching funds for activated air pollution control authorities and if such authorities do not match these funds during the 1973-75 biennium in an amount equal to the amount appropriated by this proviso, then the unexpended state funds shall revert to the department of ecology and it is the intent of the legislature that no additional job positions be created by activated air pollution control authorities with funds available from this proviso: PROVIDED FURTHER, That in order to prevent unnecessary expenditures it is the intent of the legislature that the department make use of the air monitoring and surveillance capabilities of activated air pollution control authorities wherever possible: AND PROVIDED FURTHER, That the department shall recommend to the federal Environmental Protection Agency that only up to \$700,000 of available air pollution control grant funds be given to the department for the 1973-75 fiscal biennium and that all other available grant funds be given to activated air pollution control authorities in the state.....\$ 13,573,988

NEW SECTION. Sec. 71. General Fund surplus revenues from all sources, excluding Federal Funds, for the 1973-75 biennium in excess of \$2,200,276,000, but not to exceed \$20 million, as determined by the Department of Revenue, State Treasurer and the Office of Program Planning and Fiscal Management shall be credited to the State Treasurer for deposit to a special fund for special levy relief to be distributed pursuant to a formula approved by the 1975 session of the legislature.

NEW SECTION. Sec. 72. All personal services contracts except those 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 1974 amendatory act.

NEW SECTION. Sec. 73. In addition to any funds contained in this 1974 amendatory act, appropriations made by the Legislature may be expended for programs set forth in chapter 137, Laws of 1973 1st ex. sess.

NEW SECTION. Sec. 74. Section 6, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is hereby repealed.

NEW SECTION. Sec. 75. If any provision of this 1974 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. 76. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 12, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections and items Substitute House Bill No. 1310 entitled:

"AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations." Veto Message

The specific sections and items which I have vetoed are as follows:

1. State Treasurer
On page 2, section 7, I have vetoed the proviso starting on line 14 and ending on line 25. This proviso would prohibit, effective January 1, 1975, the processing of state warrants which require a payee to consent thereto as a condition of endorsement or receiving payment of the warrant.

The certification which now appears on state warrants is required by federal regulation for Department of Social and Health Services payments to medical vendors. It is possible that deletion of only the words "or payments to vendors" which appear in this section could avoid any possibility of non-compliance with federal regulations. Deletion of those words only, however, might result in substantial administrative complexities and attendant costs because certain vendor warrants would have to be segregated from other warrants. To determine the effect of removing the certification from all except those vendor warrants on which it must appear, I have asked that the Office of Program

Planning and Fiscal Management analyze this problem in detail and submit a report of its findings to the April session of the Legislature.

Veto
Message

2. Department of Agriculture

On page 11, section 32, I have vetoed the proviso starting on line 5 and ending on line 10 which requires utilization of brand inspectors to investigate rustling activities and designates a portion of the appropriation for brand recording.

These activities are currently funded from a non-appropriated local fund. The 1974 Legislature passed SB 3080 to provide additional revenue to the non-appropriated local fund, and it is neither appropriate nor necessary to subsidize these activities further through a General Fund appropriation. To insure that the \$70,000 supplemental appropriation provided to the department is not used for other purposes, that amount will be placed in reserve status and remain unexpended.

3. Increased Reimbursement to State Officers and Employees for Use of Private Automobiles
On page 37, section 69, I have vetoed the item on lines 9 and 10 which prohibits the increase in the maximum reimbursement rate from being used as a basis for any supplemental legislative appropriation.

Section 69 authorizes the director of the Office of Program Planning and Fiscal Management to fix the reimbursement rate the state officers and employees who use private automobiles for official travel at more than thirteen cents per mile effective March 1, 1974. The present maximum reimbursement rate fixed by RCW 43.03.060 is ten cents per mile. Although the reimbursement rate can be increased, the Legislature did not appropriate funds for the additional costs agencies will incur if an increase is authorized. Rather, this section requires that economies in travel practices and policies be effected to offset the additional costs. Given the increased costs of operating an automobile, particularly sharply increased fuel costs, and adjustment in the maximum reimbursement rate will no doubt be made. Some agencies might be able to absorb the increased costs, but other agencies where the preponderance of the work to be performed by the agency requires travel cannot absorb such cost. Additional appropriations will be required in these circumstances.

4. Department of Ecology

On page 37, beginning on line 11, I have vetoed the entire section 70 which ends on page 38.

This section provides that the Department of Ecology shall recommend to the federal Environmental Protection Agency that only up to \$700,000 of available air pollution control grant funds be given to the department for the 1973-75 fiscal biennium and that all other available grant funds be given to activated air pollution control authorities in the state.

A recent change in Environmental Protection Agency grant procedures will result in the entire Washington State federal air pollution grant, approximately \$984,000, being granted to the Department of Ecology in fiscal year 1975. Previously, a specified amount was allocated to the Department of Ecology and the remaining federal funds were distributed directly to local entities. With this change, the Department of Ecology will grant the portion, other than the department allocation, to the local authorities as sub-grantees. The veto of this section removes any doubt regarding the eligibility of the department to receive federal air pollution grants in appropriate amounts. Further, an additional advantage resulting from the Department of Ecology receiving the combined state and local Environmental Protection Agency grant and making sub-grantee grants to local

authorities is that unused federal funds can be reallocated among the various state air authorities rather than reverting to the federal agency, thus being lost to the state. Veto
Message

5. earmarked Surplus General Fund Revenue
On page 38, beginning on line 12, I have vetoed the entire section 71 which ends on line 19. This section provides that surplus general fund revenue for the 1973-75 biennium in excess of \$2,200,276,000, but not to exceed \$20 million, shall be held in a separate fund by the State Treasurer for distribution as special levy property tax relief. The formula for distribution of these funds is to be provided by the 1975 Legislature.

This is premature action on the part of the Legislature for several reasons. At the present time, the amounts which might be appropriated on the return of the Legislature in April, 1974 are not known, nor is it possible to estimate accurately the funding necessary for state programs unfunded by the Legislature during the past session to alleviate the fiscal problems resulting from growing inflation. It will not be possible to determine the amount of surplus revenue until August or September of 1975, or after the start of the 1975-77 biennium. At such time as the 1975 Legislature meets and considers the 1975-77 biennial budget, a complete fiscal picture for the new biennium will be available upon which a more complete spectrum of tax relief measures, expenditures and priorities can be established.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 143

[House Bill No. 1373]

NOXIOUS WEED CONTROL

AN ACT Relating to noxious weeds; amending section 5, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.050; amending section 15, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.150; amending section 17, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.170; amending section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240; and adding a new section to chapter 17.10 RCW.

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

Section 1. Section 5, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the board of county commissioners and elected thereafter by the property owners subject to the board. In appointing such voting members, the board of county commissioners shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of

such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or a county extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that the board of county commissioners shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county commissioners in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimately.

Notice of such nomination and election meeting shall be mailed to all affected landowners thirty days prior to such meeting. Notice shall be published at least twice in a weekly or daily newspaper of general circulation in said section: PROVIDED, That mailed notice shall not be required if assessments provided for in section 4 of this 1974 amendatory act are not invoked.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

(4) In case of a vacancy occurring in any elected position on a county noxious weed control board, the county commissioners of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Sec. 2. Section 15, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.150 are each amended to read as follows:

(1) The board of county commissioners in each county may classify lands for the purposes of this chapter. In regard to any land which is classified by the county noxious weed control board as

not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall control and prevent the spread of noxious weeds on any portion of such land which is within ((two hundred feet of)) the buffer strip around land used for agricultural purposes. For lands east of the crest of the Cascade mountain range, the buffer strip shall be land which is within two hundred feet of land used for agricultural purposes. For lands west of the crest of the Cascade mountain range, the buffer strip shall be land which is within one thousand feet of land used for agricultural purposes.

(b) In any case of a serious infestation of a particular noxious weed, which infestation exists within the ((two hundred foot strip)) buffer strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said ((two hundred foot strip)) buffer strip of land, the county noxious weed control board may require that the owner of such ((two hundred foot strip)) buffer strip of land take such measures, both within said ((two hundred foot strip)) buffer zone of land as well as on other land owned by said owner contiguous to said ((two hundred foot strip)) buffer strip of land on which such serious infestation has spread, as are necessary to control and prevent the spread of such particular noxious weed.

For purposes of this subsection, land shall not be classified as or considered as being used for agricultural purposes when the sole reason for classifying or considering it as such is that it is being used for the growing, planting or harvesting of trees for timber.

(2) In regard to any land which is classified by the county noxious weed control board as scab or range land, the board may limit the duty of the owner thereof to control noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control noxious weeds on such land at an equitable cost to the owner. The board shall classify as range or scab land all that land within the county which the board finds to be of a relatively low value per acre, and on which the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the value per acre of such land.

Sec. 3. Section 17, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.170 are each amended to read as follows:

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the

same, pursuant to the provisions of RCW 17.10.140, it shall notify such owner that a violation of this chapter exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, and specify the time within which the prescribed action must be taken.

(2) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board shall control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien. The owner shall be liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien.

(3) The county auditor shall record in his office any lien created under this section, and any such lien shall bear interest at the rate of eight percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling such weeds.

(4) As an alternative to the enforcement of any lien created under subsection (2) of this section, the board of county commissioners may by resolution or ordinance require that each such lien created shall be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the same rate as delinquent real property taxes and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED, That any collections for such lien shall not be considered as tax.

Sec. 4. Section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240 are each amended to read as follows:

(1) The activated county weed control boards of each county shall annually submit a budget to the board of county commissioners for the operating cost of the county's weed program for the ensuing fiscal year. Control of weeds are a special benefit to the lands within any such district. The board of county commissioners may in lieu of a tax, levy an assessment against the land for this purpose. The county weed control board shall classify the lands into suitable classifications, and assess for each class such an amount as shall seem just, but which shall be uniform per acre in its respective class. The findings by the board of such special benefits, when so declared by resolution and spread upon the minutes of the board shall

V be conclusive that the same is of special benefit to the lands within the district.

(2) In addition, the board of county commissioners may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the board of county commissioners may make emergency appropriations as it deems necessary for the implementation of this chapter.

NEW SECTION. Sec. 5. There is added to chapter 17.10 RCW a new section to read as follows:

Each noxious weed control board may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

Passed the House January 28, 1974.
Passed the Senate February 5, 1974.
Approved by the Governor February 13, 1974, with the exception of Section 4 which is vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to one section House Bill No. 1373 entitled:

"AN ACT Relating to noxious weeds."

Veto Message

Section 4 of the bill, by obvious legislative oversight, merely restates RCW 17.10.240 as it presently reads, and contains no amendatory changes. If approved, needless time and expense would be incurred by the Code Reviser to insert the section as re-enacted into the Revised Code of Washington. For this reason, I have determined to veto section 4.

The remainder of House Bill No. 1373 is approved."

CHAPTER 144

[House Bill No. 1423]

MOTOR VEHICLE FUEL EXCISE TAXES—

ALL-TERRAIN VEHICLES

AN ACT Relating to motor vehicle fuel excise taxes; amending section 20, chapter 47, Laws of 1971 ex. sess. as amended by section 13, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.150; amending section 21, chapter 47, Laws of 1971 ex. sess. as amended by section 14, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.160; and amending section 22, chapter 47, Laws of 1971 ex. sess. as amended by section 15, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.170.

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

Section 1. Section 20, chapter 47, Laws of 1971 ex. sess. as amended by section 13, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.150 are each amended to read as follows:

Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for all-terrain vehicles shall ~~((be considered a nonhighway use of fuel, and for purposes of this chapter shall be known as ATV fuel. Persons purchasing and using ATV fuel shall not be entitled to a refund of the motor vehicle fuel excise tax paid))~~ not be refundable in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

Sec. 2. Section 21, chapter 47, Laws of 1971 ex. sess. as amended by section 14, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.160 are each amended to read as follows:

From time to time, but at least once each four years the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax which is taxed on ~~((all-terrain vehicle))~~ fuel used and purchased for providing the motive power for all-terrain vehicles. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four-year period to the legislature. To offset the cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund, the sum of twenty thousand dollars in the first biennium after August 9, 1971, and ten thousand dollars in each succeeding biennium in which such a determination is to be made.

Sec. 3. Section 22, chapter 47, Laws of 1971 ex. sess. as amended by section 15, chapter 153, Laws of 1972 ex. sess. and RCW 46.09.170 are each amended to read as follows:

From time to time, but at least once each biennium, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be ~~((a tax on all terrain vehicle fuel in an amount not to exceed one million dollars for the 1974-73 biennium, and))~~ the tax on fuel used and purchased for providing the motive power for all-terrain vehicles, but which shall in no event exceed one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW for the balance of the 1973-75 biennium, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall refund ~~((such amounts))~~ such amounts and place ~~((them))~~ such amounts 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 departments of state government, to counties, and to municipalities

on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses.

Passed the House February 13, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974, with the exception of a certain item which was vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to a certain item House Bill No. 1423 entitled:
"AN ACT Relating to motor vehicle fuel excise taxes."
Veto
Message

It is my understanding that the amendatory language of Section 3 was proposed to amend RCW 46.09.170, which limited the amount of motor vehicle fuel tax collections attributable to all-terrain vehicles refundable to other state agencies for development of ATV road and trails to one million dollars for the 1971-73 biennium. As amended, it would provide that the limit be changed to 1% of motor vehicle fuel tax revenues for the 1973-75 biennium. That language, however, includes an item which, contrary to the intent of its proponents, would limit the refunds to 1% of motor vehicle fuel tax revenues solely for the balance of the 1973-75 biennium from and after the effective date of the bill. In order to restore the original legislative intent of the section, I have determined to veto the referenced item.

With the exception of the foregoing item which I have vetoed, the remainder of House Bill No. 1423 is approved."

CHAPTER 145
[Substitute House Bill No. 1525]
CIVIL COMMITMENT

AN ACT Relating to civil commitment; amending section 71.05.560, Laws of 1959 as amended by section 1, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.12.560; amending section 72.23.010, chapter 28, Laws of 1959 as amended by section 3, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.010; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 1, chapter 24, Laws of 1973 2nd ex. sess. and RCW 72.23.070; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as amended by section 2, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.030; amending section 9, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.040; amending section 10, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.050; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.120; amending section 20, chapter 142,

Laws of 1973 1st ex. sess. and RCW 71.05.150; amending section 21, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.160; amending section 22, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.170; amending section 23, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.190; amending section 25, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.230; amending section 29, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.240; amending section 30, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.250; amending section 31, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.260; amending section 33, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.280; amending section 34, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.290; amending section 35, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.300; amending section 36, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.310; amending section 37, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.320; amending section 39, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.340; amending section 41, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.360; amending section 42, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.370; amending section 44, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.390; amending section 49, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.440; amending section 53, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.480; amending section 56, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.510; and declaring an emergency.

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

Section 1. Section 71.12.560, chapter 25, Laws of 1959, as amended by section 1, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.12.560 are each amended to read as follows:

The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium(, and who is at the time of making the application mentally competent to make

the application)). ((Upon the admission of)) After six months of continuous inpatient treatment as a voluntary patient ((to)) in a private institution, hospital, or sanitarium, the person in charge shall ((immediately)) forward to the office of the department of social and health services a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital, or sanitarium, and such other information as may be required by rule of the department of social and health services.

Sec. 2. Section 72.23.010, chapter 28, Laws of 1959 as amended by section 3, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Mentally ill person" shall mean any person who, pursuant to the definitions contained in RCW 71.05.020, as a result of a mental disorder presents a likelihood of serious harm to others or himself or is gravely disabled.

"Patient" shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

"Licensed physician" shall mean an individual ((licensed)) permitted to practice as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

"State hospital" shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

"Superintendent" shall mean the superintendent of a state hospital.

"Court" shall mean the superior court of the state of Washington.

"Resident" shall mean a resident of the state of Washington.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

Sec. 3. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 1, chapter 24, Laws of 1973 2nd ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a ((state hospital)) public or private facility may receive any person who is 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 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 person (~~under eighteen~~) thirteen years of age or under, the application (~~shall~~) may be voluntarily made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody when such person is more than thirteen years of age, such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor. All such voluntary applications to a public facility shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of (~~the state hospital~~) such facility to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. Such person's condition and status shall be reviewed by the professional person in charge of the facility or his designee at least once each one hundred eighty days. A person under eighteen years of age received into a (~~state hospital~~) public facility as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a (~~state hospital~~) public or private facility as a voluntary patient (~~at~~).

(3) No minor over thirteen years of age shall be involuntarily committed to a state or private facility for care and treatment as mentally disordered, or for observation as to the existence of mental disorder, except in accordance with the following requirements:

(a) The facility must be certified by the department of social and health services to provide evaluation and treatment to persons under eighteen years of age suffering from mental disorders: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or a part of, or operated by, the department of social and health services or any federal agency will not require certification.

(b) A petition shall be filed with the juvenile court by the person's parent, parents, conservator, guardian, or by the juvenile court itself. The petition shall set forth the reasons why commitment is necessary and what alternative courses of treatment have been explored. The juvenile court shall then conduct a hearing,

at which the person under eighteen years of age shall be represented by an attorney, to determine whether commitment is clearly in the best interests of the person sought to be committed, and that no less restrictive alternative exists: PROVIDED, That, if in the opinion of the designated county mental health professional a minor presents an imminent likelihood of serious harm to himself or others, he may be temporarily detained for up to seventy-two hours by a licensed facility pending petition to the juvenile court for further commitment.

(c) If the juvenile court determines that commitment is clearly necessary, it will issue an order approving such petition. If the juvenile court determines that a less restrictive alternative is desirable, it may order that alternatives be followed.

(d) If a person under the age of eighteen years is committed to a state or private facility pursuant to this section, the juvenile court recommending commitment shall require a report from the facility every one hundred eighty days that sets forth such facts as the juvenile court may require. Upon receipt of the report, the juvenile court shall undertake a review of the status of such person to determine whether or not it is still clearly in the best interests of the patient that he remain in the facility. If the juvenile court determines that further commitment is not clearly in the best interests of the patient, it shall order release upon such conditions as it deems necessary.

(e) Every person under the age of eighteen shall specifically have all the rights provided for by sections 26 and 29 of this 1974 amendatory act, except that the juvenile court rather than the superior court shall be responsible for any proceedings. A voluntarily admitted minor over thirteen years of age shall have the right to release on the next judicial day from the date of request unless a petition is filed in juvenile court by the professional person in charge of the facility or his designee on the grounds that the juvenile is dangerous to himself or others or that it would be in the best interests of the juvenile that he remain in the facility. Furthermore, should the patient and his parent, parents, conservator, or guardian both request his release, he shall be immediately released unless the professional person in charge of the facility objects immediately in writing to the juvenile court on the grounds that the person is dangerous to himself or others and that it would not be in the patient's best interests to be released. Should this occur, the juvenile court that originally recommended the commitment shall hold a hearing on the issue within five judicial days and determine whether the person should be released.

(f) Nothing in this section shall prohibit the professional person in charge of the facility in which the person is being treated from releasing him at any time when, in the opinion of said professional person, further commitment would no longer be in the best interests of the patient.

Whenever a person is released by the professional person in charge of a facility under this section, said person shall, in writing, notify the juvenile court which committed the person for treatment.

(4) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings.

Sec. 4. Section 8, chapter 142, Laws of 1973 1st ex. sess. as amended by section 2, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.030 are each amended to read as follows:

~~((1))~~ Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.76 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing. ~~((Persons impaired by chronic alcoholism or drug abuse may receive services pursuant to this chapter if they so elect, unless proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, *chapter 92, Laws of 1973 (chapter 70-96A RCW):~~

~~(2) No person under the age of eighteen years shall be involuntarily provided with, detained, certified, or committed for evaluation or treatment pursuant to the provisions of this chapter unless written authorization has been obtained from such person's parent, parents, conservator, or legal guardian, or pursuant to proceedings of the juvenile court under chapter 13.04 RCW.)~~

Sec. 5. Section 9, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.040 are each amended to read as follows:

Persons who are epileptics, mentally deficient, mentally retarded, impaired by chronic alcoholism or drug abuse, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or constitutes a likelihood of serious harm to self or others: PROVIDED, That a person shall not be subject to the provisions of this chapter if proceedings have been

initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 70.96A RCW.

Sec. 6. Section 10, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.050 are each amended to read as follows:

Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall ~~((7))~~ orally ~~((and in writing;))~~ be advised of ~~((such))~~ the right to immediate release and further advised of such ((other)) rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment and/or possible release, at which time they shall again be advised of their right to release upon request: PROVIDED HOWEVER, That if the staff of any public or private agency regards a person voluntarily admitted as dangerous to himself or others or gravely disabled as defined by this act, they may detain such person for a reasonable
V length of time, not to exceed four days, sufficient to notify the designated county mental health professional of such person's condition to enable such mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this act.

Sec. 7. Section 17, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.120 are each amended to read as follows:

No officer of a public or private agency ~~((initiating or providing treatment pursuant to this chapter))~~, nor the superintendent, professional person in charge, his professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter shall be civilly or criminally liable for ~~((performing duties prescribed by this chapter))~~ detaining or releasing a person pursuant to this 1974 amendatory act at or before the end of the period for which he was admitted or committed for evaluation or treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

Sec. 8. Section 20, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.150 are each amended to read as follows:

(1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period. The mental health professional shall also designate, at the time of the summons, from a list provided by the court, an attorney who will be appointed, if any is to be appointed, and state the name, business address, and telephone number of this attorney in the summons.

(b) The summons shall state a date and time to appear not less than twenty-four hours after the service of the summons ((notice of rights, and statement of specific facts required by REW 74:05-200 is served on such person)). The summons shall state the address of the evaluation and treatment facility to which such person is to report and the business address and phone number of the mental health professional designated by the county. The summons shall state that if the person named in the summons fails to appear at the evaluation and treatment facility at or before the date and time stated in the summons, such person may be involuntarily taken into custody. Accompanying the summons to such person shall be a copy of the petition for initial detention and a notice of rights.

(c) If such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence. The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the summons together with a notice of rights and a ((statement of specific facts as required by REW 74:05-200)) petition for initial detention. After service on such person the mental health professional shall file the return of service ((and statement of specific facts)) in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. ((This shall constitute an application as required by REW 74:05-460.)) The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time specified on the summons if such person is not released prior to the expiration of such period.

(d) If the person summoned appears on or before the date and time specified, the evaluation and treatment facility shall admit such person as required by RCW 71.05.170. If the person summoned fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. Should the mental health professional notify a peace officer authorizing him to take a person into custody under the provisions of this subsection, he shall file with the court a copy of such authorization and a notice of detention. At the time such person is taken into custody there shall commence to be served on such person, his guardian, and conservator, if any, a copy of the original summons together with a ((copy of the notice and statement of specific facts required by REW 71-05-200)) notice of detention, a notice of rights, and a petition for initial detention.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1) (d) of this section.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and ((placed in)) immediately delivered to an evaluation and treatment facility ((only pursuant to subsections (1) (d) and (2) of this section or when such person is subject to lawful arrest and as a result of mental disorder presents an imminent likelihood of serious harm to others or himself));

(a) Only pursuant to subsections (1) (d) and (2) of this section; or

(b) When he has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm to others or himself.

(5) Persons delivered to evaluation and treatment facilities by peace officers pursuant to subsection (4) (b) of this section may be held by the facility for a period of up to twelve hours: PROVIDED, That they are examined by a mental health professional within three hours of their arrival. Within twelve hours of their arrival, the designated county mental health professional must file a supplemental petition for detention, and commence service on the designated attorney for the detained person.

Sec. 9. Section 21, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.160 are each amended to read as follows:

Any facility receiving a person pursuant to RCW 71.05.150 shall require ((an application in writing)) a petition for initial detention stating the circumstances under which the person's condition was made known and stating that such officer or person has evidence, as a result of his personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm to himself or others, or that he is gravely disabled, and stating the specific facts known to him as a result of his personal observation or investigation, upon which he bases the belief that such person should be detained for the purposes and under the authority of this chapter.

If a person is involuntarily placed in an evaluation and treatment facility pursuant to RCW 71.05.150, ((not later than seventy-two hours after)) on the next judicial day following the initial detention, ((the professional staff of the facility or)) the mental health professional designated by the county shall file with the court ((either the application, a copy of the notice required by RCW 71.05.2007)) and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and ((the statement of specific facts, or a copy of the second notice and statement of specific facts served on such person as required by RCW 71.05.150 (1) (d) and proof of service of the second notice, if proceedings are initiated under RCW 71.05.150 (1) (d)) a copy of a notice of emergency detention.

Sec. 10. Section 22, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.170 are each amended to read as follows:

Whenever ((such an application is made for admission)) the designated county mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept ((such application)) on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The

facility shall notify in writing the court and the designated county mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

Sec. 11. Section 23, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.180 are each amended to read as follows:

If the evaluation and treatment facility admits the person, it may detain him for evaluation and treatment for a period not to exceed seventy-two hours (including Saturdays, Sundays, and holidays). The computation of such seventy-two hour period shall include Saturdays, but exclude Sundays and holidays.

Sec. 12. Section 24, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.190 are each amended to read as follows:

If (an application) the person is not approved for admission by a facility providing seventy-two hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his place of residence or other appropriate place.

Sec. 13. Section 25, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.200 are each amended to read as follows:

(1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both he and, if possible, a responsible member of his immediate family, guardian, (and) or conservator, if any, shall be (immediately) as soon as possible in writing (and) or orally, by the officer or person taking him into custody (if any, and) or by personnel of the evaluation and treatment facility (to which) where he is (taken) detained that unless he is released or voluntarily admits himself for treatment within seventy-two hours of the initial detention:

(a) That a judicial hearing (in a district justice court or) in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain him after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that he is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or that he is gravely disabled;

(b) That he has a right to communicate immediately with an attorney; he has a right to have an attorney appointed to represent him before and at the probable cause hearing if he is indigent; and he has the right to be told the name and address of the attorney the

((court)) mental health professional has designated pursuant to this chapter;

(c) That he has the right to remain silent and that any statement he makes may be used against him;

(d) That he has the right to present evidence and to cross-examine witnesses who testify against him at the probable cause hearing; and

(e) That he has the right to refuse medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under RCW 71.05.150 ((or)), (3), or (4) (b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person ((a statement of specific facts alleged to have caused such person's present detention and possible future detention: This statement of specific facts may be taken directly from the application of the peace officer required by RCW 71.05.460)) a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on said designated attorney.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court.

Sec. 14. Section 26, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his admission, be examined and evaluated by a licensed physician and ((licensed)) a mental health professional ((unless a licensed mental health professional is not reasonably available)) as defined in this chapter, and shall receive such treatment and care as his condition requires for the period that he is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his professional designee, the person presents a likelihood of serious harm to himself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be ((either)) released, unless referred for further care on a voluntary basis, or ((certified for

intensive treatment)) detained pursuant to court order for further treatment as provided in this chapter.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 15. Section 28, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.230 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of either involuntary intensive treatment or of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for, but has not accepted, voluntary treatment; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for fourteen day involuntary ((treatment)) detention or a less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a ((licensed psychologist)) mental health professional who have examined the person((; unless one of these persons is not reasonably available; in which case another mental health professional who participated in the examination may sign the notice)). If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental

disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition (~~for fourteen day involuntary treatment~~) has been served on the detained person, his attorney and his guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary treatment after a probable cause hearing has been held pursuant to RCW 71.05.240.

Sec. 16. Section 29, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.240 are each amended to read as follows:

If a petition is filed for fourteen day involuntary treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person. If requested by the detained person or his attorney, the hearing may be postponed for a period not to exceed (~~twenty-four~~) forty-eight hours. The hearing may also be continued subject to the conditions set forth in section 14 of this 1974 amendatory act or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed fourteen days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310 (~~and that if such person requests release from the evaluation and~~

treatment facility during the fourteen day period he will be brought before a court pursuant to RCW 71.05-480)).

Sec. 17. Section 30, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.250 are each amended to read as follows:

At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his behalf;
- (2) To cross-examine witnesses who testify against him;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court

file.

The physician-patient privilege shall be deemed waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that it is unreasonable for the petitioner seeking 14-day involuntary treatment to obtain a sufficient evaluation of the detained person by a psychiatrist or psychologist or other health professional and such waiver is necessary in the opinion of the court to protect either the detained person or the public.

Whenever the physician-patient privilege is deemed waived pursuant to this section, the waiver shall be limited to the introduction of relevant and competent medical records or testimony of an evaluation or treatment facility or its staff, a facility of the department of social and health services or its staff, or a facility certified for 90-day treatment by the department of social and health services or its staff for the purpose of meeting evaluation requirements contained in chapter 10.77 RCW and chapter 71.12 RCW: PROVIDED HOWEVER, That the physician-patient privilege shall not be waived if the physician specifically identifies himself to the detained person as one who is communicating with that person for treatment only: AND PROVIDED FURTHER, That the privilege shall not extend to incident reports involving the detained person.

The record maker shall not be required to testify in order to introduce medical records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

Sec. 18. Section 31, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.26C are each amended to read as follows:

(1) Involuntary treatment ordered at the time of the probable cause hearing shall be for no more than fourteen days, and shall terminate sooner when, in the opinion of the professional person in

charge of the facility or his professional designee, (a) the person no longer constitutes a likelihood of serious harm to himself or others, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for fourteen days of intensive treatment shall be released at the end of the fourteen days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom RCW 71.05.280 is applicable.

Sec. 19. Section 33, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.280 are each amended to read as follows:

At the expiration of the fourteen day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 for an additional period, not to exceed ninety days if:

(1) Such person has threatened, attempted, or inflicted physical harm upon the person of another or himself after having been taken into custody for evaluation and treatment, and, as a result of mental disorder presents a likelihood of serious harm to others or himself; or

(2) Such person was taken into custody as a result of conduct in which he attempted or inflicted physical harm upon the person of another or himself, and continues to present, as a result of mental disorder, a likelihood of serious harm to others or himself; or

(3) Such person is in custody because he has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, wilfulness, or state of mind as an element of the felony; or

(4) Such person is gravely disabled.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter or chapter 10.76 RCW, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment.

Sec. 20. Section 34, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.290 are each amended to read as follows:

At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his professional designee or the designated county mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining ((licensed psychologist unless one of these persons is not reasonably available; in which case another mental health professional who participated in the examination may sign such affidavits)) mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent (and the charges have been dismissed) without prejudice pursuant to RCW 10.77.090 (3) (or its successors), then the professional person in charge of the treatment facility or his professional designee may directly file a petition for ninety day treatment under section 19 (1) of this 1974 amendatory act. No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 21. Section 35, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.300 are each amended to read as follows:

((A) The petition for ninety day treatment shall be filed with the clerk of the superior court. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing, and shall notify the ((prosecuting attorney)) designated county mental health professional. The ((person filing the petition)) designated county mental health professional shall immediately notify the person detained, his attorney, if any, and his guardian or conservator, if any, and the prosecuting attorney shall provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court and the court shall advise him of his right to be represented by an attorney and of his right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person. The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 22. Section 36, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.310 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within ~~((four))~~ five judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within ten judicial days of the filing of the petition for ninety day treatment. The court may continue the hearing upon the written request of the person named in the petition or his attorney, which continuance shall not exceed ten additional judicial days. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the ~~((petitioning facility))~~ petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to section 18 of this 1974 amendatory act.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his attorney, the detained person shall be released.

Sec. 23. Section 37, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that ~~((the person named in the petition {a} has threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and as a result of mental disorder, presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention; or {b} was taken into custody as a result of attempting to inflict or inflicting physical harm upon the person of another, and as a result of mental disorder presents an imminent threat of serious physical harm to others;))~~ grounds set forth in section 19 of this 1974 amendatory act have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the court or jury finds that ~~((the respondent has committed acts falling within either subsection {i} {a} or {b} of this~~

section)) grounds set forth in section 19 of this 1974 amendatory act have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of ninety days unless the superintendent or professional person in charge of the facility in which he is confined files a new petition for involuntary treatment on the grounds that the committed person (has attempted or actually inflicted physical harm on another during his period of involuntary treatment; and he is a person who, by reason of mental disorder, presents a likelihood of serious harm; and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention));

(a) Has threatened, attempted, or inflicted physical harm upon the person of another during the current period of court ordered treatment and, as a result of mental disorder presents a likelihood of serious harm to others; or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, a likelihood of serious harm to others; or

(c) Is in custody pursuant to section 20 (3) of this 1974 amendatory act and as a result of mental disorder presents a substantial likelihood of repeating similar acts; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this act, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard ((either)) in the superior court of the county of the facility which is filing the new petition for involuntary treatment ((or in the superior court of the county wherein the original petition for involuntary treatment was filed)) unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the ((county wherein the original petition for involuntary treatment was filed; when such proceedings are had in a county other than the county wherein the petition for involuntary treatment was filed and arrangements shall be made and agreements reached between involved

counties for billing and payment arrangements to meet said responsibility)) state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 24. Section 39, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.340 are each amended to read as follows:

(1) When in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient care prior to the expiration of the period of commitment, then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient care is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3) If the hospital or facility designated to provide outpatient care, the designated county mental health professional or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions of his release, and because of that failure has become a substantial danger to himself or other persons, then, upon notification by the hospital or facility designated to provide outpatient care, or on his own motion, the

designated county mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he is receiving outpatient treatment until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he had been conditionally released. The designated county mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court that originally ordered commitment shall be notified ((before the close of the next)) within two judicial days of a person's detention under the provisions of this section, and the designated county mental health professional or the secretary shall file his petition and order of apprehension and detention with the court and serve them upon the person detained((7)). His attorney, if any, and his guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his release; and, if he failed to adhere to such terms and conditions, ((~~(a)~~ whether he is likely to injure himself or other persons if not returned for involuntary treatment on an inpatient basis; or (b)) whether the conditions of release should be modified or the person should be returned to the facility. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his counsel and his guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the designated county mental health professional or the secretary on the same basis set forth therein without ((the secretary)) requiring or ordering the apprehension and detention of the conditionally released person, in which case the

court hearing shall take place in not less than fifteen days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

Sec. 25. Section 41, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.360 are each amended to read as follows:

(1) Every person involuntarily detained((; certified;)) or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter and shall retain all rights not denied him under this chapter ((and which follow from such denial by necessary implication)).

(2) Each person involuntarily detained((; certified;)) or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

Sec. 26. Section 42, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.370 are each amended to read as follows:

Insofar as ((imminent)) danger to the individual or others is not created, each person involuntarily detained, ((certified;)) treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his own clothes and to keep and use his own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him, and not to have shock treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall

appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have ((a lobotomy)) psychosurgery performed on him under any circumstances.

Sec. 27. Section 44, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional;

(2) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation;

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(4) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, _____, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/_____"

(5) To the courts as necessary to the administration of this chapter.

(6) To law enforcement officers when requesting such information necessary to carry out the provisions of RCW 9.41.070 and Public Law 90-618.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any ((civil or criminal)) legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 28. Section 49, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.440 are each amended to read as follows:

Any person may bring an action against an individual who has wilfully ((and knowingly)) released confidential information or records concerning him in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or his ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law.

Sec. 29. Section 53, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.480 are each amended to read as follows:

((Any staff person of a facility for evaluation and treatment to whom an objection to detention or a request for release is made, shall promptly provide the person making the request with a copy of

the form provided for hereinafter in this section, help him to fill out the form, and deliver the completed form to the professional person in charge of the facility, or his professional designee. Not later than the next judicial day the professional person in charge of the facility, or his designee, shall file with the clerk of the superior court the request for release. Not later than two days after filing such request, the facility shall notify the clerk as to whether or not such person has been released. If no notice is received or the person has not been released, the clerk shall notify a judge of the superior court who shall immediately appoint an attorney to represent the person who has requested release. A form for a request for release shall be provided in accordance with rules and regulations adopted by the secretary.)) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

Sec. 30. Section 56, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.510 are each amended to read as follows:

Any individual who ((negligently,)) knowingly, ((or)) wilfully((, in violation of)) or through gross negligence violates the provisions of this chapter((, detains)) by detaining a person for more than the allowable number of days shall be liable to the person detained in civil damages. It shall not be a prerequisite to an action under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general damages.

NEW SECTION. Sec. 31. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to certain items Substitute House Bill 1525 entitled:

Veto
Message

"AN ACT Relating to Civil Commitment."

Section 3 of the bill substantially amends a section of the civil commitment law passed in 1973 in order to establish procedures for the admission, detention and treatment of minors. Subsection 3 (e) of section 3 establishes certain release procedures for voluntarily admitted minors. However, an item in subsection 3 (e) makes reference to a juvenile court which originally committed the minor. Inasmuch as the subsection relates only to voluntary admissions there clearly is no court of original commitment. Accordingly, I have vetoed that item.

Section 6 of the bill, among other things, provides that a voluntarily admitted person may be detained for a period not to exceed four days in order to obtain an evaluation of his condition for the purpose of initiating involuntary commitment proceedings. The provision allowing detention for four days could effectively allow the detention of a voluntarily admitted person for a period twice as long as that allowed for involuntarily detained persons. Accordingly, I have determined to veto that item.

It should additionally be noted that the standard for determining whether a voluntarily admitted person should be detained for evaluation is significantly less than the standard for detention of involuntarily detained persons. I would urge the Legislature to change this standard to bring it into conformity with the balance of the act and eliminate detrimental inconsistencies." Veto
Message

CHAPTER 146

[Engrossed Senate Bill No. 2329]

LEGAL SERVICES REVOLVING FUND

AN ACT Relating to state government; amending section 1, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.150; amending section 2, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.160; amending section 4, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.180; repealing section 5, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.190 and providing an effective date.

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

Section 1. Section 1, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.150 are each amended to read as follows:

A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding ~~((and))~~, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general.

Sec. 2. Section 2, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.160 are each amended to read as follows:

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 or administrative expenses 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))~~ will fully reimburse funds appropriated to the attorney general ~~((and at such times as are designated by the director of the office of program planning and fiscal management))~~ for any legal services provided activities financed by nonappropriated funds.

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.

Sec. 3. Section 4, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.180 are each amended to read as follows:

((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)) allocation of costs to funds and agencies served 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)) to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

V- NEW SECTION. Sec. 4. Section 5, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.190 are each repealed.

NEW SECTION. Sec. 5. This act shall take effect on July 1, 1974 for costs, billings and charges affecting the 1975 fiscal year and subsequent biennia.

Passed the Senate January 21, 1974.

Passed the House February 6, 1974.

Approved by the Governor February 14, 1974, with the exception of Section 4 which is vetoed.

Filed in Office of Secretary of State February 26, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item Senate Bill 2329 entitled:

Veto
Message

"AN ACT Relating to state government."

This bill provides for certain changes in the procedures governing the legal services revolving fund. Section four would repeal the authority currently granted which allows disbursements from the fund in excess of the amount appropriated at the request of an agency requiring additional legal services and upon the approval of the Office of Program Planning and Fiscal Management. The difficulty with such a repeal is that it is not at all clear that the additional payments from an agency's appropriated funds to the revolving fund would constitute an unanticipated receipt for the purpose of exceeding the revolving funds appropriation through that process. If it were determined that such inter-agency reimbursement were not an unanticipated receipt, the needed flexibility provided for currently would be lost. Accordingly I have vetoed that item consisting of section four.

With exception of that item noted above, I have approved Senate Bill 2329."

CHAPTER 147
[Engrossed Senate Bill No. 3040]
WASHINGTON HEALTH CARE
FACILITIES AUTHORITY

AN ACT Relating to the public health and to hospitals, health care facilities and the equipment thereof; creating the Washington health care facilities authority, prescribing its powers and duties, authorizing the issuance thereby of bonds and other obligations and providing their terms and security; and adding a new chapter to Title 70 RCW.

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

NEW SECTION. Section 1. The good health of the people of our state is a most important public concern. The state has a direct interest in seeing to it that health care facilities adequate for good public health are established and maintained in sufficient numbers and in proper locations. The rising costs of care of the infirm constitute a grave challenge not only to health care providers but to our state and the people of our state who will seek such care. It is hereby declared to be the public policy of the state of Washington to assist and encourage the building, providing and utilization of modern, well equipped and reasonably priced health care facilities, and the improvement, expansion and modernization of health care facilities in a manner that will minimize the capital costs of construction, financing and use thereof and thereby the costs to the public of the use of such facilities, and to contribute to improving the quality of health care available to our citizens. In order to accomplish these and related purposes this chapter is adopted and shall be liberally construed to carry out its purposes and objects.

NEW SECTION. Sec. 2. As used in this chapter, the following words and terms have the following meanings, unless the context indicates or requires another or different meaning or intent and the singular of any term shall encompass the plural and the plural the singular unless the context indicates otherwise:

(1) "Authority" means the Washington health care facilities authority created by section 3 of this act or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" mean bonds, notes or other evidences of indebtedness of the authority issued pursuant hereto.

(3) "Health care facility" means any land, structure, system, machinery, equipment or other real or personal property or

appurtenances useful for or associated with delivery of inpatient or outpatient health care service or support for such care or any combination thereof which is operated or undertaken in connection with hospital, clinic, health maintenance organization, diagnostic or treatment center, extended care facility, or any facility providing or designed to provide therapeutic, convalescent or preventive health care services, excluding, however, any facility which is maintained by a participant primarily for rental or lease to self-employed health care professionals or as an independent nursing home or other facility primarily offering domiciliary care.

(4) "Participant" means any city, county or other municipal corporation or agency or political subdivision of the state or any corporation, hospital, or health maintenance organization authorized by law to operate nonprofit health care facilities.

(5) "Project" means a specific health care facility or any combination of health care facilities, constructed, purchased, acquired, leased, used, owned or operated by a participant, and alterations, additions to, renovations, enlargements, betterments and reconstructions thereof.

NEW SECTION. Sec. 3. There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010, as now or hereafter amended. The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the chairman of the Washington State hospital commission, and one member of the public who shall be appointed by the governor, subject to confirmation by the senate, for terms of four years each on the basis of their interest or expertise in health care delivery, the first appointees to be appointed for terms expiring on the second and fourth March 1st, respectively, following enactment of this chapter. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall serve without compensation, but shall be entitled to reimbursement, solely from the funds of the authority, of necessary expenses incurred in the discharge of their duties under this chapter, subject to the provisions of chapter 43.03 RCW. A majority shall constitute a quorum.

NEW SECTION. Sec. 4. (1) The authority is hereby empowered to issue bonds for the construction, purchase, acquisition, rental,

leasing or use by participants of projects for which bonds to provide funds therefor have been approved by the authority. Such bonds shall be issued in the name of the authority. They shall not be obligations of the state of Washington or general obligations of the authority but shall be payable only from the special funds created by the authority for their payment. They shall contain a recital on their face that their payment and the payment of interest thereon shall be a valid claim only as against the special fund relating thereto derived by the authority in whole or in part from the revenues received by the authority from the operation by the participant of the health care facilities for which the bonds are issued but that they shall constitute a prior charge over all other charges or claims whatever against such special fund. The lien of any such pledge on such revenues shall attach thereto immediately on their receipt by the authority and shall be valid and binding as against parties having claims of any kind in tort, contract or otherwise against the participant, without recordation thereof and whether or not they have notice thereof. For inclusion in such special funds and for other uses in or for such projects of participants the authority is empowered to accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds and other security instruments, and property from the federal government or the state of Washington or other public body, entity or agency and from any public or private institution, association, corporation or organization, including participants, except that it shall not accept or receive from the state or any taxing agency any money derived from taxes save money to be devoted to the purposes of a project of the state or taxing agency.

(2) For the purposes outlined in subsection (1) of this section the authority is empowered to provide for the issuance of its special fund bonds and other limited obligation security instruments subordinate to the first and prior lien bonds, if any, relating to a project or projects of a participant and to create special funds relating thereto against which such subordinate securities shall be liens, but the authority shall not have power to incur general obligations with respect thereto.

(3) The authority may also issue special fund bonds to redeem or to fund or refund outstanding bonds of a project or a participant or any part thereof at maturity, or before maturity if subject to prior redemption, with the right in the authority to include various series and issues of such outstanding special fund bonds of a participant in a single issue of funding or refunding special fund bonds and to pay any redemption premiums out of the proceeds thereto. Such funding or refunding bonds shall be limited special fund bonds

issued in accordance with the provisions of this chapter, including this section and shall not be general obligations of the authority.

(4) Such special fund bonds of either first lien or subordinate lien nature may also be issued by the authority, the proceeds of which may be used to refund already existing mortgages or other obligations on health care facilities already constructed and operating incurred by a participant in the construction, purchase or acquisition thereof.

(5) The authority may also lease to participants, lease to them with option to purchase, or sell to them, facilities which it has acquired by construction, purchase, devise, gift, or leasing: PROVIDED, That the terms thereof shall at least fully reimburse the authority for its costs with respect to such facilities, including costs of financing, and provide fully for the debt service on any bonds issued by the authority to finance acquisition by it of the facilities. To pay the cost of acquiring or improving such facilities or to refund any bonds issued for such purpose, the authority may issue its revenue bonds secured solely by revenues derived from the sale or lease of the facility, but which may additionally be secured by mortgage, lease, pledge or assignment, trust agreement or other security device. Such bonds and such security devices shall not be obligations of the state of Washington or general obligations of the authority but shall be payable only from the special funds created by the authority for their payment. Such health care facilities may be acquired, constructed, reconstructed, and improved and may be leased, sold or otherwise disposed of in the manner determined by the authority in its sole discretion and any requirement of competitive bidding, lease performance bonds or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the state, or any agency thereof, is not applicable to any action so taken by the authority.

NEW SECTION. Sec. 5. The authority shall establish rules concerning its exercise of the powers authorized by this chapter. The authority shall receive from applicants requests for the providing of bonds for financing of health care facilities and shall investigate and determine the need and the feasibility of providing such bonds. In cooperation with the participant the authority shall work out and specify a project plan or system and the agreements and contracts to be entered into in order to carry out the purposes and policies of this chapter including contracts with respect to construction, financing, maintenance, operation, or management. Whenever the authority deems it necessary or advisable for the benefit of the public health to provide financing for a health care

facility, it shall adopt a system and plan therefor and shall declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing as well as in the construction or purchase or other acquisition or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs, and shall issue and sell its bonds for the purposes of the proposed plan or system: PROVIDED, That if a certificate of need is required for the proposed project no such plan and system shall be adopted until such certificate has been issued pursuant to chapter 70.38 RCW by the secretary of the department of social and health services. The authority shall have power as a part of such system or plan to create a special fund or funds for the purpose of defraying the cost of such project and for other projects of the same participant subsequently or at the same time approved by it and for their maintenance, improvement, reconstruction, remodeling and rehabilitation, into which special fund or funds it shall obligate and bind the participant to set aside and pay from the gross revenues of the project or from other sources an amount sufficient to pay the principal and interest of the bonds being issued, reserves and other requirements of the special fund and to issue and sell bonds payable as to both principal and interest out of such fund or funds relating to the project or projects of such participant.

Such bonds shall be executed in such manner, bear such date or dates, mature at such time or times, be in such denominations, be in such form, either coupon or registered, or both, carry such registration privileges, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption as the authority shall determine.

NEW SECTION. Sec. 6. The bonds of the authority shall be subject to such terms, conditions and covenants and protective provisions as shall be found necessary or desirable by the authority, which may include but shall not be limited to provisions for the establishment and maintenance by the participant of rates for health services of the project, fees and other charges of every kind and nature sufficient in amount and adequate, over and above costs of operation and maintenance and all other costs other than costs and expenses of capital, associated with the project, to pay the principal of and interest on the bonds payable out of the special fund or funds of the project, to set aside and maintain reserves as determined by the authority to secure the payment of such principal and interest, to set aside and maintain reserves for repairs and replacement, to maintain coverage which may be agreed upon over and

above the requirements of payment of principal and interest, and for other needs found by the authority to be required for the security of the bonds. When issuing bonds the authority may provide for the future issuance of additional bonds on a parity with outstanding bonds, and the terms and conditions of their issuance.

All bonds issued under the authority of this chapter shall constitute legal investments for trustees and other fiduciaries and for savings and loan associations, banks, and insurance companies doing business in this state. All such bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning of and for all purposes of the negotiable instruments law of this state.

NEW SECTION. Sec. 7. All revenues received by the authority from a participant derived from a particular project of such participant to be applied on principal and interest of bonds or for other bond requirements such as reserves and all other funds for the bond requirements of a particular project received from contributions or grants or in any other form shall be deposited by the authority in qualified public depositories to the credit of a special trust fund to be designated as the authority special bond fund for the particular project or projects producing such revenue or to which the contribution or grant relates. Such fund shall not be or constitute funds of the state of Washington but at all times shall be kept segregated and set apart from other funds. From such funds, the authority shall make payment of principal and interest of the bonds of the particular project or projects; and the authority may set up subaccounts in the bond fund for reserve accounts for payment of principal and interest, for repairs and replacement and for other special requirements of the bonds of the project or projects as determined by the authority. In lieu of itself receiving and handling these moneys as here outlined the authority may appoint trustees, depositories and paying agents to perform the functions outlined and to receive, hold, disburse, invest and reinvest such funds on its behalf and for the protection of the bondholders.

NEW SECTION. Sec. 8. Proceeds from the sale of all bonds of a project issued under the provisions of this chapter received by the authority shall be deposited forthwith by the authority in qualified public depositories in a special fund for the particular project for which the bonds were issued and sold, which money shall not be funds of the state of Washington. Such fund shall at all times be segregated and set apart from all other funds and in trust for the purposes of purchase, construction, acquisition, leasing, or use by the participants of a project or projects, and for other special needs of the project declared by the authority, including the manner

of disposition of any money not finally needed in the construction, purchase, or other acquisition. Money other than bond sale proceeds received by the authority for these same purposes, such as contributions from a participant or a grant from the federal government may be deposited in the same project fund. Proceeds received from the sale of the bonds may also be used to defray the expenses of the authority in connection with and incidental to the issuance and sale of bonds for the project, as well as expenses for studies, surveys, estimates, inspections and examinations of or relating to the particular project, and other costs advanced therefor by the participant or by the authority. In lieu of itself receiving and handling these moneys in the manner here outlined the authority may appoint trustees, depositaries and paying agents to perform the functions outlined and to receive, hold, disburse, invest and reinvest such funds on its behalf and for the protection of the participants and of bondholders.

NEW SECTION. Sec. 9. The authority shall have power to require persons applying for its assistance in connection with the investigation and financing of projects to pay fees and charges to provide the authority with funds for investigation, financial feasibility studies, expenses of issuance and sale of bonds and other charges for services provided by the authority in connection with such projects. All other expenses of the authority including compensation of its employees and consultants, expenses of administration and conduct of its work and business and other expenses shall be paid out of such fees and charges, out of contributions and grants to it, out of the proceeds of bonds issued for projects of participants or out of revenues of such projects; none by the state of Washington. The authority shall have power to establish special funds into which such money shall be received and out of which it may be disbursed by the persons and with the procedure and in the manner established by the authority.

NEW SECTION. Sec. 10. The authority may make contracts, employ or engage engineers, architects, attorneys, and other technical or professional assistants, and such other personnel as are necessary. It may enter into contracts with the United States, accept gifts for its purposes, borrow money for its purposes on its credit or on its revenues, charges and fees and exercise any other power reasonably required to implement the principal powers granted in this chapter. It shall have no power to levy any taxes of any kind or nature and no power to incur obligations on behalf of the state of Washington.

NEW SECTION. Sec. 11. Any city, county or other political subdivision of this state and any public health care facility is

hereby authorized to advance or contribute to the authority real property, money, and other personal property of any kind towards the expense of preliminary surveys and studies and other preliminary expenses of projects which they are by other statutes of this state authorized to own or operate which are a part of a plan or system which has been submitted by them and is under consideration by the authority for assistance under the provisions of this chapter.

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.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 70 RCW.

Passed the Senate January 31, 1974.

Passed the House February 6, 1974.

Approved by the Governor February 14, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State February 26, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Engrossed Senate Bill No. 3040 entitled:

"AN ACT Relating to the public health and to hospitals, health care facilities and the equipment thereof; creating the Washington health care facilities authority, prescribing its powers and duties, authorizing the issuance thereby of bonds and other obligations and providing their terms and security; and adding a new chapter to Title 70 RCW."

Veto
Message

Subsection 3 in section 4 of the bill permits the health care facilities authority to issue special fund bonds for redeeming, funding, or refunding outstanding bonds. The subsection contains, however, misleading terms that could be construed to mean that refunded bonds are obligations of the participating hospitals rather than obligations of the authority. This could conceivably result in a challenge under Article 8, Section 5 of the State Constitution prohibiting the credit of the state to be given or loaned to any individual, association or corporation. Accordingly, I have vetoed those items.

Section 8 of the bill provides for the disposition of proceeds of bonds issued pursuant to this act. The expressed intention in section 4 (5) that the bond proceeds may be used by the authority as well as by participants for the various purposes stated therein is clouded by an item in section 8 that could be construed to mean that such proceeds may only be used by participants. To clarify the intent of the act, I have vetoed that item.

Section 10 of the bill enumerates the powers granted to the authority, including an item relating to borrowing money on its credit or revenues, charges and fees. The language can be reasonably interpreted to suggest that the authority is permitted under the act to issue general obligation bonds, which, to my understanding, is not the intent of the bill. For this reason, I have vetoed that item.

With the exception of those items listed above which I have vetoed, I have approved the remainder of Engrossed Senate Bill No. 3040."

CHAPTER 148
[Senate Bill No. 3184]
MUNICIPAL RETIREMENT SYSTEMS—
CREDIT TRANSFERS

AN ACT Relating to public employment; adding a new section to chapter 41.18 RCW; and adding a new section to chapter 41.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.18 RCW a new section to read as follows:

Any former employee of a department of a city of the first class, of over two hundred thousand population, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his former membership credit from the city employees' retirement system to the fireman's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal fireman's pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's fireman's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal fireman's pension board a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's fireman's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be allowed to restore contributions withdrawn from that retirement system directly to the fireman's pension system and receive credit in the fireman's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he would have been entitled to had he been a member of the city's fireman's pension system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon such service with the city.

The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974.

NEW SECTION. Sec. 2. There is added to chapter 41.20 RCW a new section to read as follows:

A former employee of a fire department of a city of the first class who (1) was a member of the fireman's pension system created by chapters 41.16 or 41.18 RCW, and (2) is now employed within the police department of such city, will be regarded as having received membership service credit for such service to the fire department in the city's police and relief pension system at the time he recovers such service credit by paying withdrawn contributions to the Washington law enforcement officers' and fire fighters' retirement system pursuant to RCW 41.26.030 (14).

Passed the Senate January 29, 1974.

Passed the House February 5, 1974.

Approved by the Governor February 13, 1974, with the exception of an item in Section 1 which is vetoed.

Filed in Office of Secretary of State February 26, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item Senate Bill No. 3184 entitled:

"AN ACT Relating to public employment."

Veto
Message

This bill permits former employees of a city of the first class of over two hundred thousand population who are now employed by the fire department of such city to transfer their pension credits from the city retirement system to the firemen's pension system.

A similar bill, Chapter 143, Laws of 1973, was enacted in the 1973 regular session of the Legislature allowing former city employees of first class cities who are now employed by the city police department to transfer their pension credits in like manner.

The 1973 act did not restrict its application to only a first class city of over two hundred thousand population, and there is no good reason why Senate Bill No. 3184 should be so restricted. Legislative consistency dictates that benefits conferred to a class of employees be made equally available to all those eligible within that class.

For the foregoing reasons, I have determined to veto the item in section 1 of the bill which restricts the application of the bill to solely a first class city of over two hundred thousand population, so that the bill will be applicable to all first class cities. The remainder of Senate Bill No. 3184 is approved.

CHAPTER 149

[Initiative Measure No. 282]

ELECTED PUBLIC OFFICIALS--SALARIES

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

Section 1. Section 110, chapter 137, Laws of 1973 1st ex. sess. is amended to read as follows:

GENERAL FUND APPROPRIATION TO THE GOVERNOR:

To be allocated by the governor in order to implement salary increases to enable the payment of salaries to the below

described elective executive, judicial, and legislative officials according to the schedule of annual salaries prescribed in this section commencing January 1, 1974: PROVIDED, That such increases for legislators shall not take effect until the first date permitted by the Constitution of this state..... \$ 1,359,059

Schedule of Annual Salaries

Executive Officials

Governor.....	\$((47,300))	<u>34,300</u>
Lieutenant Governor.....	\$((22,000))	<u>10,600</u>
Attorney General.....	\$((37,950))	<u>24,300</u>
Superintendent of Public Instruction.....	\$((37,950))	<u>23,750</u>
Commissioner of Public Lands.....	\$((33,000))	<u>21,100</u>
Auditor.....	\$((29,700))	<u>17,400</u>
Insurance Commissioner.....	\$((29,700))	<u>17,400</u>
Secretary of State.....	\$((26,400))	<u>15,800</u>
Treasurer.....	\$((26,400))	<u>15,800</u>

Judicial Officials

Supreme Court.....	\$((30,000))	<u>34,825</u>
Court of Appeals.....	\$((35,000))	<u>31,650</u>
Superior Court.....	\$((32,000))	<u>28,500</u>
Full Time District Court Judges: PROVIDED, That no funds shall be allocated from this appropriation to implement these salary increases... \$((26,000))		<u>23,250</u>

Legislative Officials

Legislators.....	\$((40,560))	<u>3,800</u>
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Sec. 2. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 1, chapter 100, Laws of 1967 ex. sess. and RCW 43.03.010 are each amended to read as follows:

The annual salaries of the following named state elected officials shall be: Governor, ((thirty-two thousand five hundred)) thirty-four thousand three hundred dollars; lieutenant governor, ((ten thousand)) ten thousand six hundred dollars; secretary of state, ((fifteen thousand)) fifteen thousand eight hundred dollars; state treasurer, ((fifteen thousand)) fifteen thousand eight hundred dollars; state auditor ((sixteen thousand five hundred)) seventeen thousand four hundred dollars; attorney general, ((twenty-three thousand)) twenty-four thousand three hundred dollars; superintendent of public instruction, ((twenty-two thousand five hundred)) twenty-three thousand seven hundred fifty dollars; commissioner of public lands, ((twenty thousand)) twenty-one thousand one hundred dollars;

state insurance commissioner, ((sixteen thousand five hundred)) seventeen thousand four hundred dollars; members of the legislature shall receive for their service ((three thousand six hundred)) three thousand eight hundred dollars per annum; and in addition, ten cents per mile for travel to and from legislative sessions.

Sec. 3. Section 1, chapter 144, Laws of 1953 as last amended by section 2, chapter 106, Laws of 1973 and RCW 2.04.090 are each amended to read as follows:

Each justice of the supreme court shall receive an annual salary of ((thirty-three thousand)) thirty-four thousand eight hundred twenty-five dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 4. Section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 3, chapter 106, Laws of 1973 and RCW 2.06.060 are each amended to read as follows:

Each judge of the court shall receive an annual salary of ((thirty thousand)) thirty-one thousand six hundred fifty dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 5. Section 2, chapter 144, Laws of 1953 as last amended by section 3, chapter 100, Laws of 1972 ex. sess. and RCW 2.08.090 are each amended to read as follows:

Each judge of the superior court shall receive an annual salary of ((twenty-seven thousand)) twenty-eight thousand five hundred dollars.

Sec. 6. Section 100, chapter 299, Laws of 1961 as last amended by section 4, chapter 100, Laws of 1972 1st ex. sess. and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time justice of the peace shall be ((twenty-two)) twenty-three thousand two hundred and fifty dollars: PROVIDED, That in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday.

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.

Filed in Office of Secretary of State June 12, 1973.

Passed by a vote of the people at the state general election held on November 6, 1973.
Proclamation declaring the measure effective law signed by the Governor on December 6, 1973.

CHAPTER 150
[Engrossed Senate Bill No. 3023]
APPROPRIATION OF WATER
FOR IRRIGATION PROJECTS—
ENVIRONMENTAL IMPACT STATEMENT EXEMPTION

AN ACT Relating to irrigation; and adding a new section to chapter 43.21C RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.21C RCW a new section to read as follows:

Decisions pertaining to applications for appropriation of fifty cubic feet of water per second or less for irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government pursuant to RCW 90.03.250 through 90.03.340, as now or hereafter amended, to be used for agricultural irrigation shall not be subject to the requirements of RCW 43.21C.030 (2) (c), as now or hereafter amended.

Passed the Senate January 29, 1974.
Passed the House February 7, 1974.
Vetoed by the Governor February 15, 1974.
Veto overridden by Senate April 17, 1974.
Veto overridden by House April 19, 1974.
Filed in Office of Secretary of State April 22, 1974.
Note: Governor's explanation of veto is as follows:

"I am returning herewith without my approval Engrossed Senate Bill No. 3023 entitled:

"AN ACT Relating to irrigation."

This bill exempts from the requirement of RCW 43.210.030 relating to the filing of environmental impact statements those decisions pertaining to certain applications for irrigation waters of fifty cubic feet per second or less, an amount which would be sufficient to irrigate up to 3,000 and 4,000 acres of farm land.

The bill represents the first time the Legislature has provided a direct exemption to the environmental impact statement requirement of the State Environmental Policy Act of 1971. I do not believe the exemption can be justified in light of the scope of the irrigation project involved.

I further do not believe that the problems caused by the State Environmental Policy Act should be remedied by the Legislature on a piecemeal basis.

At the outset of the Third Extraordinary Session of the Legislature, I submitted by Executive Request concurrently in the House and Senate, House Bill 1545 and Senate Bill 3310 providing for revisions in the State Environmental Policy Act which would alleviate some of the unwarranted difficulties caused by the act by simplifying some of the procedural requirements for proposals which do not have a substantial impact on the environment. I believe the Legislature should enact this proposal or a similar proposal which would equitably address the problems of all concerned while retaining the integrity of the State Environmental Policy Act.

For the foregoing reasons, I have determined to veto Engrossed Senate Bill No. 3023."

Note: Secretary of the Senate's letter informing the Secretary of State that the Legislature has overridden the Governor's veto is as follows:

Honorable A. Ludlow Kramer
Secretary of State
Legislative Building
Olympia, Washington 98504

Dear Mr. Kramer:

I am transmitting herewith Senate Bill No. 3023, which was passed notwithstanding the veto of the Governor, by the Senate by a vote of 37 Yeas and 9 Nays on April 17, 1974; and by the House of Representatives by a vote of 79 Yeas and 17 Nays on April 19, 1974.

Done at Olympia, Washington,
this 19th day of April, 1974.

SID SNYDER
Secretary of the Senate

CHAPTER 151

[Engrossed Senate Bill No. 3039]

PARKS AND STATE LANDS—
TELEVISION STATION LEASES

AN ACT Relating to parks and state lands; and adding a new section to chapter 39, Laws of 1953 and to chapter 43.51 RCW.

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

NEW SECTION. Section 1. There is added to chapter 39, Laws of 1953 and to chapter 43.51 RCW a new section to read as follows:

The commission shall determine the fair market value for television station leases based upon independent appraisals and existing leases for television stations shall be extended at said fair market rental for at least one period of not more than twenty years: PROVIDED, That the rates in said leases shall be renegotiated at five year intervals: PROVIDED FURTHER, That said stations shall permit the attachment of antennae of publicly operated broadcast and microwave stations where electronically practical to combine the towers: PROVIDED FURTHER, That notwithstanding any term to the contrary in any lease, this section shall not preclude the commission from prescribing new and reasonable lease terms relating to the

modification, placement or design of facilities operated by or for a station, and any extension of a lease granted under this section shall be subject to this proviso: PROVIDED FURTHER, That notwithstanding any other provision of law the director in his discretion may waive any requirement that any environmental impact statement or environmental assessment be submitted as to any lease negotiated and signed between January 1, 1974 and December 31, 1974.

Passed the Senate February 9, 1974.
Passed the House February 7, 1974.
Vetoed by Governor February 16, 1974.
Veto overridden by Senate, April 16, 1974.
Veto overridden by House, April 19, 1974.
Filed in Office of Secretary of State April 22, 1974.
Note: Governor's explanation of veto is as follows:

"I am returning herewith without my approval Senate Bill No. 3039, entitled:

"AN ACT Relating to parks and state lands."

Senate Bill No. 3039 provides for the extension of existing leases of transmitter sites for KVOS-TV on Mt. Constitution and KXLY-TV on Mt. Spokane. Both of these areas are within state parks.

On May 8, 1972 after appropriate public hearings, the State Parks and Recreation Commission adopted a policy regarding non-park structures within state park boundaries. The policy states in part:

"The Commission is firmly opposed to the placement on park lands of any facilities which will adversely affect public recreation or despoil the natural environment. Public recreational needs and park values are paramount to any other use. Conflicting uses shall be considered only when public welfare, safety, or necessity clearly requires the use of the site when no suitable alternative site exists.

When non-park structures are permitted on parks they shall be designed, built, and maintained with the least possible intrusion on park values, and made to serve public recreational needs whenever possible.

Users of such non-park facilities shall be required to combine and to share buildings and antenna supporting towers where feasible. Outstanding leases notwithstanding, all users and lessees shall be expected to cooperate with any proposal of the Commission to combine into a structure or structures suitable for joint use."

In compliance with this policy the Commission has determined the necessity for KXLY-TV to remain on Mt. Spokane. The new lease agreement between the commission and KXLY-TV is scheduled to be signed in March 1974. In compliance with the same policy, the Commission has determined not to renew the KVOS-TV lease on Mt. Constitution but has extended the existing lease to August 11, 1975, because of the delay involved during the negotiations and final Commission decision. In the case of KXLY-TV the Commission has found that necessity exists. A lease will be signed in March and the issue shortly will be moot. In the case of KVOS-TV an alternate site exists and is readily available. I believe the policy of the Commission relative to non-park facilities on park lands is appropriate and was properly exercised in relation to KVOS-TV and Mt. Constitution.

I further believe that the determination of this policy and its implementation should properly remain with the Commission, which was previously granted this authority by the Legislature."

Note: Secretary of the Senate's letter informing the Secretary of State that the Legislature has overridden the Governor's veto is as follows:

Honorable A. Ludlow Kramer
Secretary of State
Legislative Building
Olympia, Washington 98504

Dear Mr. Kramer:

I am transmitting herewith Senate Bill No. 3039, which was passed notwithstanding the veto of the Governor, by the Senate by a vote of 37 Yeas and 8 Nays on April 16, 1974; and by the House of Representatives by a vote of 72 Yeas and 25 Nays on April 19, 1974.

Done at Olympia, Washington,
this 19th day of April, 1974.

SID SNYDER
Secretary of the Senate

CHAPTER 152
[Substitute House Bill No. 29]
STATE LOTTERY—
REFERENDUM BILL NO. 34

AN ACT Relating to the establishment and operation of a state lottery; amending section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; creating new sections; prescribing penalties; providing for submission of this act to a vote of the people; and making an appropriation.

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

NEW SECTION. Section 1. For the purposes of this chapter:

- (1) "Commission" shall mean the state gambling commission established by RCW 9.46.040.
- (2) "Lottery" or "state lottery" shall mean the lottery established and operated pursuant to this chapter.
- (3) "Director" shall mean the director of the state lottery.

NEW SECTION. Sec. 2. The department of motor vehicles shall provide such office, administrative, and legal services as are required by the commission and the director of the state lottery to carry out the provisions of this chapter. However, the costs of such services shall be paid for by the director of the state lottery from moneys placed within the revolving fund created by section 20 of this 1974 amendatory act.

Any vacancy occurring in the office of the director of the state lottery shall be filled in the same manner as the original appointment.

The director of the state lottery shall be appointed by the commission and shall devote his entire time and attention to the duties of his office and shall not be engaged in any other profession or occupation. He shall receive such salary as shall be determined by the commission and the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to his employment.

NEW SECTION. Sec. 3. In addition to the powers and duties enumerated in RCW 9.46.070 as now or hereafter amended, the commission shall have the power, and it shall be its duty:

(1) To promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules and regulations may include, but shall not be limited to, the following:

- (a) The type of lottery to be conducted;
- (b) The price, or prices, of tickets or shares in the lottery;
- (c) The numbers and sizes of the prizes on the winning tickets or shares;
- (d) The manner of selecting the winning tickets or shares;
- (e) The manner and time of payment of prizes to the holders of winning tickets or shares which, at the commission's option, may be paid in lump sum amounts or installments over a period of years;
- (f) The frequency of the drawings or selections of winning tickets or shares, without limitation;
- (g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;
- (h) The method to be used in selling tickets or shares;
- (i) The licensing of agents to sell tickets or shares, except that no person under the age of eighteen shall be licensed as an agent;
- (j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;
- (k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among
 - (i) the payment of prizes to the holders of winning tickets or shares shall not be less than forty-five percent of the gross income from such lottery, (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the lottery

and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, but the payment of such costs shall not exceed fifteen percent of the gross income from such lottery (iii) for the repayment of the moneys appropriated to the state lottery fund pursuant to section 24 of this 1974 amendatory act, and (iv) for transfer to the general fund: PROVIDED, That no less than forty percent of the total revenues accruing from the sale of lottery tickets or shares shall be transferred to the state general fund;

(1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To amend, repeal, or supplement any such rules and regulations from time to time as it deems necessary or desirable.

(3) To advise and make recommendations to the director of the state lottery regarding the operation and administration of the lottery.

(4) To publish monthly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding month, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature, and including such recommendations for changes in this chapter as it deems necessary or desirable.

(5) To report immediately to the governor and the legislature any matters which shall require immediate changes in the laws of this state in order to prevent abuses and evasions of this chapter or rules and regulations promulgated thereunder or to rectify undesirable conditions in connection with the administration or operation of the lottery.

(6) To carry on a continuous study and investigation of the lottery throughout the state (a) for the purpose of ascertaining any defects in this chapter or in the rules and regulations issued thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules and regulations may arise or be practiced, (b) for the purpose of formulating recommendations for changes in this chapter and the rules and regulations promulgated thereunder to prevent such abuses and evasions, (c) to guard against the use of this chapter and the rules and regulations issued thereunder as a cloak for the carrying on of professional gambling and crime, and (d) to insure that said law and

rules and regulations shall be in such form and be so administered as to serve the true purposes of this chapter.

(7) To make a continuous study and investigation of (a) the operation and the administration of similar laws which may be in effect in other states or countries, (b) any literature on the subject which from time to time may be published or available, (c) any federal laws which may affect the operation of the lottery, and (d) the reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

NEW SECTION. Sec. 4. The director of the state lottery shall have the power, and it shall be his duty to:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations of the commission;

(2) Subject to the approval of the commission, appoint such deputy directors as may be required to carry out the functions and duties of his office: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such deputy directors;

(3) Subject to the approval of the commission, appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed upon the director of the state lottery by this chapter: PROVIDED, That the provisions of the state civil service law, chapter 41.06 RCW, shall not apply to such employees as are engaged in undercover investigative work but shall apply to other employees appointed by the director, except as provided for in subsection (2) of this section.

(4) In accordance with the provisions of this chapter and the rules and regulations of the commission, to license as agents to sell lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director of the state lottery may require a bond from every licensed agent, in such amount as provided in the rules and regulations of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules and regulations of the commission;

(5) Shall confer regularly as necessary or desirable and not less than once every month with the commission on the operation and administration of the lottery; shall make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; shall advise the commission

and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery;

(6) Subject to the approval of the commission and the applicable laws relating to public contracts, to enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director of the state lottery may be assigned by the holder thereof except by specific approval of the commission: PROVIDED, That nothing in this chapter shall authorize the commission to enter into public contracts for the regular and permanent operation of the lottery after the initial development and implementation. Public contracts authorized under this chapter are to be performed for a flat fee and not on a percentage of the lottery receipts; and

(7) To certify monthly to the state treasurer and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding month.

NEW SECTION. Sec. 5. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.

NEW SECTION. Sec. 6. No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing such license the director of the state lottery shall consider such factors as (1) the financial responsibility and security of the person and his business or activity, (2) the accessibility of his place of business or activity to the public, (3) the sufficiency of existing licenses to serve the public convenience, and (4) the volume of expected sales.

For the purposes of this section, the term "person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall not be construed to mean or include any department, commission, agency, or instrumentality of the state, or any county and municipality or any agency or instrumentality thereof.

NEW SECTION. Sec. 7. Notwithstanding any other provision of law, any person licensed as provided in this chapter is hereby authorized and empowered to act as a lottery sales agent.

NEW SECTION. Sec. 8. The director of the state lottery may suspend or revoke, after notice and hearing, any license issued pursuant to this chapter. Such license may, however, be temporarily suspended by the director of the state lottery without prior notice, pending any prosecution, investigation, or hearing. A license may be suspended or revoked by the director for one or more of the following reasons:

(1) Failure to account for lottery tickets received or the proceeds of the sale of lottery tickets or to file a bond if required by the director of the state lottery or to comply with the instructions of the director concerning the licensed activity;

(2) Conviction of any crime as defined by RCW 9.01.020;

(3) Failure to file any return or report or to keep records or to pay any tax required by this chapter;

(4) Fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the state lottery;

(5) That the number of lottery tickets sold by the lottery sales agent is insufficient to meet administrative costs and that public convenience is adequately served by other licenses;

(6) A material change, since issuance of the license with respect to any matters required to be considered by the director under section 6 of this 1974 amendatory act.

NEW SECTION. Sec. 9. No right of any person to a prize drawn shall be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The director shall be discharged of all further liability upon payment of a prize pursuant to this section.

NEW SECTION. Sec. 10. No person shall sell a ticket or share at a price greater than that fixed by rule or regulation of the commission. No person other than a licensed lottery sales agent shall sell lottery tickets, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift.

Any person convicted of violating this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 11. No ticket or share shall be sold to any person under the age of eighteen, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under the age of eighteen, and is convicted of such, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 12. No ticket or share shall be purchased by, and no prize shall be paid to any of the following persons: Any officer or employee of the lottery or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any officer or employee of the lottery.

NEW SECTION. Sec. 13. Unclaimed prize money for the prize on a winning ticket or share shall be retained in the state lottery fund by the director of the state lottery for the person entitled thereto for one year after the drawing in which the prize was won. If no claim is made for said money within such year, the prize money shall then be transferred to the state general fund and all rights to the prize existing prior to such transfer shall be extinguished as of the day of the transfer.

NEW SECTION. Sec. 14. The director of the state lottery may, in his discretion, require any or all lottery sales agents to deposit to the credit of the state lottery fund in banks designated by the state treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director of the state lottery or his designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director of the state lottery may make such arrangements for any person, including a bank, to perform such functions, activities, or services in connection with the operation of the lottery as he may deem advisable pursuant to this chapter and the rules and regulations of the commission, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

NEW SECTION. Sec. 15. No other law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery shall apply to the sale of tickets or shares performed pursuant to this chapter.

NEW SECTION. Sec. 16. If the person entitled to a prize or any winning ticket is under the age of eighteen years, and such prize is less than five thousand dollars, the director of the state lottery may direct payment of the prize by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of such minor. If the person entitled to a prize or any winning ticket is under the age of eighteen years, and such prize is five thousand dollars or more, the director of the state lottery may direct payment to such minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or a guardian of the minor as custodian for such minor. The person so named as custodian shall have the same duties and powers as a person

designated as a custodian in a manner prescribed by the Washington Uniform Gifts to Minors Act, chapter 21.24 RCW, and for the purposes of this section the terms "adult member of a minor's family", "guardian of a minor" and "bank" shall have the same meaning as in said act. The director of the state lottery shall be discharged of all further liability upon payment of a prize to a minor pursuant to this section.

NEW SECTION. Sec. 17. There is hereby created and established a separate fund, to be known as the state lottery fund. Such fund shall be maintained and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

NEW SECTION. Sec. 18. The moneys in said state lottery fund shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by section 19 of this 1974 amendatory act and into the revolving fund created by section 20 of this 1974 amendatory act; (3) for purposes of making deposits into the general fund; and (4) for the repayment to the general fund of the amount appropriated to the fund pursuant to section 24 of this 1974 amendatory act.

NEW SECTION. Sec. 19. In the event the commission decides to pay any portion of or all of the prizes in the form of installments over a period of years, it shall provide for the payment of all such installments by one, but not both, of the following methods:

(1) It may enter into contracts with any financially responsible person or firm providing for the payment of such installments; or

(2) It may establish and maintain a reserve account into which shall be placed sufficient moneys for the director of the lottery to pay such installments as they become due. Such reserve account shall be maintained as a separate and independent fund outside the state treasury.

NEW SECTION. Sec. 20. There is hereby created a revolving fund into which the commission shall deposit sufficient money to provide for the payment of the costs incurred in the operation and administration of the lottery: PROVIDED, That the amount deposited in such revolving fund shall never exceed fifteen percent of the total revenues accruing from the sale of lottery tickets or shares. Such revolving fund shall be managed, controlled and maintained by the commission and shall be a separate and independent fund outside the state treasury.

NEW SECTION. Sec. 21. The provisions of the administrative procedure act, chapter 34.04 RCW, as now law or hereafter amended, shall apply to administrative actions taken by the commission or the director pursuant to this cha ter.

NEW SECTION. Sec. 22. The state auditor, in addition to the duties assigned to him by RCW 9.46.060 shall conduct an annual post-audit of all accounts and transactions of the lottery and such other special post-audits as he may be directed to conduct pursuant to chapter 43.09 RCW.

NEW SECTION. Sec. 23. If any clause, sentence, paragraph, subdivision, section, provision, or other portion of sections 1 through 19 of this 1974 amendatory act or the application thereof to any person or circumstances is held to be invalid, such holding shall not affect, impair, or invalidate the remainder of this chapter or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, provision, or other portion thereof directly involved in such holding or to the person and circumstances therein involved. If any provision of this chapter is inconsistent with, in conflict with, or contrary to any other provision of law, such provision of this chapter shall prevail over such other provision and such other provision shall be deemed to have been amended, superseded, or repealed to the extent of such inconsistency, conflict, and contrariety.

NEW SECTION. Sec. 24. There is hereby appropriated to the state lottery fund from the general fund the sum of one million five hundred thousand dollars, or so much thereof as may be necessary, for the purposes of the lottery in carrying out its functions and duties pursuant to sections 1 through 23 of this 1974 amendatory act. Such appropriation shall be repaid to the general fund as soon as practicable from the net revenues accruing in the state lottery fund after the payment of prizes to holders of winning tickets or shares and expenses of the lottery.

NEW SECTION. Sec. 25. Sections 1 through 23 of this 1974 amendatory act shall constitute a new chapter in Title 67 RCW.

NEW SECTION. Sec. 26. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

The provisions of this chapter, as now law or hereafter amended, shall not apply to the conducting, operating, participating, or selling or purchasing of tickets or shares in the "lottery" or "state lottery" as defined in section 1 of this 1974 amendatory act when such conducting, operating, participating, or selling or purchasing is in conformity to the provisions of sections 1 through

23 of this 1974 amendatory act and to the rules and regulations adopted thereunder.

Sec. 27. Section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040 are each amended to read as follows:

There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050 (2) provided.

In addition to the members of the commission there shall ((initially)) be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; ((all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973)) such appointments shall be for a term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

NEW SECTION. Sec. 28. This 1974 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1974, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

Passed the House April 15, 1974.
Passed the Senate April 23, 1974.
Filed in Office of Secretary of State April 26, 1974.

CHAPTER 153
[Substitute House Bill NO. 541]
INJUNCTIONS—
PUBLIC WORKS CONTRACTS

AN ACT Relating to injunctions or restraining orders affecting construction contracts; and adding a new section to chapter 7.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 7.40 RCW a new section to read as follows:

In determining the amount of the bond required by RCW 7.40.080 as now or hereafter amended, with respect to an injunction or restraining order that will delay or enjoin a notice to proceed or the performance of work under a construction contract for a public contracting body among the factors regarded in the exercise of its discretion, the court shall consider:

(1) All costs and liquidated damages provided for in the contract or otherwise that may result from such delay;

(2) The probable costs to the public in terms of inconvenience, delayed use of the proposed facilities, and escalation of costs of delayed construction of the proposed facilities that may be incurred as a result of a delay subsequently found to be without good cause; and

(3) The procedures for consideration of objections to proposed construction and the opportunity the one seeking the injunction had for objecting prior to the letting of the contract.

Passed the House January 23, 1974.
Passed the Senate February 7, 1974.
Vetoed by the Governor February 15, 1974.
Veto overridden by House April 19, 1974.
Veto overridden by Senate April 23, 1974.
Filed in Office of Secretary of State April 26, 1974.
Note: Governor's explanation of veto is as follows:

"I am returning herewith without my approval Substitute House Bill No. 541 entitled:

"AN ACT Relating to injunctions or restraining orders affecting construction contracts."

This bill provides additional criteria which must be considered by a court in determining the amount of a bond required under RCW 7.40.080 relating to injunction bonds. Presumably the purpose of these additional criteria is to discourage frivolous applications for injunctions against public construction projects.

Under existing law as set forth in RCW Chapter 7.40, safeguards are already provided to protect an adverse party affected by a temporary restraining order or an injunction, including the requirement of an injunction bond. RCW 7.40.080 already requires a bond which would cover "all damages and costs which may accrue by reason of the injunction or restraining order." I believe this language of the present statute allows sufficient protection for an adverse party, and the provisions of subsections (1) and (3) in section 1 of the bill add nothing to the statutory authority or discretion of a court in considering the amount of an injunction bond.

Moreover, the damages contemplated by subsection (2) of section 1 of the bill are entirely speculative. A court would have no authoritative basis on which to arrive at a proper amount for an injunction bond under this subsection.

For these reasons, I have determined to veto Substitute House Bill No. 541 in its entirety."

Note: Chief Clerk of the House's letter informing the Secretary of State that the Legislature has overridden the Governor's veto is as follows:

The Honorable A. Ludlow Kramer
Secretary of State
State of Washington

Dear Mr. Secretary:

I am returning herewith Substitute House Bill No. 541 entitled:

"Providing for injunctions affecting construction contracts"

This bill was vetoed by Governor Daniel J. Evans on February 15, 1974. The veto was overridden by the House of Representatives on April 19, 1974 and by the Senate on April 23, 1974.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 154

[House Bill No. 916]

OUTDOOR ADVERTISING--SCENIC VISTAS

[Act prior to veto override: See chapter 135, supra.]

AN ACT Relating to outdoor advertising; amending section 5, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.045; amending section 7, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.062; and amending section 10, chapter 96, Laws of 1961 as last amended by section 11, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.100; repealing, reenacting and amending section 14, chapter 96, Laws of 1961 as amended by section 18, chapter 62, Laws of 1971 ex. sess. and by section 28, chapter 73, Laws of 1971 ex. sess. and RCW 47.42.140.

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

Section 1. Section 5, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.045 are each amended 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 outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, 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. 2. Section 7, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.062 are each amended 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: PROVIDED, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(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.

Sec. 3. Section 10, chapter 96, Laws of 1961 as last amended by section 11, chapter 62, Laws of 1971 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 (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended ((by *this 1974 amendatory act)), shall be maintained by any person (a) after three years from May 10, 1971, 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.

Sec. 4. Section 14, chapter 96, Laws of 1961 as amended by section 18, chapter 62, Laws of 1971 ex. sess. and by section 28, chapter 73, Laws of 1971 ex. sess. and RCW 47.42.140 are each repealed, reenacted and amended to read as follows:

The following portions of state highways are designated as a part of the scenic system:

(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 or

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 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 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(10) 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))~~ (11) 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.

Passed the House January 31, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 15, 1974 with the exception of certain sections which are vetoed.
Veto overridden by House April 19, 1974.
Veto overridden by Senate April 23, 1974.
Filed in Office of Secretary of State April 26, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections House Bill No. 916 entitled:

"AN ACT Relating to outdoor advertising."

Sections 1, 2, and 3 of this bill exempt from the application of the 1971 Highway Advertising Control Act all type 3 on premise signs located within an incorporated city or town or within a commercial or industrial area. Section 4 adds a new route to the scenic highway system.

The 1971 Act was enacted after considerable compromise and negotiation by and between all interested groups, and the principal control portions are not to take effect until May, 1974.

The exemptions enacted in House Bill 916 virtually destroy the integrity of the 1971 Act, by not only eliminating controls over on-premise signs within incorporated cities and towns but also within "commercial and industrial areas" which is a term very broadly defined in the 1971 Act.

Even after May, 1974, the statute as it presently reads allows for two on-premise signs for each business establishment, one facing in each direction alongside an interstate or primary highway. This ensures that these businesses will retain their essential visual identification.

For these reasons, I have determined to veto sections 1, 2, and 3 of the bill. With these exceptions, the remainder of House Bill No. 916 is approved."

Note: Chief Clerk of the House's letter informing the Secretary of State that the Legislature has overridden the Governor's partial veto is as follows:

The Honorable A. Ludlow Kramer
Secretary of State
State of Washington

Dear Mr. Secretary:

I am returning herewith House Bill No. 916 entitled:

"AN ACT Relating to outdoor advertising."

Sections 1, 2, and 3 of this bill were vetoed by Governor Daniel J. Evans on February 15, 1974. These vetoes were overridden by the House of Representatives on April 19, 1974 and by the Senate on April 23, 1974.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 155

[Substitute House Bill No. 473]

GAMBLING

[Act prior to veto override: See chapter 135, supra.]

AN ACT Relating to gambling; amending section 1, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.010; amending section 2, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as amended by section 4, chapter 41, Laws of 1973 2nd ex. sess. and RCW 9.46.070; amending section 8, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.080; amending section 11, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.110; amending section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.200; amending section 21, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.210; amending section 23, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.230; adding new sections to chapter 218, Laws of

1973 1st ex. sess. and to chapter 9.46 RCW; repealing section 28, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.280; prescribing penalties; declaring an emergency and prescribing an effective date.

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

Section 1. Section 1, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.010 are each amended 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, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull-tabs, card games and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

Sec. 2. Section 2, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.020 are each amended to read as follows:

(1) "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 or said game is conducted ((on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition)) as part of and upon the site of:

(i) a civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or

(ii) a worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(iii) a community-wide civic festival held not more than once annually and sponsored or approved by a city or town; PROVIDED, That participants in amusement games as defined and regulated shall not be designated as gamblers, nor such amusement game be defined as gambling.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee 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.

(3) "Bona fide charitable or nonprofit organization" means; (a) 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, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. 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, floods, and other national calamities and to devise and carry on measures for preventing the same. ((The fact that contributions to an organization

do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section)).

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

~~((6))~~ (5) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

~~((7))~~ (6) "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.

(7) "Fishing derby" means a fishing contest, with the payment or giving of an entry fee or other consideration by some or all of

the contestants; wherein the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value; the prize or prizes is or are awarded based upon the lawful catching of fish by any one or more of the contestants; and when such contest is conducted by a bona fide charitable or nonprofit organization.

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (13) of this section shall not constitute gambling.

(9) "Gambling device" ((other than for the purposes of subsection (18) of this section)) means: (a) Any device or mechanism 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 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. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting

such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "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.

(11) "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.

(12) "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.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper((7)) or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state ((not more than once a year over a period of not more than ninety days));

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material; (~~or~~)

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer ((+)); or

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and 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 initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" 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".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, 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;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, 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 gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, 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: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "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, or to the winner or winners of said prize or prizes.

(18) "Social card game" means a card game, including but not limited to the game commonly known as 'Mah Jongg', which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players; PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing; PROVIDED, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the commission pursuant to section 4 of this 1974 amendatory act; and

(e) The type of card game is one specifically approved by the commission pursuant to section 4 of this 1974 amendatory act; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to section 4 of this 1974 amendatory act.

(19) "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.

(20) "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 chapter committed by his corporation or

partnership, he shall be punishable for such violation as if it had been directly committed by him.

Sec. 3. Section 3, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, fishing derby, ((and)) to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by members and guests only to play social card games authorized by the commission, when licensed ((and)), conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed \$5000; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

((2)) (3) The legislature hereby authorizes any person, association or organization to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

((3)) (4) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted ((upon any property of a city of the first class devoted to uses incident to a civic center; worlds fair or similar exposition)) as a part of and upon the site of:

(a) A civic center of a city with a population of twenty thousand or more persons as of the most recent decennial census of the federal government; or

(b) A worlds fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(c) A community-wide civic festival held not more than once annually and sponsored or approved by a city or town.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, or fishing derby, when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 4. Section 7, chapter 218, Laws of 1973 1st ex. sess. as amended by section 4, chapter 41, Laws of 1973 2nd ex. sess. and RCW 9.46.070 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, fishing derby, raffles, amusement games, and social card games to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That ((any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated areas of any county unless a county, or any first class city located therein with respect to such city, shall prohibit such gambling activity: PROVIDED, FURTHER, That)) the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, deny, suspend or revoke any license because of considerations of race, sex, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the

commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

~~((14))~~ (3) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030 as now or hereafter amended.

~~((15))~~ (4) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof; PROVIDED FURTHER, That the commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

~~((16))~~ (5) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having ~~((an))~~ a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under

oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding ((an)) a managerial or ownership interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity: PROVIDED FURTHER, That fingerprinting shall be required only in those cases where the commission or the director has cause to believe that information gained thereby may disclose criminal or other relevant activity.

((7)) (6) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

((8)) (7) To require that all income from bingo games, raffles, and amusement games be ((received for at the time the income is received from each individual player and that all prizes be received for at the time the prize is distributed to each individual player and to require that all raffle tickets be consecutively numbered and accounted for: PROVIDED, That in lieu of the requirements of this subsection, agricultural fairs as defined herein shall report such income not later than thirty days after the termination of said fair;)) recorded and reported as established by rule or regulation of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

((9)) (8) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(9) To regulate and establish the type and scope of and manner of conducting social card games permitted to be played, and the extent of wager, money or other thing of value which may be wagered or contributed or won by a player in a social card game;

(10) To regulate and establish a reasonable admission fee which may be imposed by an organization, corporation or person licensed to conduct a social card game on a person desiring to become

a player in a social card game. A "reasonable admission fee" under this item shall be limited to a fee which would defray or help to defray the expenses of the game and which would not be contrary to the purposes of this chapter:

V- ((11)) To regulate and establish for bona fide charitable nonprofit corporations and organizations reasonable admission fees which may be imposed by such organizations for the purpose of defraying the expenses incident to a social card or other game or fund raising endeavor and the balance over and above such expenses it to be used solely for the charitable purposes of the corporation or organization:

~~((10))~~ (12) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

~~((11))~~ (13) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

~~((12))~~ (14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended; ~~((and))~~

~~((14))~~ (15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and

~~((13))~~ (16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 5. Section 23, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.230 are each amended to read as follows:

(1) All gambling devices as defined in ~~((REW 9.46.020 (9)))~~ section 2 (9) of this 1974 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 chapter.

(2) No property right in any gambling device as defined in ~~((REW 9.46.020 (9)))~~ section 2 (9) of this 1974 amendatory act shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(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 shall not apply to such items utilized in activities enumerated in RCW 9.46.030 as now or hereafter amended or any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs or transports any gambling device as defined in RCW 9.46.020 as now or hereafter amended 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 shall not apply to devices used in those activities enumerated in RCW 9.46.030 as now or hereafter amended, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. 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 shall not apply to records relating to activities enumerated in RCW 9.46.030 as now or hereafter amended or to any act or acts in furtherance thereof when conducted in

compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

NEW SECTION. Sec. 6. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued:

PROVIDED, That a county or city may not prohibit a bona fide charitable or nonprofit organization from conducting social card games when licensed to do so and when the terms of the license permit only members of such organization to play at such games and when the terms of the license specifically prohibit the organization from imposing or collecting any admission fee.

Sec. 7. Section 8, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.080 are each amended to read as follows:

The department of motor vehicles, subject to the approval of the commission, shall employ a full time employee as director respecting gambling activities, who shall be the administrator for the commission in carrying out its powers and duties and who, with the advice and approval of the commission shall issue rules and regulations governing the activities authorized hereunder and shall supervise departmental employees in carrying out the purposes and provisions of this chapter. ((In addition the department shall make available to the commission such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter.)) In addition, the department shall furnish two assistant directors, together with such investigators and enforcement officers and with such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter. The director, both assistant directors, and personnel occupying positions requiring the performing of undercover investigative work shall be exempt from the provisions of chapter 41.06 RCW, as now law or hereafter amended. Neither the director nor any departmental employee working therefor shall be an officer or

manager of any charitable or nonprofit organization, or of any organization which conducts gambling activity in this state.

Sec. 8. Section 11, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by ((any)) a county, ((except for any first class city located therein with respect to such city)) if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas((?)), except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the ((gross income of the business in which the punch boards and pull-tabs are displayed)) gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs 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 for the purposes of this chapter; and (4) when any person shall win over ((five) fifty dollars in money or merchandise ^v from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo, raffles and amusement games shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts.

Sec. 9. Section 21, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.210 are each amended to read as follows:

(1) It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter.

(2) In addition to its other powers and duties, the commission shall have the power to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. The director, both assistant directors and each of the investigators and inspectors assigned by the department of motor vehicles to the commission shall have the power, under the supervision of the commission, to enforce the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power and authority to apply for and execute all warrants and serve process of law issued by the courts in enforcing the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. They shall have the power to arrest without a warrant, any person or persons found in the act of violating any of the penal provisions of chapter 218, Laws of 1973 1st ex. sess. and as it may be amended, and the penal laws of this state relating to the conduct of or participation in gambling activities and the manufacturing, importation, transportation, distribution, possession and sale of equipment or paraphernalia used or for use in connection therewith. To the extent set forth above, the commission shall be a law enforcement agency of this state with the power to investigate for violations of and to enforce the provisions of this chapter, as now law or hereafter amended, and to obtain information from and provide information to all other law enforcement agencies.

NEW SECTION. Sec. 10. Section 20, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.200 are each amended to read as follows:

In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this act including a

director, officer, and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit, shall be liable, jointly and severally, for money damages suffered by any person because of any violation of this chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent any such violation from taking place, ((the burden of proof thereof shall be on such director, officer, and/or manager)) and if such director, officer and/or manager shall ((sustain the burden of proof)) establish by a preponderance of the evidence that he did not have such knowledge and that he had exercised all reasonable care to prevent the violations he shall not be liable hereunder. ((Any civil action under this section may be considered a class action;))

NEW SECTION. Sec. 11. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

No person shall intentionally obstruct or attempt to obstruct a public servant in the administration or enforcement of this chapter by using or threatening to use physical force or by means of any unlawful act. Any person who violates this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 12. Section 4, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.040 are each amended to read as follows:

There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership

of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050 (2) provided.

In addition to the members of the commission there shall ((initially)) be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; ((all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973)) such appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first; members may be reappointed; vacancies shall be filled in the same manner as original appointments are made. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

NEW SECTION. Sec. 13. If any provision of this 1974 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 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on May 20, 1974: PROVIDED, That this act shall be subject to referendum petition pursuant to Article II, Section 1 of the constitution of the State of Washington.

NEW SECTION. Sec. 15. Section 28, chapter 218, Laws of 1973 1st ex. sess. and RCW 9.46.280 are each hereby repealed.

Passed the House February 13, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974, with the exception of certain items which are vetoed.
Veto of certain items overridden by the House April 19, 1974.
Veto of same certain items overridden by the Senate April 23, 1974.
Filed in Office of Secretary of State April 29, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Substitute House Bill No. 473 entitled:

"AN ACT Relating to gambling."

The items which I have vetoed are as follows:

1. Definition of "amusement games."

Section 2 (1) (f) (iii) contains a proviso that provides that participants in amusement games are not gamblers and that such amusement games are not to be defined as gambling.

The effect of the proviso is to take all amusement games as defined in the statute and participants in such games out of the gambling laws and thus preclude enforcement of criminal penalties where there have been criminal violations. I have accordingly vetoed the referenced item.

2. Definition of "bona fide charitable or nonprofit organization."

Section 2 (3) contains an item striking existing language which creates a presumption that an organization is not a bona fide charitable or nonprofit organization if contributions to the organization do not qualify as charitable contributions for tax purposes. The present language is a necessary element in the operation of the Gambling Commission as it places a strict burden of proving the qualifying status on an applicant. This is a necessary safeguard in the law to prevent the doors from being opened to professional gambling activities. I have therefore vetoed the referenced item.

3. Definition of "raffle."

Section 2 (17) contains amendatory language attempting to clarify that proceeds of a raffle may indeed inure to the benefit of the winner or winners or prizes. I have vetoed the item consisting of such language because I believe it is redundant and that it further raises a problem in other sections of the bill by creating a presumption that proceeds may not go to winners of amusement games (Section 2 (1)) and bingo games (Section 2 (4)) since the same amendatory language was not placed in those subsections.

4. Definition of "social card game." [Ed. note: This item veto was overridden.]

Section 2 (18) (d) contains a proviso that would allow a bona fide charitable or nonprofit organization to charge a membership fee or admission fee for the playing of social card games. This would open the way for such an organization to increase its membership fee or admission fee to such an extent as to collect, in effect, a charge for allowing members to engage in social card games. Such a charge is prohibited in the first part of subsection (d) in Section 2 (18). Accordingly, I have vetoed the referenced proviso.

5. Authorization of social card games. [Ed. note: These items vetoes were overridden.]

Sections 3 and 4 of the bill contain three items that would unduly and unwisely broaden the authorization of social card games which is the heart of the amendatory language in Section 3. The item "and guests" in Section 3, subsection 1 on page 12, would open the way for any outsiders to participate in social card games on the premises of a licensed organization so long as they are characterized as guests.

Section 3 (3) and Section 4 (2) contain items which would allow any person, association, or organization to conduct social card games as a commercial stimulant.

These items all have the effect of paving the way for public card rooms which pose serious problems of enforcement to local police officials and foster a climate of open tolerance and/or clandestine payoffs for non-enforcement of gambling laws and regulations. Accordingly, I have vetoed these items.

6. Gambling Commission powers and duties.

Section 4 (5) of the bill contains two items restricting the investigative powers of the Commission in requiring fingerprints for background checks. One item restricts such a check to persons holding "a managerial or ownership" interest in the gambling activity. This provision would encourage those persons who do not wish to reveal their backgrounds to set up sham corporations or organizations to evade this requirement.

Another item restricts the power of fingerprinting to only those cases where there is reason to believe a background check would disclose criminal activity. This restriction creates a situation where an unwarranted presumption of past criminal activity exists each time the Commission sees fit to require fingerprinting.

I do not believe that the Commission has exercised or is about to exercise its fingerprinting power in an arbitrary and capricious manner or in any manner for the sole purpose of harassing an applicant. The items creating the restrictions are not warranted and I have therefore vetoed the same.

7. Admission fees for social card games. [Ed. note: Item veto of subsection (10) was overridden.]

Subsections 10 and 11 in Section 4 authorize the Gambling Commission to regulate and establish admission fees for playing in social card games. I have stated earlier that the admission fee can serve as a subterfuge against the prohibition of charging an amount for playing in social card games and have therefore vetoed the referenced subsections.

8. Local option on gambling.

Section 6 contains an item consisting of a proviso which precludes a county or city from prohibiting social card games in an organization licensed to conduct such games without imposing or collecting any admission fee.

I see no good reason why a county or city, if it chooses to prohibit bingo and raffle games, should not be allowed to prohibit social card games even if an organization has previously been licensed to conduct such games, and have therefore vetoed that item.

9. Punch board and pull-tab regulation.

RCW 9.46.110 presently requires the reporting of all winners of over five dollars in money or merchandise from punch boards and pulltabs. An item in Section 8 of the bill would raise the amount to fifty dollars.

This higher amount would cover most, if not all winning punches or pulls, and would therefore effectively remove this reporting requirement. This would thereby remove the safeguard in the law against an owner or licensee of punch boards and pull-tabs from punching or pulling the larger winning numbers before a player has taken his chance, since there would be no way of determining the person or persons who made winning plays.

10. Class actions for damages.

RCW 9.46.200 presently allows any civil action under that section to be considered a class action. Section 10 of the bill contains an item striking that provision of the law. Removal of that provision would have the effect of discouraging persons who have wrongfully suffered losses and damages from bringing suit against a wrongdoer unless the amount of his loss or damage were substantial enough to justify the costs and expenses attendant to a lawsuit. I believe the original intent of the law should be restored, and have therefore vetoed the referenced item.

11. Effective date.

Section 14 of the bill declares an emergency, sets an effective date, and provides that the bill is subject to referendum. Our State Constitution clearly states in Article II, Section 1 (b) that the right of referendum does not exist as to laws "necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." Section 14 is therefore wholly inconsistent in its component parts. I believe the people must have a right of referendum on a bill of this nature, and the Legislature has not, in my opinion, preserved that right effectively in Section 14. I have therefore vetoed the entire section.

With the exception of the foregoing items, the remainder of Substitute House Bill No. 473 is approved."

Note: Chief Clerk of the House's letter informing the Secretary of State that the Legislature has overridden certain items of the Governor's veto is as follows:

The Honorable A. Ludlow Kramer
Secretary of State
State of Washington

Dear Mr. Secretary:

On February 19, 1974, Governor Daniel J. Evans exercised partial vetoes on Substitute House Bill No. 473 entitled "AN ACT Relating to gambling". Included among those vetoes are the following:

1. The veto of the proviso on page 11 [herein page 543], Subsection 18(d) of Section 2.
2. The veto of the words "and guests" which appear on page 12 [herein page 544], Subsection (1) of Section 3.
3. The veto of the words "conduct social card games and to" which appear on page 12 [herein page 544], Subsection (3) of section 3.
4. The veto of the words "and to conduct social card games" which appear on page 14, [herein page 545], Subsection (2) of Section 4.
5. The veto of Subsection (10) of Section 4 which appears on pages 16 and 17 [herein pages 547 and 548].

The aforementioned vetoes were overridden by the House of Representatives on April 19, 1974 and by the Senate on April 23, 1974.

Respectfully submitted,

DEAN R. FOSTER
Chief Clerk

CHAPTER 156
[House Bill No. 188]
ADMINISTRATOR FOR THE COURTS—
SALARY

AN ACT Relating to the administrator for the courts; and amending section 1, chapter 259, Laws of 1957 as amended by section 1, chapter 93, Laws of 1969 and RCW 2.56.010.

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

Section 1. Section 1, chapter 259, Laws of 1957 as amended by section 1, chapter 93, Laws of 1969 and RCW 2.56.010 are each amended to read as follows:

There shall be a state office to be known as the office of administrator for the courts who shall be appointed by the supreme court of this state from a list of five persons submitted by the governor of the state of Washington, and shall hold office at the pleasure of the appointing power. He shall not be over the age of sixty years at the time of his appointment. He shall receive a salary ((not to exceed twenty thousand dollars per year,)) to be

fixed by the supreme court not to exceed ninety percent of the salary of a judge of the superior court.

Passed the House January 23, 1974.
Passed the Senate April 22, 1974.
Approved by the Governo. April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 157

[House Bill No. 784]

STATE OFFICIALS AND EMPLOYEES—
MILEAGE ALLOWANCE

AN ACT Relating to state government; and amending section 43.03.060, chapter 8, Laws of 1965 as amended by section 4, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.060 and amending section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 5, chapter 197, Laws of 1973 1st ex. sess. and RCW 44.04.120.

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

Section 1. Section 43.03.060, chapter 8, Laws of 1965 as amended by section 4, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.060 are each amended to read as follows:

Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than a common carrier or a state-owned or operated vehicle, he shall be allowed a mileage rate not to exceed ~~((ten))~~ thirteen cents a mile.

Sec. 2. Section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 5, chapter 197, Laws of 1973 1st ex. sess. and RCW 44.04.120 are each amended to read as follows:

Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the ~~((legislative council, the))~~ legislative budget committee, or any other standing, permanent or interim committee, commission, or council of the legislature shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, forty dollars per day, plus mileage allowance at the rate ~~((of ten cents))~~ provided for in RCW 43.03.060, as now or hereafter amended per mile when

authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

This section shall not apply to any official travel by legislators which is subject to the provisions of Article 2, section 23 of the state Constitution.

Passed the House April 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 158

[House Bill No. 1276]

UNFAIR BUSINESS PRACTICES—
CONSUMER PROTECTION—EXEMPTIONS

AN ACT Relating to unfair business practices; and amending section 17, chapter 216, Laws of 1961 as amended by section 1, chapter 147, Laws of 1967 and RCW 19.86.170.

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

Section 1. Section 17, chapter 216, Laws of 1961 as amended by section 1, chapter 147, Laws of 1967 and RCW 19.86.170 are each amended to read as follows:

Nothing in this chapter shall apply to actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state, the Washington utilities and transportation commission, the federal power commission or actions or transactions permitted by any other regulatory body or officer acting under statutory authority of this state or the United States: PROVIDED, HOWEVER, That actions and transactions prohibited or regulated under the laws administered by the insurance commissioner shall be subject to the provisions of RCW 19.86.020 and all sections of chapter 216, Laws of 1961 and chapter 19.86 RCW which provide for the implementation and enforcement of RCW 19.86.020 except that nothing required or permitted to be done pursuant to Title 48 RCW shall be construed to be a violation of RCW 19.86.020; PROVIDED, FURTHER, That actions or transactions specifically permitted within the statutory authority granted to any regulatory board or commission established within Title 18 RCW shall not be construed to be a violation of chapter 19.86 RCW.

RCW 9.01.090 shall not be applicable to the terms of this chapter and no penalty or remedy shall result from a violation of this chapter except as expressly provided herein.

Passed the House April 23, 1974.
Passed the Senate April 25, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 159

[Engrossed Substitute Senate Bill No. 2562]
WASHINGTON STATE FERRY SYSTEM APPROPRIATION—
OLYMPIC FERRIES PURCHASE

AN ACT Relating to transportation facilities; making appropriations to the Washington toll bridge authority; making an appropriation to the Washington state highway commission; and declaring an emergency.

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

NEW SECTION. Section 1. There is appropriated to the Washington toll bridge authority for the operation and maintenance of the ferry system, including service between Port Townsend and Keystone for as many months of the year as, by determination of the Washington Toll Bridge Authority, shall be reasonably necessary to meet traffic demand, for the biennium ending June 30, 1975 from the Puget Sound ferry operations account in the motor vehicle fund the sum of one million two hundred sixty-nine thousand nine hundred and sixty-nine dollars and from the motor vehicle fund the sum of two million two hundred eighty-two thousand one hundred and ninety-six dollars, or so much thereof as may be necessary to carry out the purposes of this section.

NEW SECTION. Sec. 2. For the purpose of purchasing compensable ownership, if any, in the existing terminal facilities of Olympic Ferries, Inc. and such other assets as the Washington toll bridge authority and the state highway commission deem necessary to carry out the provisions of chapter 44, Laws of 1972 ex. sess. there is hereby appropriated to the Washington state highway commission from the motor vehicle fund for the biennium ending June 30, 1975, the sum of ninety-thousand dollars or so much thereof as shall be necessary.

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 22, 1974.
Passed the House April 23, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 160
[Senate Bill No. 3169]
TELEPHONE TOLL CHARGES—
AVOIDANCE—PENALTIES

AN ACT Relating to crimes and criminal procedure; adding a new section to chapter 9.26A RCW; amending section 1, chapter 114, Laws of 1955, as amended by section 1, chapter 75, Laws of 1972 1st ex. sess., and RCW 9.45.240; and adding a new section.

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

NEW SECTION. Section 1. There is added to chapter 9.26A RCW a new section to read as follows:

Every person who publishes the number or code of an existing, canceled, revoked, expired, or nonexistent telephone company credit card, or the numbering or coding which is employed in the issuance of telephone company credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful charge, shall be guilty of a gross misdemeanor. As used in this section, "publishes" means the communication or dissemination of information to any one or more persons, either orally, in person or by telephone, radio or television, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article, or book.

Sec. 2. Section 1, chapter 114, Laws of 1955, as amended by section 1, chapter 75, Laws of 1972 1st ex. sess., and RCW 9.45.240 are each amended to read as follows:

(1) Every person who, with intent to evade the provisions of any order of the Washington public service commission or of any tariff, rule or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit or fraudulent device, shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the

value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor: PROVIDED FURTHER, That as to any act which constitutes a violation of both this ((1972 act)) subsection and RCW 9.26A.050 the provisions of RCW 9.26A.050 shall be exclusive.

(2) Every person who:

(a) Makes, possesses, sells, gives or otherwise transfers to another an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or

(b) Sells, gives or otherwise transfers to another plans or instructions for making or assembling an instrument, apparatus or device described in subparagraph (a) of this subsection with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus or device shall be guilty of a gross misdemeanor.

Passed the Senate April 23, 1974.
Passed the House April 23, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 161
[Substitute Senate Bill No. 3200]
SCHOOL DISTRICT VACATION PERIOD PROGRAMS—
AUTHORIZED—FEES

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

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

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

Every school district board of directors is authorized to establish and operate summer and/or other student vacation period programs and to assess such tuition and special fees as it deems necessary to offset the maintenance and operation costs of such programs in whole or part. A summer and/or other student vacation period program may consist of such courses and activities as the school district board shall determine to be appropriate: PROVIDED, That such courses and activities shall not conflict with the

provisions of RCW 28A.04.120, as now or hereafter amended. Attendance shall be voluntary.

NEW SECTION. Sec. 2. This 1974 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, 1974.
Passed the House April 23, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 162
[Senate Bill No. 3257]
ANTITRUST REVOLVING FUND

AN ACT Relating to the creation of an antitrust revolving fund; and adding new sections to chapter 43.10 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.10 RCW a new section to read as follows:

The legislature having found that antitrust laws and the enforcement thereof are necessary for the protection of consumers and businesses, and further that the creation of an antitrust revolving fund provides a reasonable means of funding antitrust actions by the attorney general, and that the existence of such a fund increases the possibility of obtaining funding from other sources, now therefore creates the antitrust revolving fund.

NEW SECTION. Sec. 2. There is added to chapter 43.10 RCW a new section to read as follows:

There is hereby created the antitrust revolving fund in the custody of the state treasurer which shall consist of: Funds appropriated to the revolving fund, funds transferred to the revolving fund pursuant to a court order or judgment in an antitrust action; gifts or grants made to the revolving fund; and funds awarded to the state or any agency thereof for the recovery of costs and attorney fees in an antitrust action: PROVIDED HOWEVER, That to the extent that such costs constitute reimbursement for expenses directly paid from constitutionally dedicated funds, such recoveries shall be transferred to the constitutionally dedicated fund.

NEW SECTION. Sec. 3. There is added to chapter 43.10 RCW a new section to read as follows:

The attorney general is authorized to expend from the antitrust revolving fund, created by this act, such funds as are necessary for the payment of costs, expenses and charges incurred in

the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts.

Passed the Senate February 5, 1974.
Passed the House April 23, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 163
[Senate Bill No. 3380]
HOSPITAL COMMISSION--
COST CONTAINMENT CONTROL PROGRAM

AN ACT Relating to health care services; enabling the hospital commission to undertake a state cost containment control program in lieu of a federal control program as authorized under federal law and regulation; amending section 15, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.140; and declaring an emergency.

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

Section 1. Section 15, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.140 are each amended to read as follows:

From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by RCW 70.39.100, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates other than those established in accordance with the procedures established hereunder.

In the interest of promoting the most efficient and effective use of hospital health care service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter.

((For the purposes of the Federal Economic Stabilization Act of 1970, as now or hereafter amended, the commission shall serve as the state agency responsible for recommending increases in rates for hospital and related health care institutions to the federal price commission or its successor)) The commission shall serve as the state agency responsible for coordinating state actions and otherwise responding and relating to the efforts of the cost of living council, or its successor, in planning and implementing federal cost containment programs with respect to hospitals and related health care institutions as authorized by the Federal Economic Stabilization Act of 1970, as now or hereafter amended, and any rules or regulations promulgated thereto. In carrying out this responsibility, the commission may serve as the state agency responsible for recommending increases in rates for hospitals and related health care institutions to the cost of living council, or its successor; may apply to the cost of living council for authorization to administer a control program in Washington state in lieu of the federal controls established and otherwise administered by the cost of living council; may assume another function or role authorized by appropriate federal regulations implementing the Federal Economic Stabilization Act of 1970; or assume any combination of such roles or functions as it may determine will most effectively contain the rising costs of the varying kinds of hospitals and related health care institutions in Washington state. In determining its functions or roles in relation to the efforts to the cost of living council, or its successor, the commission shall seek to ensure coordination, and the reduction of duplicatory cost containment efforts, by the state and federal governments, as well as the diligent fulfillment of the purposes of this chapter and declared public policy and legislative intent herein: PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to ((federal)) review pursuant to the provisions of the Federal Economic Stabilization Act of 1970 or any rules or regulations promulgated thereto, the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such ((federal)) review only.

NEW SECTION. Sec. 2. This 1974 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 18, 1974.
Passed the House April 23, 1974.
Approved by the Governor April 29, 1974.
Filed in Office of Secretary of State April 29, 1974.

CHAPTER 164
[Substitute House Bill No. 869]
OUTDOOR FIRES—
INSTRUCTIONAL FIRE EXEMPTION

AN ACT Relating to instructional fire permits; and amending section 9, chapter 193, Laws of 1973 1st ex. sess. as amended by section 1, chapter 11, Laws of 1973 2nd ex. sess. and RCW 70.94.775.

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

Section 1. Section 9, chapter 193, Laws of 1973 1st ex. sess. as amended by section 1, chapter 11, Laws of 1973 2nd ex. sess. and RCW 70.94.775 are each amended to read as follows:

No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors except as provided in RCW 70.94.650: PROVIDED, That agricultural heating devices which otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715;

(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards, or after July 1, 1976, state ambient air quality goals for particulates ([: PROVIDED, That the provisions of this subsection shall not become effective in relation to instructional fires permitted by RCW 70.94.650 (2) until September 29, 1974)]), except instructional fires permitted by RCW 70.94.650 (2).

Passed the House April 18, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor April 30, 1974.
Filed in Office of Secretary of State April 30, 1974.

CHAPTER 165

[Engrossed Senate Bill No. 3143]

PUBLIC HOSPITAL DISTRICTS—NURSING HOME,
EXTENDED CARE, OUTPATIENT, REHABILITATIVE,
AMBULANCE SERVICES

AN ACT Relating to public hospital districts; amending section 1, chapter 264, Laws of 1945 and RCW 70.44.005; amending section 6, chapter 264, Laws of 1945 as last amended by section 83, chapter 195, Laws of 1973 1st ex. sess. and RCW 70.44.060; amending section 12, chapter 264, Laws of 1945 as last amended by section 2, chapter 65, Laws of 1969 ex. sess. and RCW 70.44.110; amending section 3, chapter 227, Laws of 1967 and RCW 70.44.240; adding new sections to chapter 70.44 RCW; and declaring an emergency.

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

Section 1. Section 1, chapter 264, Laws of 1945 and RCW 70.44.005 are each amended to read as follows:

The purpose of this chapter is to authorize the establishment of public hospital districts to own and operate hospitals, nursing homes, extended care, outpatient, and rehabilitative facilities, contiguous with or within such facilities or hospitals, and ambulances, and to supply hospital, nursing home, extended care, outpatient, rehabilitative, health maintenance, and ambulance service for the residents of such districts and other persons; PROVIDED, That hospital districts will not construct nursing homes when such facilities are already available; PROVIDED FURTHER, That districts located in counties having a population of over 18,000 may not construct nursing homes.

Sec. 2. Section 6, chapter 264, Laws of 1945 as last amended by section 83, chapter 195, Laws of 1973 1st 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 and other health care 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 and other health care 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))~~ health care facility: 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 other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district ~~((in hospitals))~~ by facilities 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 hospitals and other health care facilities 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 hospital and other health care facilities of said ~~((hospitals))~~ district, 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 hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2).

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law

to provide, and to issue (a) revenue bonds or warrants 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, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds ~~((7))~~ or warrants to be issued in the same manner and subject to the same provisions as provided for the issuance of revenue bonds or warrants 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, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, 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 seventy-five cents per thousand dollars of assessed value 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 seventy-five cents per thousand dollars of assessed value 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. 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 seventy-five cents per thousand dollars of assessed value herein specifically authorized. The ~~((commissioner))~~ superintendent 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 12, chapter 264, Laws of 1945 as last amended by section 2, chapter 65, Laws of 1969 ex. sess. and RCW 70.44.110 are each amended to read as follows:

Whenever the commission deems it advisable that the district acquire or construct a public hospital, or other health care facilities, or make additions or betterments thereto, or extensions thereof, it shall provide therefor by resolution, which shall specify and adopt the plan proposed, and declare the estimated cost thereof, and specify the amount of indebtedness, the amount of interest, and the time in which all bonds shall be paid, not to exceed thirty years. The incurring of such indebtedness shall be subject to the applicable limitations and requirements provided in section 1, chapter 143, Laws of 1917, as last amended by section 4, chapter 107, Laws of 1967, and RCW 39.36.020, as now or hereafter amended. If a proposition to incur any such indebtedness is to be submitted to the electors of the district it may be submitted at any general election or a special election called for that purpose pursuant to the applicable election laws.

Sec. 4. Section 3, chapter 227, Laws of 1967 and RCW 70.44.240 are each amended to read as follows:

Any public hospital district may contract or join with any other public hospital district, any publicly owned hospital, any nonprofit hospital, any corporation, or individual to ~~((jointly))~~ provide such individuals, hospital districts, and hospitals with services or facilities to be used by such individuals, districts, and hospitals, including the providing of health maintenance services.

NEW SECTION. Sec. 5. There is added to chapter 70.44 RCW a new section to read as follows:

As used in this chapter, the following words shall have the following meanings:

(1) The words "other health care facilities" shall mean nursing home, extended care, long-term care, outpatient, and rehabilitative facilities.

(2) The words "other health care services" shall mean nursing home, extended care, long term care, outpatient, rehabilitative, health maintenance, and ambulance services.

NEW SECTION. Sec. 6. If any section, clause, or other provision of this 1974 amendatory act, or its application to any person or circumstance, is held invalid, the remainder of such 1974 amendatory act, or the application of such section, clause, or provision to other persons or circumstances, shall not be affected. The rule of strict construction shall have no application to this 1974 amendatory act, but the same shall be liberally construed, in order to carry out the purposes and objects for which this 1974 amendatory act is intended. When this 1974 amendatory act comes in conflict with any provision, limitation, or restriction in any other law, this 1974 amendatory act shall govern and control.

NEW SECTION. Sec. 7. This 1974 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, 1974.
Passed the House April 20, 1974.
Approved by the Governor April 30, 1974.
Filed in Office of Secretary of State April 30, 1974.

CHAPTER 166

[Substitute Senate Bill No. 3145]

FINANCIAL INSTITUTIONS—SATELLITE FACILITIES

AN ACT Relating to financial institutions; creating a new chapter in Title 30 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. As used in this chapter the term "financial institution" means any bank or trust company established in this state pursuant to Title 12, United States Code, chapter 2, or Title 30 RCW, any mutual savings bank established in this state pursuant to Title 32 RCW, and any savings and loan association established in this state pursuant to Title 12, United States Code, chapter 12, or Title 33 RCW.

As used in this chapter, the term "supervisor" means, if applicable to banks, trust companies, or mutual savings banks, the supervisor of banking and, if applicable to savings and loan associations, the supervisor of savings and loan associations.

As used in this chapter, the term "satellite facility" means an unmanned facility at which transactions, including, but not being limited to account transfers, payments, and instructions for deposits and withdrawals may be conducted and which is not a part of a branch or main office of the financial institution: PROVIDED, That such a facility shall not be construed to be the establishment of a branch: PROVIDED FURTHER, That in considering any application for authority to open a new branch or to establish a new financial institution, the supervisor shall disregard the existence of facilities established pursuant to this act in determining whether there is reasonable promise of adequate support for the new branch or proposed new financial institution.

NEW SECTION. Sec. 2. A financial institution may, subject to the conditions hereof, and with the approval of the appropriate supervisor, provide satellite facilities in addition to its main office and such branches as are authorized by law. The supervisor's approval shall be conditioned on a finding that the public convenience will be served by the proposed satellite facility. A satellite facility may be located anywhere within the state of Washington.

NEW SECTION. Sec. 3. As a condition to the operation of or the use of any satellite facility in this state, a commercial bank which desires to operate or have its customers able to utilize a satellite facility must agree that such satellite facility will be available for use by customers of any other commercial bank or commercial banks upon the request of said bank or banks to share its use and the agreement of said bank or banks to share all costs in connection with its installation and operation. The owner of the satellite facility, whether a commercial bank or another person (but not a mutual savings bank or savings and loan association), shall make the satellite facility available for other commercial banks' use on a nondiscriminatory basis, conditioned upon payment of a

reasonable proportion of all costs in connection with the satellite facility.

A commercial bank may share a facility with one or more mutual savings banks or with one or more savings and loan associations.

NEW SECTION. Sec. 4. Notwithstanding the provisions of section 3 of this act, any savings and loan association or any mutual savings bank may agree to share the use of any satellite facility it owns, operates, or uses or which is owned by any entity owned by one or more savings and loan associations or mutual savings banks, with any one or more financial institutions, and sharing with one or more commercial banks shall not require sharing with, or making the facility available for use by the customers of, any other commercial bank.

NEW SECTION. Sec. 5. If, but for this chapter, any action by any one or more commercial banks, mutual savings banks, or savings and loan associations would be in violation of any of the laws of this state or the United States commonly referred to as the antitrust laws, then this chapter shall be construed so as to permit or require only such action as shall not be in violation of such laws.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 30 RCW.

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 shall take effect immediately.

Passed the Senate April 23, 1974.
Passed the House April 23, 1974.
Approved by the Governor April 30, 1974.
Filed in Office of Secretary of State April 30, 1974.

CHAPTER 167

[Substitute House Bill No. 670]
COUNTY TRANSPORTATION AUTHORITY

AN ACT Relating to transportation; amending section 35.58.030, chapter 7, Laws of 1965 and RCW 35.58.030; adding a new section to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW; adding a new chapter to Title 36 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. For the purposes of this 1974 amendatory act the following definitions shall apply:

(1) "Authority" means the county transportation authority created pursuant to this 1974 amendatory act.

(2) "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 by the office of program planning and fiscal management.

(3) "Public transportation function" means the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle now 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 shall prohibit an authority from leasing its buses to private certified carriers or prohibit the county from providing school bus service.

NEW SECTION. Sec. 2. Every county, except a county in which a metropolitan municipal corporation is performing the function of public transportation on the effective date of this 1974 amendatory act, is authorized to create a county transportation authority which shall perform the function of public transportation. Such authority shall embrace all the territory within a single county and all cities and towns therein.

NEW SECTION. Sec. 3. Every county which undertakes the transportation function pursuant to section 2 of this 1974 amendatory act shall create by resolution of the county legislative body a county transportation authority which shall be composed as follows:

(1) The elected officials of the county legislative body, not to exceed three such elected officials;

(2) The mayor of the most populous city within the county;

(3) The mayor of a city with a population less than five thousand, to be selected by the mayors of all such cities within the county.

(4) The mayor of a city with a population greater than five thousand, excluding the most populous city, to be selected by the mayors of all such cities within the county: PROVIDED, HOWEVER, That if there is no city with a population greater than five thousand, excluding the most populous city, then the sixth member who shall be an elected official, shall be selected by the other two mayors selected pursuant to subsections (2) and (3) of this section.

The members of the authority shall be selected within sixty days after the date of the resolution creating such authority.

Any member of the authority who is a mayor or an elected official selected pursuant to subsection (4) above and whose office is not a full time position shall receive one hundred dollars for each day attending official meetings of the authority.

NEW SECTION. Sec. 4. Every county transportation authority created to perform the function of public transportation pursuant to section 2 of this 1974 amendatory act shall have the following powers:

(1) To prepare, adopt, carry out, and amend a general comprehensive plan for public transportation service.

(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 any transportation facilities and properties, including terminal and parking facilities, together with all lands, rights of way, property, equipment and accessories necessary for such systems and facilities.

(3) To fix rates, tolls, fares and charges for the use of such facilities and to establish various routes and classes of service.

(4) In the event a county transit authority shall extend its transportation function to any area in which service is 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 may acquire by purchase or condemnation 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, or it may contract with such person or corporation to continue to operate such service or any part thereof for time and upon such terms and conditions as provided by contract.

(5) (a) To contract with the United States or any agency thereof, any state or agency thereof, any metropolitan municipal corporation, any other county, city, special district, or governmental agency and any private person, firm or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of transportation facilities; and

(b) To contract with any governmental agency or with any private person, firm or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased or held by the other party and for the purpose of planning, constructing or operating any facility or performing any service related to transportation which the county is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any transportation facilities shall be let

to any private person, firm or corporation, competitive bids shall first be called for and contracts awarded in accord with the procedures established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

(6) In addition to all other powers and duties, an authority shall have the power to own, construct, purchase, lease, add to, and maintain any real and personal property or property rights necessary for the conduct of the affairs of the authority. An authority may sell, lease, convey or otherwise dispose of any authority real or personal property no longer necessary for the conduct of the affairs of the authority. An authority may enter into contracts to carry out the provisions of this section.

NEW SECTION. Sec. 5. The authority shall elect a chairman, and appoint a general manager who shall be experienced in administration, and who shall act as executive secretary to, and administrative officer for the authority. He shall also be empowered to employ such technical and other personnel as approved by the authority. The general manager shall be paid such salary and allowed such expenses as shall be determined by the authority. The general manager shall hold office at the pleasure of the authority, and shall not be removed until after notice is given him, and an opportunity for a hearing before the authority as to the reason for his removal.

NEW SECTION. Sec. 6. Each authority shall establish a fund to be designated as the "transportation fund", in which shall be placed all sums received by the authority from any source, and out of which shall be expended all sums disbursed by the authority. The county treasurer shall be the custodian of the fund, and the county auditor 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 authority.

The county and each city or town which is included in the authority shall contribute such sums towards the expense for maintaining and operating the authority as shall be agreed upon between them.

V- Every year at the conclusion of its fiscal year each authority shall submit a report, which shall conform to the requirements of the state auditor as provided in RCW 43.09.230, to the senate and house of representatives transportation and utilities committees of the legislature.

V- NEW SECTION. Sec. 7. The authority shall adopt a public transportation plan. Such plan shall conform to the plan requirements of any federal law or regulation, compliance with which is required for federal public transportation assistance. Such plan

shall be a general comprehensive plan designed to best serve the residents of the entire county. Prior to adoption of the plan, the authority shall provide a minimum of sixty days during which sufficient hearings shall be held to provide interested persons an opportunity to participate in development of the plan.

NEW SECTION. Sec. 8. On the effective date of the proposition approved by the voters in accord with section 10 of this 1974 amendatory act, the authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which the county or any city located within such county shall have been previously empowered to exercise and such powers shall not thereafter be exercised by the county or such cities without the consent of the authority. The county and all cities within such county upon demand of the authority shall transfer to the authority all unexpended funds earmarked or budgeted from any source for public transportation, including funds receivable. The county in which an authority is located shall have the power to contract indebtedness and issue bonds pursuant to chapter 36.67 RCW to enable the authority to carry out the purposes of this 1974 amendatory act, and the purposes of this act shall constitute a "county purpose" as that term is used in chapter 36.67 RCW.

NEW SECTION. Sec. 9. A county transportation authority may acquire any existing transportation system by conveyance, sale, or lease. In any purchase from a county or city, the authority shall receive credit from the county or city for any federal assistance and state matching assistance used by the county or city in acquiring any portion of such system. The authority shall assume and observe all existing labor contracts relating to such system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he enjoyed as an employee of such system prior to such acquisition. The authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization.

NEW SECTION. Sec. 10. There is added to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW a new section to read as follows:

Any county in which a plan has been adopted pursuant to section 7 of this 1974 amendatory act may by resolution, for the sole purpose of providing funds for the operation, maintenance or capital needs of county public transportation, submit an authorizing proposition to the voters and if approved by a majority of persons voting thereon, fix and impose a sales and use tax. 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 county. The proceeds of such tax shall be deposited in the transportation fund created pursuant to section 6 of this act. The rate of such tax imposed by such county 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, That

V- such tax shall expire on June 30, 1979: PROVIDED FURTHER, That no authority may issue general obligation bonds which are secured by or payable from a sales and use tax imposed pursuant to this chapter.

In the event the county shall impose a sales and use tax pursuant to this section, no city, town, or metropolitan municipal corporation located within the territory of the authority shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045.

V- Sec. 11. Section 35.58.030, chapter 7, Laws of 1965 and RCW 35.58.030 are each amended to read as follows:

Any area of the state located in a class AA county and containing two or more cities, at least one of which is a city of the first class, may organize as a metropolitan municipal corporation for the performance of certain functions, as provided in this chapter.

NEW SECTION. Sec. 12. There is added to Title 36 RCW a new chapter to read as set forth in sections 1 through 9 of this 1974 amendatory act.

NEW SECTION. Sec. 13. This 1974 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 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 5, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State May 5, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Substitute House Bill No. 670 entitled:

"AN ACT Relating to transportation."

Veto
Message

1. Definition of "public transportation function."

Section 1 (3) of the bill contains an obvious drafting error overlooked throughout the entire

Veto
Message

legislative process that effectively defeats the purpose of the bill by excluding from the jurisdiction of a county transportation authority the principal function that should be undertaken: individual farepaying transportation. The definition of "public transportation function" in this bill is identical to the language employed in RCW 35.58.020(14) relating to metropolitan municipal corporations, with the sole exception of the word "how" appearing in page 1, line 17 of the bill which should have read "not." Since this is not the type of engrossing error which might otherwise have been corrected by the Code Reviser, I have determined that the only way of salvaging this critical definitional section is to veto the phrase "or any other motor vehicle now on an individual farepaying basis." It is interesting to note that had the item veto power not been available to correct this otherwise fatal error, the bill would be of no use to those counties that have long awaited this kind of enabling legislation.

2. Annual report to Legislature.

Under RCW 43.09.230, a county transportation authority set up under this act would be required to prepare annually a detailed report pursuant to the rigid requirements of that section, which report would in due course be submitted to the Legislature at its next session. The item in section 6 of the bill further requiring an annual report to be submitted to the transportation and utilities committees of the Senate and House is unwarranted and would lead to wasteful duplication of effort. Accordingly, I have vetoed that item.

3. Plan conformance to federal requirements.

Section 7 contains an item requiring the public transportation plan adopted by the authority to conform to federal requirements. Needless to say, an authority wishing to qualify for federal funding will prepare its plan in accordance with federal requirements. On the other hand, this could impose an excessive burden on areas in the state not seeking federal funding and without the capability for the planning effort which would be required to conform to federal requirements. I have therefore vetoed the referenced item.

4. Restrictions on funding and bonding.

Section 10 contains two provisos that effectively cripple the financial and planning capability of an authority. The expiration date of June 30, 1979 on the local option sales tax injects uncertainty into the future of any county transportation system and precludes any long-range planning. The prohibition against issuance of general obligation bonds removes the borrowing capability of an authority and would require the improbable situation of sufficient funds on hand before commencing any project. Even with federal participation, the authority would ordinarily be required to advance the federal share, which it simply would not be able to do without borrowed funds. For these reasons, I have determined to veto that item in section 10 consisting of the two referenced provisos.

5. Limitation on future formation of METROS.

The intent of the Legislature in section 11 was presumably to preclude formation of other metropolitan municipal corporations for transportation purposes. The language of this section far exceeds that intent, however, and subjects the bill to serious constitutional challenge. The broad language of the section precludes the formation of metropolitan municipal corporations for any other purposes such as sewerage disposal and planning. In doing so, the section goes beyond the title of the bill and raises the question of two separate subjects in one bill. Accordingly, I have vetoed section 11.

With the exception of the foregoing items, I have ^{Veto} approved the remainder of Substitute House Bill ^{Message} No. 670."

CHAPTER 168
[Substitute House Bill No. 867]
URBAN ARTERIAL PROJECTS—
FUND ALLOCATION PRESERVATION—STUDY

AN ACT Relating to authorized urban arterial projects, preserving approved allocations of the Washington state urban arterial board while delayed by court order and for an interim period thereafter; and declaring an emergency.

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

NEW SECTION. Section 1. Urban arterial trust account funds, heretofore allocated by the Washington state urban arterial board for authorized projects and subject to cancellation if construction has not commenced by July 1, 1974, shall, in the event that compliance with the construction deadline is prevented by an order of a court of the United States or the state of Washington during the pendency of litigation, be reserved for the use of such approved projects after July 1, 1974, provided that construction shall commence within ninety days after final disposition of such litigation.

NEW SECTION. Sec. 2. Where urban arterial trust account funds were authorized by the State Urban Arterial Board for specific arterial projects, and in those cases where the initial authorization of the project occurred during the 1967-69 and 1969-71 biennial periods, such trust account funds shall remain obligated to such projects for the period through June 30, 1975.

NEW SECTION. Sec. 3. The Senate and House Standing Committees on Transportation and Utilities shall review the fiscal effect of irrevocably committing state funds to specific projects during such period as all possible litigation under the National Environmental Policy Act, the State Environmental Policy Act, the Shoreline Management Act, or other federal or state litigation has been resolved, and report their findings and recommendations to the 1975 legislature.

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 23, 1974.
Passed the Senate April 25, 1974.
Approved by the Governor May 5, 1974, with the exception of one section which is vetoed.
Filed in Office of Secretary of State May 5, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 867 entitled:

"AN ACT Relating to authorized urban arterial projects, preserving approved allocations of the Washington State Urban Arterial Board while delayed by court order and for an interim period thereafter." Veto Message

This bill provides for the continued obligation of urban arterial trust funds for specified categories of urban arterial projects.

In the course of the enactment of the bill, sections 2 and 3 were added by amendment with the intention of replacing the provisions of section 1. By oversight, section 1 was left in the bill and is inconsistent with the remainder of the bill. To correct this mistake and to assist the Legislature in establishing its own intent, I have determined to veto section 1.

With the exception noted above, I have approved the remainder of Substitute House Bill No. 867."

CHAPTER 169

[House Bill No. 1301]

INVENTORY TAX PHASE-OUT

AN ACT Relating to revenue and taxation; adding new sections to chapter 15, Laws of 1961 and to chapter 82.04 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 84.40 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. This 1974 act is intended to stimulate the economy of the state, and thereby to increase the revenues of the state and its local taxing districts. The department of revenue shall review the impact of this 1974 act upon the economy and revenues of the state and its local taxing districts, and shall report thereon biennially to the legislature. Recommendations for additional legislation shall be included in such reports if such legislation is needed to assure that the economic stimulus provided by this 1974 act is balanced by increased revenues.

NEW SECTION. Sec. 2. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

For each of the calendar years 1974 through 1983, a percentage as set forth below, of any personal property taxes paid before

delinquency after the effective date of this 1974 act by any taxpayer upon business inventories during the same calendar year shall be allowed as a credit against the total of any taxes imposed on such taxpayer or its successor by chapter 82.04 RCW (business and occupation tax), as follows:

Inventory taxes paid in 1974.....ten percent
Inventory taxes paid in 1975.....twenty percent
Inventory taxes paid in 1976.....thirty percent
Inventory taxes paid in 1977.....forty percent
Inventory taxes paid in 1978.....fifty percent
Inventory taxes paid in 1979.....sixty percent
Inventory taxes paid in 1980.....seventy percent
Inventory taxes paid in 1981.....eighty percent
Inventory taxes paid in 1982.....ninety percent
Inventory taxes paid in 1983.....one hundred percent

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Commencing with assessment as of January 1, 1983, for taxes due in 1984 business inventories shall be fully exempt under chapter 84.36 RCW. "Business inventories" shall have the meaning given to it in section 4 of this 1974 act.

Commencing with January 1, 1984, assessments for taxes due in 1985, taxpayers shall not be required to report, or assessors to list, the business inventories covered by this phase out exemption.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

For the purposes of this chapter:

"Business inventories" means all livestock and means personal property acquired or produced solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component. It shall include inventories of finished goods and work in process.

"Successor" shall have the meaning given to it in RCW 82.04.180.

NEW SECTION. Sec. 5. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

(1) Each taxpayer requesting business and occupation tax credit under section 2 of this 1974 act shall verify, by completing and signing a form prepared and made available by the department of revenue, payment of business inventory taxes on which such credit is based.

(2) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. There is added to chapter 15, Laws of 1961 and to chapter 82.04 RCW a new section to read as follows:

If the department of revenue finds that any taxpayer received any tax credit under section 2 of this 1974 act based on false or fraudulent information supplied by such taxpayer the amount of taxes avoided thereby shall be collected together with statutory interest thereon, and in addition a twenty-five percent penalty shall be due thereon for a period of not to exceed three years. V

NEW SECTION. Sec. 7. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows: V

Commencing with assessment as of January 1, 1984, for taxes due in 1985 business inventories shall be fully exempt under chapter 84.36 RCW. "Business inventories" shall have the meaning given to it in section 4 of this 1974 act.

Commencing with January 1, 1984, assessments for taxes due in 1985, taxpayers shall not be required to report, or assessors to list, the business inventories covered by this phase out exemption.

NEW SECTION. Sec. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

All animals, birds, or insects, and all agricultural or horticultural produce or crops, including the milk, egg, wool, fur, meat, honey, or such other substance therefrom shall be assessed for the purposes of ad valorem taxes according to the following schedule: V

Commencing with assessment as of January 1, 1975, for taxes due in 1976 the assessment level shall be seventy-five percent of true and fair value.

Commencing with assessment as of January 1, 1976, for taxes due in 1977 the assessment level shall be seventy percent of true and fair value.

Commencing with assessment as of January 1, 1977, for taxes due in 1978 the assessment level shall be sixty percent of true and fair value.

Commencing with assessment as of January 1, 1978, for taxes due in 1979 the assessment level shall be fifty percent of true and fair value.

Commencing with assessment as of January 1, 1979, for taxes due in 1980 the assessment level shall be forty percent of true and fair value.

Commencing with assessment as of January 1, 1980, for taxes due in 1981 the assessment level shall be thirty percent of true and fair value.

Commencing with assessment as of January 1, 1981, for taxes due in 1982 the assessment level shall be twenty percent of true and fair value.

Commencing with assessment as of January 1, 1982, for taxes due in 1983 the assessment level shall be ten percent of true and fair value.

Commencing with assessment as of January 1, 1983, for taxes due in 1984 such inventories shall be fully exempt under chapter 84.36 RCW.

Commencing with January 1, 1983, assessments for taxes due in 1984, taxpayers shall not be required to report, or assessors to list, the inventories covered by this phase out exemption.

NEW SECTION. Sec. 9. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

The department of revenue shall promulgate such rules and regulations, and prescribe such procedures as it deems necessary to carry out sections 1 through 8 of this 1974 act.

NEW SECTION. Sec. 10. 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. 11. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on May 10, 1974.

Passed the House April 23, 1974.

Passed the Senate April 23, 1974.

Approved by the Governor May 5, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 5, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 1301 entitled:

"AN ACT Relating to revenue and taxation."

Section 6 imposes a twenty-five percent penalty for avoidance of the business and occupation tax by supplying fraudulent information on the credit due for inventory tax payments. An item in that section sets a three-year statute of limitations for the collection of the penalty. This limitations period conflicts with the four-year statute of limitations for other excise taxes set in RCW 82.32.100 where no fraud is involved and the open limitations period upon a showing of fraud by the taxpayer. There is no compelling reason for this discrepancy. Accordingly, I have vetoed that item.

Veto
Message

Section 7 provides for the elimination of inventory taxes commencing with 1984 assessments for 1985 taxes. This is inconsistent with other portions of the bill dealing with the inventory tax phase-out, and specifically with section 3 which eliminates the inventory tax commencing with 1983 assessments for 1984 taxes in accordance with the phase-out schedule set forth in section 2. I have therefore vetoed section 7.

Section 8 is intended to provide relief primarily for taxpayers such as farmers who have no business and occupation tax liability against which inventory taxes may be credited. As enacted, however, the language of this section is so broadened by certain items as to extend far beyond the farmer and original producer, and would permit an exemption from tax to be passed on to the manufacturing, wholesaling, and retail levels. In addition, agricultural product retailers, wholesalers, and manufacturers who presently are exempted from business and occupation tax liability would receive an additional credit against their remaining inventory tax liability. I have determined to veto the items in section 8 which unduly broaden its effect and strongly urge the Legislature to refine even further the remaining language which still provides potential loopholes for tax exemptions and double benefits not intended by the drafters of the bill. I would specifically suggest that the Legislature refer to the very restrictive agricultural exemptions enacted in RCW 82.04.330.

Veto Message

With the foregoing exceptions, the remainder of House Bill No. 1301 is approved."

CHAPTER 170

[Substitute House Bill No. 94]

PUBLIC EMPLOYMENT COMPETITIVE EXAMINATIONS—
VETERANS' PREFERENCE

AN ACT Relating to veterans; providing veterans with certain public employment preferences; and amending section 1, chapter 189, Laws of 1945 as last amended by section 2, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.010.

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

Section 1. Section 1, chapter 189, Laws of 1945 as last amended by section 2, chapter 269, Laws of 1969 ex. sess. and RCW 41.04.010 are each amended to read as follows:

In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans as defined in RCW 41.04.005, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

- (1) Ten percent to a veteran who is not receiving any veterans retirement payments and said percentage shall be utilized in said veteran's ((first)) competitive examination ((only)) and not in any promotional examination until one of such examinations results in said veteran's first appointment; PROVIDED, That said percentage shall not be utilized in any promotional examination;

(2) Five percent to a veteran who is receiving any veterans retirement payments and said percentage shall be utilized in said veteran's ((first)) competitive examination only and not in any promotional examination until one of such examinations results in said veteran's first appointment: PROVIDED, That said percentage shall not be utilized in any promotional examination;

(3) Five percent to a veteran who, after having previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled, to active military service for a period of one year, or more, during any period of war, for his first promotional examination only, upon compliance with RCW 73.16.035 as it now exists or may hereafter be amended;

(4) There shall be no examination preferences other than those which have been specifically provided for above and all preferences above specified in (1), (2) and (3) must be claimed by a veteran within ((five)) eight years of the date of his release from active service.

Passed the House January 31, 1974.
Passed the Senate April 19, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 171
[House Bill No. 1183]
EMERGENCY SERVICES

AN ACT Relating to emergency services; amending section 2, chapter 24, Laws of 1971 and RCW 28A.24.172; amending section 35A.38.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.38.010; amending section 3, chapter 252, Laws of 1969 ex. sess. and RCW 36.32.440; amending section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 203, Laws of 1967 and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 203, Laws of 1967 and RCW 38.52.020; amending section 5, chapter 178, Laws of 1951 and RCW 38.52.040; amending section 6, chapter 178, Laws of 1951 and RCW 38.52.050; amending section 7, chapter 178, Laws of 1951 and RCW 38.52.060; amending section 8, chapter 178, Laws of 1951 and RCW 38.52.070; amending section 9, chapter 178, Laws of 1951 and RCW 38.52.080; amending section 10, chapter 178, Laws of 1951 and RCW 38.52.090; amending section 12, chapter 178, Laws of 1951 and RCW 38.52.100; amending section 13, chapter 178, Laws of 1951 as

last amended by section 1, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.110; amending section 14, chapter 178, Laws of 1951 and RCW 38.52.120; amending section 15, chapter 178, Laws of 1951 as amended by section 2, chapter 145, Laws of 1953 and RCW 38.52.130; amending section 16, chapter 178, Laws of 1951 and RCW 38.52.140; amending section 18, chapter 178, Laws of 1951 and RCW 38.52.150; amending section 19, chapter 178, Laws of 1951 and RCW 38.52.160; amending section 20, chapter 178, Laws of 1951 and RCW 38.52.170; amending section 11, chapter 178, Laws of 1951 as last amended by section 2, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.180; amending section 3, chapter 223, Laws of 1953 and RCW 38.52.190; amending section 7, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.195; amending section 9, chapter 223, Laws of 1953 and RCW 38.52.200; amending section 4, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.205; amending section 5, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.207; amending section 4, chapter 223, Laws of 1953 and RCW 38.52.210; amending section 7, chapter 223, Laws of 1953 and RCW 38.52.240; amending section 8, chapter 223, Laws of 1953 and RCW 38.52.250; amending section 10, chapter 223, Laws of 1953 and RCW 38.52.260; amending section 11, chapter 223, Laws of 1953 and RCW 38.52.270; amending section 12, chapter 223, Laws of 1953 and RCW 38.52.280; amending section 13, chapter 223, Laws of 1953 as amended by section 71, chapter 289, Laws of 1971 ex. sess. and RCW 38.52.290; amending section 15, chapter 223, Laws of 1953 and RCW 38.52.310; amending section 16, chapter 223, Laws of 1953 and RCW 38.52.320; amending section 17, chapter 223, Laws of 1953 as amended by section 72, chapter 289, Laws of 1971 ex. sess. and RCW 38.52.330; amending section 18, chapter 223, Laws of 1953 and RCW 38.52.340; amending section 19, chapter 223, Laws of 1953 and RCW 38.52.350; amending section 20, chapter 223, Laws of 1953 and RCW 38.52.360; amending section 21, chapter 223, Laws of 1953 and RCW 38.52.370; amending section 22, chapter 223, Laws of 1953 and RCW 38.52.380; amending section 1, chapter 178, Laws of 1951 and RCW 38.52.900; amending section 43.31.200, chapter 8, Laws of 1965 and RCW 43.31.200; amending section 46.16.340, chapter 12, Laws of 1961 as amended by section 23, chapter 32, Laws of 1967 and RCW 46.16.340; amending section 1, chapter 20, Laws of 1971 and RCW 51.12.035; amending section 1, chapter 142, Laws of 1947 and RCW 73.04.090; amending section 3, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.030; and repealing section 3, chapter 6, Laws of 1972 ex. sess. and RCW

38.52.007; and enacting the interstate civil defense and disaster compact.

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

Section 1. Section 2, chapter 24, Laws of 1971 and RCW 28A.24.172 are each amended to read as follows:

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 RCW 28A.24.170, 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)) emergency services 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. 2. Section 35A.38.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.38.010 are each amended to read as follows:

A code city may participate in the creation of local organizations for ((civil defense)) emergency services, provide for mutual aid, and exercise all of the powers and privileges and perform all of the functions and duties, and the officers and employees thereof shall have the same powers, duties, rights, privileges and immunities as any city of any class, and the employees thereof, have in connection with ((civil defense)) emergency services as provided in chapter 38.52 RCW in the manner provided by said chapters or by general law.

Sec. 3. Section 3, chapter 252, Laws of 1969 ex. sess. and RCW 36.32.440 are each amended to read as follows:

The board of county commissioners of the several counties may employ such staff as deemed appropriate to serve the several boards directly in matters including but not limited to purchasing, poverty and relief programs, parks and recreation, ((civilian defense)) emergency services, budgetary preparations set forth in RCW 36.40.010-.050, code enforcement and general administrative coordination. Such authority shall in no way infringe upon or relieve the county auditor of responsibilities contained in RCW 36.22.010 (9) and RCW 36.22.020.

Sec. 4. Section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 203, Laws of 1967 and RCW 38.52.010 are each amended to read as follows:

As used in this chapter:

(1) ((Civil defense)) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes, and to provide support for search and rescue operations for persons and property in distress. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

(2) "Local organization for ((civil defense)) emergency services" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local ((civil defense)) emergency services functions.

(3) "Mobile support unit" means an organization for ((civil defense)) emergency services created in accordance with the provisions of this chapter by state or local authority to be dispatched by the governor to supplement local organizations for ((civil defense)) emergency services in stricken areas.

(4) "Political subdivision" means any county, city or town.

(5) "((Civil defense)) Emergency services worker" means any person who is registered with a state or local ((civil defense)) emergency services organization and holds an identification card issued by the state or local ((civil defense)) emergency services director for the purpose of engaging in authorized ((civil defense)) emergency services or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform ((civil defense)) emergency services.

(6) ((Civil defense service) means and includes all activities authorized by and carried on pursuant to the provisions of the Washington civil defense act of 1954, including training necessary or proper to engage in such activities:

{7}) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of ((civil defense)) emergency services.

Sec. 5. Section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 203, Laws of 1967 and RCW 38.52.020 are each amended to read as follows:

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters, and further to insure adequate support for search and rescue operations, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To create a state ((civil defense agency)) department of emergency services, and to authorize the creation of local organizations for ((civil defense)) emergency services in the political subdivisions of the state;

(b) To confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein:

(c) To provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of ((civil defense)) emergency services functions; and

(d) To provide a means of compensating ((civil defense)) emergency services workers who may suffer any injury as herein defined as a result of participation in ((civil defense)) emergency services.

(2) It is further declared to be the purpose of this chapter and the policy of the state that all ((civil defense)) emergency services functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

Sec. 6. Section 5, chapter 178, Laws of 1951 and RCW 38.52.040 are each amended to read as follows:

There is hereby created a ((civil defense)) emergency services council (hereinafter called the council), to consist of not less than seven nor more than fifteen members who shall be appointed by the governor. The council shall advise the governor and the director on all matters pertaining to ((civil defense)) emergency services. The

governor shall serve as chairman of the council, and the members thereof shall serve without compensation, but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

Sec. 7. Section 6, chapter 178, Laws of 1951 and RCW 38.52.050 are each amended to read as follows:

(1) The governor, through the director, shall have general supervision and control of the ((civil defense agency)) department of emergency services, and shall be responsible for the carrying out of the provisions of this chapter, and in the event of disaster beyond local control, may assume direct operational control over all or any part of the ((civil defense)) emergency services functions within this state.

(2) In performing his duties under this chapter, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the ((civil defense)) emergency services of this state and of the nation.

(3) In performing his duties under this chapter and to effect its policy and purpose, the governor is further authorized and empowered:

(a) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government; copies of all of such rules, regulations and orders shall upon their issuance forthwith be transmitted to the auditors of the respective counties for filing in their offices and a separate file and a separate index shall be maintained therefor;

(b) To prepare a comprehensive plan and program for the ((civil defense)) emergency services of this state, such plan and program to be integrated into and coordinated with the ((civil defense)) emergency services plans of the federal government and of other states to the fullest extent possible, and to coordinate the preparation of plans and programs for ((civil defense)) emergency services by the political subdivisions of this state, such plans to be integrated into and coordinated with the ((civil defense)) emergency services plan and program of this state to the fullest possible extent;

(c) In accordance with such plan and program for the ((civil defense)) emergency services of this state, to procure supplies and equipment, to institute training programs and public information programs, and to take all other preparatory steps including the partial or full mobilization of ((civil defense)) emergency services organizations in advance of actual disaster, to insure the furnishing

of adequately trained and equipped forces of ((civil defense)) emergency services personnel in time of need;

(d) To make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for ((civil defense)) emergency services, and to plan for the most efficient emergency use thereof;

(e) On behalf of this state, to enter into mutual aid arrangements with other states and territories, or provinces of the Dominion of Canada and to coordinate mutual aid plans between political subdivisions of this state;

(f) To delegate any administrative authority vested in him under this chapter, and to provide for the subdelegation of any such authority;

(g) To appoint, with the advice of local authorities, metropolitan or regional area coordinators, or both, when practicable;

(h) To cooperate with the president and the heads of the armed forces, the ((civil defense)) emergency services agency of the United States, and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the ((civil defense)) emergency services of the state and nation, including the direction or control of

(i) blackouts and practice blackouts, air-raid drills, mobilization of ((civil defense)) emergency services forces, and other tests and exercises;

(ii) warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(iii) the effective screening or extinguishing of all lights and lighting devices and appliances;

(iv) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(v) the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or attack;

(vi) public meetings or gatherings; and

(vii) the evacuation and reception of the civilian population.

Sec. 8. Section 7, chapter 178, Laws of 1951 and RCW 38.52.060 are each amended to read as follows:

(1) The governor, through the director is authorized to create and establish such number of mobile support units as may be necessary to reinforce ((civil defense)) emergency services organizations in stricken areas and with due consideration of the

plans of the federal government and of other states. He shall appoint a commander for each such unit who shall have primary responsibility for the organization, administration and operation of such unit. Mobile support units shall be called to duty upon orders of the governor and shall perform their functions in any part of the state, or, upon the conditions specified in this section, in other states.

(2) Personnel of mobile support units while on duty, whether within or without the state, shall:

(a) If they are employees of the state, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment;

(b) If they are employees of a political subdivision of the state, and whether serving within or without such political subdivision, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment; and

(c) If they are not employees of the state or a political subdivision thereof, be entitled to compensation by the state at a rate to be determined by the governor based upon the scale paid by the state to state employees of the same, or similar, classification. All personnel of mobile support units shall, while on duty, be subject to the operational control of the authority in charge of ((civil defense)) emergency services activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

(3) The state shall reimburse a political subdivision for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of employees of such political subdivision while serving as members of a mobile support unit, and for all payments for death, disability, or injury of such employees incurred in the course of such duty, and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such mobile support unit.

(4) Whenever a mobile support unit of another state shall render aid in this state pursuant to the orders of the governor of its home state and upon the request of the governor of this state the personnel thereof shall have the powers, duties, rights, privileges and immunities of ((civil defense)) emergency services employees of this state except compensation, and this state shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel incurred

in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid: PROVIDED, That the laws of such other state contain provisions substantially similar to this section.

(5) No personnel of mobile support units of this state shall be ordered by the governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Sec. 9. Section 8, chapter 178, Laws of 1951 and RCW 38.52.070 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization for ((civil defense)) emergency services in accordance with the state ((civil defense)) emergency services plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for ((civil defense)) emergency services to the state director of ((civil defense)) emergency services and secure his recommendations thereon in order that the local organization for ((civil defense)) emergency services may be coordinated with the plan and program of the state. If the director's recommendations are adverse to the plan as submitted, the matter shall be referred to the council for final action. The director of ((civil defense)) emergency services may authorize two or more political subdivisions to join in the establishment and operation of a local organization for ((civil defense)) emergency services as circumstances may warrant, in which case each political subdivision shall contribute to the cost of ((civil defense)) emergency services upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a local organization for ((civil defense)) emergency services each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the ((civil defense)) emergency services fund. Each local organization for ((civil defense)) emergency services shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for ((civil defense)) emergency services, subject to the direction and control of such executive officer or officers. In the

case of a jointly established and operated organization for ((civii defense)) emergency services, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. As used in this chapter, the term "executive head" and "executive heads" mean, in the case of counties, the board of county commissioners and, in the case of cities and towns, the mayor. Each local organization for ((civii defense)) emergency services shall perform ((civii defense)) emergency services functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

Sec. 10. Section 9, chapter 178, Laws of 1951 and RCW 38.52.080 are each amended to read as follows:

(1) Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in RCW 38.52.070 such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

(2) The political subdivision in which any equipment is used pursuant to this section shall be liable for any loss or damage thereto and shall pay any expense incurred in the operation and maintenance thereof. No claim for such loss, damage, or expense shall be allowed unless, within sixty days after the same is sustained or incurred, an itemized notice of such claim under oath is served by mail or otherwise upon the executive head of such political subdivision where the equipment was used. The term "employee" as used in this section shall mean, and the provisions of this section

shall apply with equal effect to, volunteer auxiliary employees, and ((civil defense)) emergency services workers.

(3) The foregoing rights, privileges, and obligations shall also apply in the event such aid is rendered outside the state, provided that payment or reimbursement in such case shall or may be made by the state or political subdivision receiving such aid pursuant to a reciprocal mutual aid agreement or compact with such state or by the federal government.

Sec. 11. Section 10, chapter 178, Laws of 1951 and RCW 38.52.090 are each amended to read as follows:

(1) The director of each local organization for ((civil defense)) emergency services may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal ((civil defense)) emergency services aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state ((civil defense)) emergency services plan and program, and in time of emergency it shall be the duty of each local organization for ((civil defense)) emergency services to render assistance in accordance with the provisions of such mutual aid arrangements. The director shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The director of each local organization for ((civil defense)) emergency services may, subject to the approval of the governor, enter into mutual aid arrangements with ((civil defense)) emergency services agencies or organizations in other states for reciprocal ((civil defense)) emergency services aid and assistance in case of disaster too great to be dealt with unassisted, and in furtherance thereof the following interstate civil defense and disaster compact is hereby approved, ratified, adopted, entered into, and enacted by the state of Washington:

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including

personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if

they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into

supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their

approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15.

(a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.

2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.

3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.

4. The giving and receiving of aid by subdivisions of party States.

5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

Sec. 12. Section 12, chapter 178, Laws of 1951 and RCW 38.52.100 are each amended to read as follows:

(1) Each political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for ((civil defense)) emergency services.

(2) Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of ((civil defense)) emergency services, the state, acting through the governor, or such political subdivision, acting with the consent of the governor and through its executive head, may accept such offer and upon such acceptance the governor of the state or executive head of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(3) Whenever any person, firm, or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for the purposes of ((civil defense)) emergency services, the state, acting through the governor, or such political subdivision, acting through its executive head, may accept such offer and upon such acceptance the governor of the state or executive head of such

political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer.

Sec. 13. Section 13, chapter 178, Laws of 1951 as last amended by section 1, chapter 8, Laws of 1971 ex. sess. 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, 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)) emergency services 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)) emergency services 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)) emergency services regulations for registered ((civil defense)) emergency services workers.

Sec. 14. Section 14, chapter 178, Laws of 1951 and RCW 38.52.120 are each amended to read as follows:

No organization for ((civil defense)) emergency services established under the authority of this chapter shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Sec. 15. Section 15, chapter 178, Laws of 1951 as amended by section 2, chapter 145, Laws of 1953 and RCW 38.52.130 are each amended to read as follows:

(1) No person shall be employed or associated in any capacity in any ((civil defense)) emergency services organization established under this chapter who advocates or has advocated a change by force

or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for ((civil defense)) emergency services shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Washington, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the (name of ((civil defense)) emergency services organization), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(2) The director of ((civil defense)) emergency services or any ((civil defense)) emergency services official designated by him is authorized to administer the loyalty oath as required by this chapter.

Sec. 16. Section 16, chapter 178, Laws of 1951 and RCW 38.52.140 are each amended to read as follows:

Any civil service employee of the state of Washington or of any political subdivision thereof while on leave of absence and on duty with any ((civil defense)) emergency services agency authorized under the provisions of this chapter shall be preserved in his civil service status as to seniority and retirement rights so long as he regularly continues to make the usual contributions incident to the retention of such beneficial rights as if he were not on leave of absence.

Sec. 17. Section 18, chapter 178, Laws of 1951 and RCW 38.52.150 are each amended to read as follows:

(1) It shall be the duty of every organization for ((civil defense)) emergency services established pursuant to this chapter and of the officers thereof to execute and enforce such orders, rules,

and regulations as may be made by the governor under authority of this chapter. Each such organization shall have available for inspection at its office all orders, rules, and regulations made by the governor, or under his authority.

(2) Every violation of any rule, regulation or order issued under the authority of this chapter shall constitute a misdemeanor and shall be punishable as such: PROVIDED, That whenever any person shall commit a second offense hereunder the same shall constitute a gross misdemeanor and shall be punishable as such.

Sec. 18. Section 19, chapter 178, Laws of 1951 and RCW 38.52.160 are each amended to read as follows:

The ((civil defense)) emergency services agency is hereby authorized to require of any political subdivision to which funds are allocated under this chapter for any project, use or activity that such subdivision shall provide matching funds in equal amounts with respect to such project, use or activity.

Sec. 19. Section 20, chapter 178, Laws of 1951 and RCW 38.52.170 are each amended to read as follows:

Whenever the state director of ((civil defense)) emergency services finds that it will be in the interest of the ((civil defense)) emergency services of this state or of the United States, he may, with the approval of the governor, agree with the federal government, or any agency thereof carrying on activities within this state, upon a plan of ((civil defense)) emergency services applicable to a federally owned area, which plan may or may not conform to all of the other provisions of this chapter with the view to integrating federally owned areas into the comprehensive plan and program of the ((civil defense)) emergency services of this state. Such plan may confer upon persons carrying out such plan any or all of the rights, powers, privileges and immunities granted employees or representatives of the state and/or its political subdivisions by this chapter.

Sec. 20. Section 11, chapter 178, Laws of 1951 as last amended by section 2, chapter 8, Laws of 1971 ex. sess. 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)) emergency services 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)) emergency services 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)) emergency services workers while actually engaged in ((civil defense)) emergency services duties, or as members of any agency of the state or political subdivision thereof engaged in ((civil defense)) emergency services 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)) emergency services: 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)) emergency services worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an 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. 21. Section 3, chapter 223, Laws of 1953 and RCW 38.52.190 are each amended to read as follows:

Except as provided in this chapter, ((a civil defense)) an emergency services worker and his dependents shall have no right to receive compensation from the state, from the agency, from the local organization for ((civil defense)) emergency services with which he is registered, or from the county or city which has empowered the local organization for ((civil defense)) emergency services to register him and direct his activities, for an injury or death arising out of and occurring in the course of his activities as ((a civil defense)) an emergency services worker.

Sec. 22. Section 7, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.195 are each amended 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 RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 while complying with or attempting to comply with RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 or any rule or regulation promulgated pursuant to the provisions of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 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)) an emergency services worker, and is acting within the course of his duties as ((a civil defense)) an emergency services worker;

(2) Where, at the time of the injury, loss, or damage, the organization for ((civil defense)) emergency services which the worker is assisting is an approved organization for ((civil defense)) emergency services;

(3) Where the injury, loss, or damage is proximately caused by his service either with or without negligence as a ((civil defense)) emergency services 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.

Sec. 23. Section 9, chapter 223, Laws of 1953 and RCW 38.52.200 are each amended to read as follows:

Liability for the compensation provided by this chapter, as limited by the provisions thereof, is in lieu of any other liability whatsoever to ((a civil defense)) an emergency services worker or his

dependents or any other person on the part of the state, the agency, the local organization for ((civil defense)) emergency services with which the ((civil defense)) emergency services worker is registered, and the county or city which has empowered the local organization for ((civil defense)) emergency services to register him and direct his activities, for injury or death arising out of and in the course of his activities while on duty as ((a civil defense)) an emergency services worker: PROVIDED, That nothing in this chapter shall limit or bar the liability of the state or its political subdivisions engaged in proprietary functions as distinguished from governmental functions that may exist by reason of injury or death sustained by ((a civil defense)) an emergency services worker.

Sec. 24. Section 4, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.205 are each amended to read as follows:

All claims against the state for property damages or indemnification therefor arising from ((civil defense)) emergency service 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.

Sec. 25. Section 5, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.207 are each amended to read as follows:

The director of the state department of ((civil defense)) emergency services, 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.

Sec. 26. Section 4, chapter 223, Laws of 1953 and RCW 38.52.210 are each amended to read as follows:

(1) In each local organization for ((civil defense)) emergency services established by the county commissioners in accordance with the provisions of RCW 38.52.070, there is hereby created and established a compensation board for the processing of

claims as provided in this chapter. The compensation board shall be composed of one member of the board of county commissioners selected by the county commissioners of the county who will serve as chairman of the compensation board; the county director of ((civil defense)) emergency services; the prosecuting attorney; the ((civil defense)) emergency services coordinator for medical and health services; and the county auditor who will serve as secretary of the compensation board.

(2) In each local organization for ((civil defense)) emergency services established by cities and towns in accordance with RCW 38.52.070, there is hereby created and established a compensation board for the processing of claims as provided in this chapter. The compensation board shall be composed of the mayor; the city director of ((civil defense)) emergency services; one councilman or commissioner selected by the council or the commission; the city attorney or corporation counsel; and the ((civil defense)) emergency services coordinator of medical and health services. The councilman or commissioner so selected shall serve as chairman of the compensation board and the director of ((civil defense)) emergency services shall serve as secretary of the board.

Sec. 27. Section 7, chapter 223, Laws of 1953 and RCW 38.52.240 are each amended to read as follows:

The compensation board shall hear and decide all applications for compensation under this chapter. The board shall submit its recommendations to the director of the department of ((civil defense)) emergency services on such forms as he may prescribe. In case the decision of the director is different from the recommendation of the compensation board, the matter shall be submitted to the state ((civil defense)) emergency services council for action.

Sec. 28. Section 8, chapter 223, Laws of 1953 and RCW 38.52.250 are each amended to read as follows:

A majority of the compensation board shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed when a majority of the board has not voted favorably thereon.

The board shall send a copy of the minutes of all meetings to the department of ((civil defense)) emergency services with copies of all material pertaining to each claim submitted and noting the action of the board on each claim. Appeals may be made by the ((civil defense)) emergency services worker from any action by the board within one year by writing to the department of ((civil defense)) emergency services.

Sec. 29. Section 10, chapter 223, Laws of 1953 and RCW 38.52.260 are each amended to read as follows:

Compensation shall be furnished to ((a civil defense)) an emergency services worker either within or without the state for any injury arising out of and occurring in the course of his activities as ((a civil defense)) an emergency services worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions occur:

(1) Where, at the time of the injury the ((civil defense)) emergency services worker is performing services as ((a civil defense)) an emergency services worker, and is acting within the course of his duties as ((a civil defense)) an emergency services worker.

(2) Where, at the time of the injury the local organization for ((civil defense)) emergency services with which the ((civil defense)) emergency services worker is registered is an approved local organization for ((civil defense)) emergency services.

(3) Where the injury is proximately caused by his service as ((a civil defense)) an emergency services worker, either with or without negligence.

(4) Where the injury is not caused by the intoxication of the injured ((civil defense)) emergency services worker.

(5) Where the injury is not intentionally self-inflicted.

Sec. 30. Section 11, chapter 223, Laws of 1953 and RCW 38.52.270 are each amended to read as follows:

((Civil defense)) Emergency service volunteers who are minors shall have the same rights as adults for the purpose of receiving benefits under the provisions of this chapter, but this provision shall not prevent the requirements that a guardian be appointed to receive and administer such benefits until the majority of such minor. Work as ((a civil defense)) an emergency services volunteer shall not be deemed as employment or in violation of any of the provisions of chapter 49.12 RCW.

Sec. 31. Section 12, chapter 223, Laws of 1953 and RCW 38.52.280 are each amended to read as follows:

No compensation or benefits shall be paid or furnished to ((civil defense)) emergency services workers or their dependents pursuant to the provisions of this chapter except from money appropriated for the purpose of this chapter.

Sec. 32. Section 13, chapter 223, Laws of 1953 as amended by section 71, chapter 289, Laws of 1971 ex. sess. 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, 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)) an emergency services 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 RCW and at the maximum rate provided therein, subject, however, to the limitations set forth in this chapter.

Sec. 33. Section 15, chapter 223, Laws of 1953 and RCW 38.52.310 are each amended to read as follows:

The department of ((civil defense)) emergency services shall establish by rule and regulation various classes of ((civil defense)) emergency services workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this chapter. The department shall also adopt rules and regulations prescribing the manner in which ((civil defense)) emergency services workers of each class are to be registered.

Sec. 34. Section 16, chapter 223, Laws of 1953 and RCW 38.52.320 are each amended to read as follows:

The department of ((civil defense)) emergency services shall provide each compensation board with the approved maximum schedule of payments for injury or death prescribed in chapter 51.32 RCW: PROVIDED, That nothing in this chapter shall be construed as establishing any liability on the part of the department of labor and industries.

Sec. 35. Section 17, chapter 223, Laws of 1953 as amended by section 72, chapter 289, Laws of 1971 ex. sess. and RCW 38.52.330 are each amended to read as follows:

The department of ((civil defense)) emergency services 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)) emergency services 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)) emergency services or the state ((civil defense)) emergency services 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)) emergency services worker or his dependents shall have the same right of appeal from any order,

decision, or award to the same extent as provided in chapter 51.32 RCW as amended by this 1971 amendatory act.

Sec. 36. Section 18, chapter 223, Laws of 1953 and RCW 38.52.340 are each amended to read as follows:

Nothing in this chapter shall deprive any ((civil defense)) emergency services worker or his dependents of any right to compensation for injury or death sustained in the course of his regular employment even though his regular work is under direction of ((civil defense)) emergency services authorities: PROVIDED, That such worker, if he is eligible for some other compensation plan, and receives the benefits of such plan shall not also receive any compensation under this chapter. The department of ((civil defense)) emergency services shall adopt such rules and regulations as may be necessary to protect the rights of such workers and may enter into agreements with authorities in charge of other compensation plans to insure protection of such workers: PROVIDED, That if the compensation from some other plan is less than would have been available under this chapter, he shall be entitled to receive the deficiency between the amount received under such other plan and the amount available under this chapter.

Sec. 37. Section 19, chapter 223, Laws of 1953 and RCW 38.52.350 are each amended to read as follows:

Should the United States or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to ((civil defense)) emergency services workers or to their dependents for injuries arising out of and occurring in the course of their activities as ((civil defense)) emergency services workers, then the amount of compensation which any ((civil defense)) emergency services worker or his dependents are otherwise entitled to receive from the state of Washington as provided herein, shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the ((civil defense)) emergency services worker or his dependents have received and will receive from the United States or any agent thereof as a result of his injury.

Sec. 38. Section 20, chapter 223, Laws of 1953 and RCW 38.52.360 are each amended to read as follows:

If, in addition to monetary assistance, benefits or other temporary or permanent relief, the United States or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured ((civil defense)) emergency services worker, then the ((civil defense)) emergency services worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter. However, the department of ((civil defense))

emergency services may furnish medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter.

Sec. 39. Section 21, chapter 223, Laws of 1953 and RCW 38.52.370 are each amended to read as follows:

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States or any agent thereof, will reimburse ((a civil defense)) an emergency services worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured ((civil defense)) emergency services worker, the ((civil defense)) emergency services worker has no right to receive similar medical, surgical or hospital treatment as provided in this chapter, but the department of ((civil defense)) emergency services, may furnish a medical, surgical or hospital treatment as part of the compensation provided under the provisions of this chapter and apply to the United States or its agent for the reimbursement which will be made to the ((civil defense)) emergency services worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the department shall require the ((civil defense)) emergency services worker and his dependents to assign to the state of Washington, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any claim or right such ((civil defense)) emergency services worker or his dependents may have to reimbursement from the United States or any agent thereof.

Sec. 40. Section 22, chapter 223, Laws of 1953 and RCW 38.52.380 are each amended to read as follows:

If the furnishing of compensation under the provisions of this chapter to ((a civil defense)) an emergency services worker or his dependents prevents such ((civil defense)) emergency services worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a federal statute or rule or regulation, then the ((civil defense)) emergency services worker and his dependents shall have no right to, and shall not receive, any compensation from the state of Washington under the provisions of this chapter for any injury for which the United States or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the state of Washington.

Sec. 41. Section 1, chapter 178, Laws of 1951 and RCW 38.52.900 are each amended to read as follows:

This chapter may be cited as the Washington ((Civil Defense Act of 1954)) Emergency Services Act.

Sec. 42. Section 43.31.200, chapter 8, Laws of 1965 and RCW 43.31.200 are each amended to read as follows:

The department of commerce and economic development, through its appropriate division, shall have the responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

(1) Legal changes necessary for the establishment of adequate metropolitan and local levels of government;

(2) The various methods of adopting forms of government for metropolitan areas;

(3) Voting procedures to be employed if local determination is used as the method of adoption;

(4) The need for adjustments in area, organization, functions and finance of reorganized governments;

(5) Interstate areas that include a part of the territory of this state;

(6) State advisory and technical services and administrative supervision to governments in local areas;

(7) The effects upon local areas of present and proposed national, state and local government programs, including but not limited to grants-in-aid;

(8) The means of facilitating greater coordination of existing and contemplated policies of the national, state and local governments and of private associations and individuals that affect local areas;

(9) The legal changes that are necessary for the establishment of metropolitan target zone authorities adequate for ((civil defense)) emergency services purposes, and the measure required for the organization and operation of such authorities.

Sec. 43. Section 46.16.340, chapter 12, Laws of 1961 as amended by section 23, chapter 32, Laws of 1967 and RCW 46.16.340 are each amended to read as follows:

The director, from time to time, shall furnish the state department of ((civil defense)) emergency services, the Washington state patrol and all county sheriffs a list of the names, addresses and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

Sec. 44. Section 1, chapter 20, Laws of 1971 and RCW 51.12.035 are each amended 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)) emergency services workers as described by chapter 38.52 RCW, 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. 45. Section 1, chapter 142, Laws of 1947 and RCW 73.04.090 are each amended to read as follows:

All benefits, advantages or emoluments, not available upon equal terms to all citizens, including but not being limited to preferred rights to public employment, civil service preference, exemption from license fees or other impositions, preference in purchasing state property and special pension or retirement rights, which by any law of this state have been made specially available to war veterans or to persons who have served in the armed forces or defense forces of the United States, shall be available only to persons who have been subject to full and continuous military control and discipline as actual members of the federal armed forces. Service with such forces in a civilian capacity, or in any capacity wherein a person retained the right to terminate his service or to refuse full obedience to military superiors, shall not be the basis for eligibility for such benefits. Service in any of the following shall not for purposes of this section be considered as military service: The office of ((Civilian Defense)) emergency services or any component thereof; the American Red Cross; the United States Coast Guard Auxiliary; United States Coast Guard Reserve Temporary; United States Coast and Geodetic Survey; American Field Service; Civil Air Patrol; Cadet Nurse Corps, and any other similar organization.

Sec. 46. Section 3, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.030 are each amended to read as follows:

(1) There is hereby created and established a "thermal power plant site evaluation council".

(2) The chairman of the council shall be appointed by the governor with the advice and consent of the senate and shall serve at the pleasure of the governor. The salary of the chairman shall be determined pursuant to the provisions of RCW 43.03.028 as now or hereafter amended.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies and commissions or their statutory successors:

(a) Water pollution control commission

- (b) Department of water resources
- (c) Department of fisheries
- (d) Department of game
- (e) State air pollution control board
- (f) Department of parks and recreation
- (g) Department of health
- (h) Interagency committee for outdoor recreation
- (i) Department of commerce and economic development
- (j) Utilities and transportation commission
- (k) Office of program planning and fiscal management
- (l) Department of natural resources
- (m) Planning and community affairs agency
- (n) Department of ((civil defense)) emergency services
- (o) Department of agriculture.

(4) The county legislative authority of every county wherein an application for a proposed thermal power plant site is filed shall appoint a member to the council. The member so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he represents and such member shall serve until there has been a final acceptance or rejection of such proposed site.

NEW SECTION. Sec. 47. Section 3, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.007 are each hereby repealed.

Passed the House April 23, 1974.
Passed the Senate April 18, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 172

[House Bill No. 1238]

MOTOR VEHICLES—MONTHLY LICENSE
FOR TRANSPORTATION OF LOGS

AN ACT Relating to motor vehicle licenses; amending section 46.16.137, chapter 12, Laws of 1961 as amended by section 17, chapter 32, Laws of 1967 and RCW 46.16.137; and prescribing an effective date.

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

Section 1. Section 46.16.137, chapter 12, Laws of 1961 as amended by section 17, chapter 32, Laws of 1967 and RCW 46.16.137 are each amended to read as follows:

During the months of October, November, December, January, February and March the gross weight license ((fee of)) for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer

used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 ((or 46.16.075 in the case of trucks; and one-twelfth of the annual maximum gross weight fee provided for in RCW 46.16.072 in the case of pole trailers)) and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective from the first day of the month in which it is purchased, through the last day of that calendar month. The director or his authorized agent shall issue ((decais)) a permit stating the month for which the vehicle is licensed, which ((decais)) permit shall be ((attached by the owner or operator to the license plates of)) carried in the vehicle ((and shall be displayed thereon)) throughout the month for which ((they are)) it is issued. The director is authorized to establish rules and regulations relative to the issuance ((and display)) of such ((decais)) permits. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof within five days after the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said five days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

NEW SECTION. Sec. 2. This 1974 amendatory act shall take effect August 1, 1974.

Passed the House April 22, 1974.
Passed the Senate April 19, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 173

[House Bill No. 1292]

VETERANS' BONUS—FUNDING

—CLAIMS, EXTENSION

AN ACT Relating to veterans; amending section 1, chapter 41, Laws of 1973 and RCW 73.32.130; amending section 13, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.120; creating a new section; and declaring an emergency.

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

Section 1. Section 1, chapter 41, Laws of 1973 and RCW 73.32.130 are each amended to read as follows:

((Per the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for

In addition thereto;)) There is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to ((a special trust fund to be known as the war veterans' compensation bond retirement fund; which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof)) the state general fund.

((Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund a sum in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for

bond retirement and interest; the state treasurer shall transfer from such fund to the state general fund all money in excess of such amount.

When all bonds herein authorized and all interest thereon have been fully paid;)) All proceeds ((thereafter)) received from the excise tax on cigarettes imposed by chapter 82.24 RCW as now or hereafter amended, shall be paid into the war veterans' compensation fund, herewith created, for distribution to veterans who served during the Viet Nam conflict as provided by this 1972 amendatory act: PROVIDED, That, whenever the receipts into the war veterans' compensation fund during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred to the state general fund; PROVIDED FURTHER, That when all outstanding obligations payable from the war veterans' compensation fund are satisfied, the remaining balance therein shall be transferred to the state general fund and the war veterans' compensation fund abolished accordingly. The war veterans' compensation bond retirement fund is abolished as of the effective date of this 1974 amendatory act.

The amounts directed to be paid into the war veterans' compensation fund as provided by this 1972 amendatory act shall be a first and prior charge ((7 subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued;)) against all cigarette tax revenues collected pursuant to RCW 82.24.020, 73.32.130, and 28A.#7.440.

Sec. 2. Section 13, chapter 154, Laws of 1972, ex. sess. and RCW 73.34.120 are each amended to read as follows:

No certificate or claim for compensation under this chapter shall be accepted after ((twelve o'clock noon one year after the termination date referred to in RCW 73.34.020 (4))) March 28, 1975, nor shall any warrant be drawn for the payment of any compensation authorized by this chapter unless a formal application has been filed on ((or before the hour and)) the day set forth above.

The state treasurer and his authorized agents shall have until March 28, 1976, to process all applications filed pursuant to this chapter and microfilm all records pertaining thereto.

NEW SECTION. Sec. 3. This 1974 amendatory act (EHB 1292) and another measure before this third extraordinary session of the forty-third legislature (SSB 2017) each purport to amend RCW 73.34.120, but in different respects. It is the intention of the legislature that if both such bills shall be enacted by this session, the provisions of SSB 2017 shall take precedence over the amendments to RCW 73.34.120 contained in this bill (EHB 1292).

NEW SECTION. Sec. 4. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 31, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 174

[House Bill No. 1316]

U. OF W. METROPOLITAN TRACT

—RESTRICTIONS ON SALE OR LEASE

AN ACT Relating to the University of Washington; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; and repealing section 28B.20.380, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.380.

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.20 RCW a new section to read as follows:

Until authorized and empowered to do so by statute of the legislature, the board of regents of the university, with respect to that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "Metropolitan Tract" and any land contiguous thereto, shall not sell said land or any part thereof or any improvement thereon, or lease said land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ending more than sixty years beyond the effective date of this 1974 act. Any sale of said land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of said land or any part thereof or any improvement thereon for a term ending more than sixty years after the effective date of this 1974 act, made or attempted to be made by the board of regents shall be null and void unless and until the same has been approved or ratified and confirmed by legislative act.

The board of regents shall have power from time to time to lease said land, or any part thereof or any improvement thereon for a term ending not more than sixty years beyond the effective date of this 1974 act: PROVIDED, That the board of regents shall make a full, detailed report of all leases and transactions pertaining to said land or any part thereof or any improvement thereon to each regular session of the legislature.

NEW SECTION. Sec. 2. Section 28B.20.380, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.380 are each repealed.

Passed the House April 15, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 175
[Substitute House Bill No. 1504]
UNIFORM ALCOHOLISM AND
INTOXICATION TREATMENT ACT

AN ACT Relating to the uniform alcoholism and intoxication treatment act; amending section 12, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.120; amending section 14, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.140; and repealing section 13, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.130.

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

Section 1. Section 12, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for ((emergency)) treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself of the provisions of RCW 46.20.308, a person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted, or inflicted physical harm on another, shall be taken into protective custody by the police or the emergency service patrol and ((forthwith)) as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for ((emergency)) treatment. If no approved treatment facility is readily available he shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him to an approved treatment facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer or member of an emergency patrol may take

reasonable steps including reasonable force if necessary to protect himself. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person ((under the supervision of a licensed physician as soon as possible)). He may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his transportation.

(4) A person who ((by medical examination)) is found to be incapacitated by alcohol at the time of his admission or to have become incapacitated at any time after his admission, may not be detained at the facility (a) once he is no longer incapacitated by alcohol, and (b) if he remains incapacitated by alcohol for more than forty-eight hours after admission as a patient, unless ((he is committed under RCW 70.96A.430)) a petition is filed under RCW 70.96A.140, as now or hereafter amended. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his home, if any. If he has no home, the approved treatment facility shall assist him in obtaining shelter.

(6) If a patient is admitted to an approved treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.

(7) The police or members of the emergency service, who in good faith act in compliance with this chapter are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 2. Section 14, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.140 are each amended to read as follows:

(1) ((A person may be committed for treatment in an approved treatment facility by the superior court or district court upon the petition of his spouse or guardian; a relative; the certifying physician; or the administrator in charge of any approved treatment facility:)) When the person in charge of a treatment facility, or

his designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his designee, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. The petition shall allege that the person is an alcoholic who ((habitually lacks self-control as to the use of alcoholic beverages and that he is incapacitated by alcohol)) is incapacitated by alcohol, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the ((admitting)) petitioning facility or the department is not eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than five and no more than ten days after the date the petition was filed unless the person petitioned against is presently being detained by the facility, pursuant to RCW 70.96A.120, as now or hereafter amended, in which case the hearing shall be held within forty-eight hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified forty-eight hours shall be computed by including Saturdays but excluding Sundays and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served ((on the petitioner,)) by the treatment facility on the person whose commitment is sought, his next of kin ((other than the petitioner)), a parent or his legal guardian if he is a minor, ((the administrator in charge of the approved treatment facility to which he has been committed for emergency care,)) and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one

licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his presence is likely to be injurious to him; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he shall be given an opportunity to be examined by a court appointed licensed physician. If he refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, coquent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him and the treatment is likely to be beneficial.

(5) A person committed under this section shall remain in the facility for treatment for a period of thirty days unless sooner discharged. At the end of the thirty day period, he shall be discharged automatically unless the facility, before expiration of the period, ~~((obtains a court order))~~ files a petition for his recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) A person recommitment under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.

(7) Upon the filing of a petition for recommitment under subsections (5) or (6) of this section, the court shall fix a date for hearing no less than five and no more than ten days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served ((on the petitioner;)) by the treatment facility on the person whose commitment is sought, his next of kin ((other than the petitioner)), the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his parents or his legal guardian if he is a minor, and his attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(8) The facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

(9) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he has been committed and he shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, that he is no longer an alcoholic or the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(10) The court shall inform the person whose commitment or recommitment is sought of his right to contest the application, be represented by counsel at every stage of any proceedings relating to his commitment and recommitment, and have counsel appointed by the court or provided by the court, if he wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him regardless of his wishes. The person shall, if he is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his right to be examined by a licensed physician of

his choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(11) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(12) The venue for proceedings under this section is the place in which person to be committed resides or is present.

NEW SECTION. Sec. 3. Section 13, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.130 are each hereby repealed.

Passed the House April 18, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 176

[Engrossed Substitute Senate Bill No. 3146]

WORKS OF ART FOR
PUBLIC BUILDINGS

AN ACT Relating to public buildings; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.58 RCW; and creating a new section.

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

NEW SECTION. Section 1. The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for public buildings.

NEW SECTION. Sec. 2. There is added to chapter 43.17 RCW a new section to read as follows:

All state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities: PROVIDED, That

if the accepted construction bid is under ninety percent of the appropriation, the expenditure for the works of art as provided herein shall be reduced pro tanto. In case the amount shall not be

required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect and Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

NEW SECTION. Sec. 3. There is added to chapter 43.19 RCW a new section to read as follows:

V The Washington state arts commission shall, in consultation
V with the state capitol committee, determine the amount to be made available for the purchase of art for each project under supervision of the director of general administration, and payments therefor shall be made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art for such project shall be the responsibility of the Washington state arts commission
V in consultation with the state capitol committee.

NEW SECTION. Sec. 4. There is added to chapter 28B.10 RCW a new section to read as follows:

The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the state colleges and community college districts, determine the amount to be made available for the purchases of art for each project under the supervision of such boards of regents or trustees, and payment therefor shall be made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art for such project shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees having supervision of such project.

NEW SECTION. Sec. 5. There is added to chapter 28A.58 RCW a new section to read as follows:

The state board of education and superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation for the acquisition of works

of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other public facilities by the school district:

PROVIDED, That if the accepted construction bid is under ninety percent of the appropriation, the expenditure for the works of art as provided herein shall be reduced pro tanto.

-V

In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the school district. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art for each such project, and payments therefor shall be made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and the school district board of directors. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect, and Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses or other buildings of a temporary nature.

Passed the Senate April 23, 1974.

Passed the House April 20, 1974.

Approved by the Governor May 5, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 5, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Engrossed Substitute Senate Bill No. 3146 entitled:

"AN ACT Relating to public buildings."

This bill provides for the setting aside of portions of appropriations for capital expenditures to be used for acquisition of art works for public buildings. Veto
Message

Sections 2 and 5 contain identical items providing that if an accepted construction bid is under ninety percent of the total appropriation, the expenditure for art works shall be reduced pro tanto. This language potentially creates some serious administrative problems inasmuch as the construction of a building may involve a series of bids on different phases of the project. In the absence of any definition in the bill of what constitutes "construction bid", it would be difficult to determine to what extent the expenditure for art works should be reduced. Accordingly, I have vetoed the referenced items.

Section 3 requires the Washington State Arts Commission to consult with the State Capitol Committee in the purchasing of art works and the

selection and commissioning of artists in connection with projects supervised by the Director of the Department of General Administration. By statute, the State Capitol Committee is limited in its jurisdiction to the real property and improvements within the state capitol campus. Section 3 results in the unwarranted broadening of the jurisdiction of the State Capitol Committee, and I have determined to veto those items which require consultation with that committee by the Arts Commission.

Veto
Message

With the exception of the foregoing items which I have vetoed, the remainder of Engrossed Substitute Senate Bill No. 3146 is approved."

CHAPTER 177

[Engrossed Senate Bill No. 3202]

COLLEGE WORK-STUDY PROGRAM

AN ACT Relating to higher education; creating the college work-study program; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; creating new sections; and making an appropriation.

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

NEW SECTION. Section 1. There is hereby created a program of financial aid to students pursuing a post-secondary education which shall be known as the college work-study program.

NEW SECTION. Sec. 2. The purpose of the program created in section 1 of this act is to provide financial assistance to needy students who are U.S. citizens attending eligible post-secondary institutions in the state of Washington by stimulating and promoting their employment, thereby enabling them to pursue courses of study at such institutions. An additional purpose of this program shall be to provide such needy students, wherever possible, with employment related to their academic pursuits.

NEW SECTION. Sec. 3. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall clearly indicate another or different meaning or intent:

(1) The term "needy student" shall mean a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the commission on higher education, demonstrates a financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "eligible institution" shall mean any post-secondary institution in this state accredited by the Northwest Association of Secondary and Higher Schools or any public vocational-technical school in the state.

NEW SECTION. Sec. 4. The commission on higher education shall develop and administer the college work-study program and shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the commission on higher education may deem necessary or appropriate to carry out the purposes of this chapter.

The share from funds disbursed under the college work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

NEW SECTION. Sec. 5. The commission on higher education shall disburse college work-study funds after consideration of recommendations of a panel convened by the commission on higher education, and composed of representatives of eligible institutions and post-secondary education advisory and governing bodies. Said commission shall establish criteria for the panel designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

NEW SECTION. Sec. 6. The commission on higher education shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in

good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the Higher Education Personnel Board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

NEW SECTION. Sec. 7. Each eligible institution shall submit to the commission on higher education an annual report in accordance with such requirements as are promulgated by the commission.

NEW SECTION. Sec. 8. There is hereby appropriated from the general fund to the commission on higher education the sum of seven hundred fifty thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1975, to carry out the provisions of sections 1 through 7 of this act. Of this amount, not more than fifty thousand dollars may be used by the commission as administrative costs in carrying out the purposes of sections 1 through 7 of this act.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are added to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 10. 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 22, 1974.

Passed the House April 20, 1974.

Approved by the Governor May 5, 1974, with the exception of an item in Section 2 which is vetoed.

Filed in Office of Secretary of State May 5, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item, Engrossed Senate Bill No. 3202 entitled:

"AN ACT Relating to higher education; creating the college work-study program."

Veto
Message

This bill provides for the creation of a college work-study program designed to extend financial

aid to students in this state pursuing postsecondary education. The bill was originally drafted by and submitted to the Legislature at the request of the Council on Higher Education. Veto
Message

Section 2 of the bill was amended in the Senate to restrict eligibility for assistance under the program to United States citizens only. The effect of this restriction is not only to preclude assistance to students from other countries, but also students who have immigrated to and permanently reside in this country but who have not yet attained citizenship. Recognizing that these students may also be in need of financial assistance, the federal college work-study program specifically provides that they may also be eligible.

If the Legislature is concerned that expenditure of state funds under this program benefit primarily residents of this state, that concern is sufficiently covered in section 6(3) of the bill which places priority on the securing of work opportunities for Washington State residents. To impose a further requirement of United States citizenship would result in unwarranted discrimination against non-citizen students who are immigrants and who have been lawfully admitted to this country as permanent residents. Such discrimination raises a serious question on the constitutionality of the bill.

With the exception of that item in section 2 which restricts eligibility for the college work-study program to United States citizens, which I have vetoed for the foregoing reasons, the remainder of Engrossed Senate Bill No. 3202 is approved."

CHAPTER 178
[Engrossed Senate Bill No. 3358]
NORTHERN STATE HOSPITAL

AN ACT Relating to the Northern State Hospital; and creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. Northern State Hospital at Sedro Woolley, Washington has been closed as a mental hospital. The purpose of this 1974 act is to authorize the disposition of the real property and improvements thereon in a manner that will be most beneficial to the people of the immediate area affected by the closure and to the state of Washington.

NEW SECTION. Sec. 2. The secretary of the department of social and health services shall transfer the real property, improvements, and appurtenances thereto of the Northern State Hospital site to the departments of general administration and natural resources immediately. The department of social and health services will transfer the funds and the responsibility to maintain the facilities to the department of general administration.

NEW SECTION. Sec. 3. The department of natural resources shall manage or dispose of lands deemed not to be directly adjacent

to buildings on the Northern State Hospital site in the same manner as other state lands as provided for in Title 79 RCW in accordance with the intent of section 1 of this 1974 act. The proceeds from such management or disposal shall be the same as proceeds from the management of state lands in Title 79 RCW.

NEW SECTION. Sec. 4. The department of general administration shall administer the disposition of the buildings and adjacent lands. Commencing on the effective date of this 1974 act, the director of the department of general administration or his designee shall consult with officials of the various political subdivisions of the immediate area affected by the closure to determine whether community use may be made of such facilities. If no agreement is reached by June 30, 1975 regarding future use of such facilities, the director shall dispose of the properties in the usual manner.

V- NEW SECTION. Sec. 5. Prior to any disposal of the property of Northern State Hospital by either the department of natural resources or the department of general administration as authorized by sections 3 and 4 of this 1974 act, the proposal for any such disposition shall be submitted to the house and senate ways and means committees for approval or rejection if the legislature is in session. If the legislature is not in session the proposal for any such disposition shall be submitted for approval or rejection to the legislative budget committee. If the house and senate ways and means committees or the legislative budget committee fails to approve or reject a proposal within sixty days of its submittal to the legislative bodies herein named such proposal shall be deemed to have been approved.

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

Passed the Senate April 22, 1974.

Passed the House April 20, 1974.

Approved by the Governor May 5, 1974, with the exception of Section 5 which is vetoed.

Filed in Office of Secretary of State May 5, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Engrossed Senate Bill No. 3358 entitled:

"AN ACT Relating to Northern State Hospital."

Veto
Message

This bill provides for the management or disposal of the real property and improvements thereon at Northern State Hospital in Sedro Woolley, Washington, jointly by the Department of Natural Resources and the Department of General Administration.

Section 5 of the bill provides for a review process whereby any proposal to dispose of the property must be submitted for approval or rejection by the Ways and Means Committee of the House and Senate when in session or by the Legislative Budget Committee when the Legislature is not in session.

It is essential in our system of government that the Legislature be fully informed of the activities of executive agencies in carrying out legislative delegations of authority. By the same token, the Executive must not be hampered in its administration of the laws by having to seek Legislative approval of policy decisions at every turn. Section 5 of the bill violates this elementary principle of good government by requiring two executive agencies well experienced in the management and disposal of state properties to surrender the culminating phase of administrative decision-making to the Legislature. Accordingly, I have determined to veto Section 5.

Veto
Message

With the exception of that section, the remainder of Engrossed Senate Bill No. 3358 is approved."

CHAPTER 179

[Engrossed Substitute Senate Bill No. 3277]

ENVIRONMENTAL POLICY

ANACT Relating to environmental policy; amending section 2, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.080; adding a new section to chapter 67, Laws of 1970 ex. sess. and to chapter 43.21B RCW; adding new sections to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The purpose of this 1974 amendatory act is to establish methods and means of providing for full implementation of chapter 43.21C RCW (the state environmental policy act of 1971) in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act.

Sec. 2. Section 2, chapter 179, Laws of 1973 1st ex. sess. and RCW 43.21C.080 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency ((which is "a major action significantly affecting the quality of the environment" pertaining to any private project shall be published)) may be publicized by the acting governmental agency, the applicant for, or the proponent of such ((project)) action, in ((a)) substantially the form ((approved)) as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located ((by the governmental agency, on the same day of each week for two consecutive weeks in a newspaper of general circulation in the

county, city, or general area where the property which is the subject of the action and where such governmental agency has its principal offices.);

(b) By filing notice of such action with the department of ecology at its main office in Olympia; and

(c) Where no detailed statement is filed and where the property which is the subject matter of the action is under ten acres, such action shall be publicized by sending a notice of such action through the United States mail, first class, postage prepaid, to all owners of property abutting the property which is the subject matter of such action, as such property owners appear on the property tax rolls of the county treasurer. An affidavit of mailing of such notice may be filed with the department of ecology at the same time as the filing of the notice of the governmental action.

(2) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action ((of a governmental agency with respect to any private project)) for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within sixty days from the ((final)) date of ((publication of notice of such action)) filing of the notice with the department of ecology, the date of final newspaper publication, or date of mailing, if applicable, whichever is later, or be barred: PROVIDED, HOWEVER, That (1) The time period within which an action shall be commenced shall be ninety days for projects to be performed by a governmental

V agency or to be performed under government contract by a governmental V agency, or (2) for thermal power plant projects: PROVIDED FURTHER, That any subsequent action of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030 (2) (c).

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The (Government agency or entity) did on (date), take action which may or may not be held or deemed to be "a major action significantly affecting the quality of the environment".

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within days or be barred.

The action taken by (Government agency or entity), notice of which is hereby given, was as follows:

(1) (Here insert description of action taken such as: Adoption Ordinance No.; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) (Here insert description of the project.)

(3) Said action pertained to property commonly known as: (Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of:.....located at:..... (Location, including room number) (Name of government agency, proponent, or applicant giving notice) Filed by (Signature of individual and capacity in which such individual is signing)

NEW SECTION. Sec. 3. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

The limitations on challenges to action taken by a governmental entity under section 2 of this 1974 amendatory act shall not constitute the time limits for a challenge or appeal on the adoption of rules by state agencies, political subdivisions, public or municipal corporations or counties, but the limitations under section 2 of this 1974 amendatory act shall apply to a challenge or appeal of such rule adoption on grounds of noncompliance with RCW 43.21C.030 (2) (c).

NEW SECTION. Sec. 4. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

There is hereby established the council on environmental policy which shall be composed of the members of the pollution control hearings board.

The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.

Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology.

NEW SECTION. Sec. 5. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

The council may employ such personnel as are necessary for the performances of its duties.

NEW SECTION. Sec. 6. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

It shall be the duty and function of the council:

(1) To adopt initially and amend thereafter rules of interpretation and implementation of this chapter (the state environmental policy act of 1971), subject to the requirements of chapter 34.04 RCW, for the purpose of providing guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (the state environmental policy act of 1971):

(a) Categories of governmental actions which normally are to be considered as potential major actions significantly affecting the quality of the environment as well as categories of actions exempt from such classification, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW.

(b) Criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a

detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Procedures applicable to the preparation of detailed statements, including but not limited to obtaining comments, data and other information, and providing for and determining areas of public participation.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable.

(e) Procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter.

(g) Guidelines for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030 (2) (c).

(i) To prepare guidelines for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter and the conditions under which someone other than such responsible governmental entity may voluntarily assume some or all of the costs of compliance with this chapter by providing information, materials and data relevant to the implementation of this chapter, including preparation of a detailed statement.

(j) Guidelines for utilization of a detailed statement for more than one action.

(k) Guidelines relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(2) In exercising its powers, functions, and duties under this section, the council may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

V- NEW SECTION. Sec. 7. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

(1) All guidelines, rules and regulations adopted by state agencies pursuant to the requirements of this chapter, except emergency rules adopted pursuant to RCW 34.04.030, shall be submitted by the adopting agency to the standing rules committees of the legislature at least twenty days before such rules are filed with the code reviser pursuant to chapter 34.04 RCW: PROVIDED, That the rules and guidelines adopted by the council under section 6 of this 1974 amendatory act shall be submitted during December, 1974. The standing rules committees shall refer such rules to the appropriate standing committees of the senate and the house of representatives, or to a joint committee designated by the standing rules committees for substantive review and approval.

(2) If the committees of the senate and house of representatives or joint committee to which the rule or regulation was referred pursuant to subsection (1) of this section have failed to approve a rule or regulation submitted to them within thirty days after such submission to the standing rules committees, such rule or regulation shall take effect upon filing with the code reviser, by the attorney representing the agency involved, of an affidavit of nonaction by the appropriate committee of the senate or house stating that no action was taken within the thirty day period specified herein.

(3) If the appropriate committees shall reject the proposed rule as not being within the intent of the statute purporting to authorize the adoption thereof, such rejection shall be by majority vote of all the members of both such committees or of the joint committee. The agency affected shall be notified of such rejection and the reasons therefor, and the effective date of the rules suspended for a maximum of thirty days. If at the end of thirty days the agency affected and the appropriate legislative committees have not reached agreement as to the form or content of the proposed rule, it shall become effective as provided in chapter 34.04 RCW. The appropriate committees shall report to the code reviser any proposal for corrective action by the legislature.

NEW SECTION. Sec. 8. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

(1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under section 6 of this

1974 amendatory act, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred twenty days after the effective date of rules and guidelines adopted pursuant to section 6 of this 1974 amendatory act.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW and shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under section 6 of this 1974 amendatory act, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to section 6 of this 1974 amendatory act.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to section 6 of this 1974 amendatory act shall continue to be effective until the adoptions of any new ordinances or regulations.

NEW SECTION. Sec. 9. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW a new section to read as follows:

(1) All challenges in regard to the consistency of the rules adopted pursuant to section 8 of this 1974 amendatory act and with the rules and guidelines adopted pursuant to section 6 of this 1974 amendatory act shall be initiated by filing a petition for review with the pollution control hearings board in accordance with rules of practice and procedures promulgated by the hearings board.

(2) All challenges to the hearings board provided under this section shall be decided on the basis of conformance of rules, with the applicable rules and guidelines adopted pursuant to section 6 of this 1974 amendatory act. The board may in its discretion require briefs, testimony, and oral arguments.

(3) The decisions of the hearings board authorized under this section shall be final.

NEW SECTION. Sec. 10. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

The department of ecology, in consultation with concerned state agencies, shall with the assistance of the associations of county prosecutors and city attorneys, the association of county elected officials, the Washington state association of counties, and the association of cities, draft model ordinances for use by counties, cities and towns in drafting their ordinances under this chapter.

NEW SECTION. Sec. 11. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

Each state agency, political subdivision, municipal and public corporation, and county shall review all actions taken to implement this chapter (the state environmental policy act) and may submit a report of such actions to the office of program planning and fiscal management, which shall compile and analyze such data and prepare a report which shall be submitted to the forty-fifth regular session of the legislature. In addition information on the cost of implementation and administration of the act shall be included in such report including the cost of preparation of all detailed statements since the effective date of this 1974 amendatory act.

NEW SECTION. Sec. 12. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

The requirements of RCW 43,21C.030 (2) (c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement is prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030 (2) (c): PROVIDED, That this section shall not apply to actions of the thermal power plant site evaluation council or to thermal power plant sites subject to the thermal power plant siting council under chapter 45, Laws of 1970 ex. sess., as amended by chapter 110, Laws of 1974 1st ex. sess., and chapter 80.50 RCW as now or hereafter amended.

NEW SECTION. Sec. 13. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

In the implementation of chapter 90.62 RCW (the Environmental Coordination Procedures Act of 1973), the department of ecology, consistent with guidelines adopted by the council shall adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participating in the processing of a master application. Whenever the procedures established pursuant to chapter 90.62 RCW are used, those

procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030 (2) (c). The time limits for challenges provided for in section 2(2) of this 1974 amendatory act shall be applicable when such procedures are so utilized.

NEW SECTION. Sec. 14. The department of ecology shall prepare a list of all filings required by section 2 of this 1974 amendatory act each week and shall make such list available to any interested party. The list of filings shall include a brief description of the governmental action and the project involved in such action, along with the location of where information on the project or action may be obtained. Failure of the department to include any project or action shall not affect the running of the statute of limitations provided in section 2 of this 1974 amendatory act.

NEW SECTION. Sec. 15. There is appropriated from the general fund to the council, the sum of one hundred thousand dollars, or so much thereof as shall be necessary to carry out the purposes of this 1974 amendatory act.

NEW SECTION. Sec. 16. If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This 1974 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 20, 1974.

Passed the House April 19, 1974.

Approved by the Governor May 5, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 5, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Engrossed Substitute Senate Bill No. 3277 entitled:

"AN ACT Relating to environmental policy."

Veto
Message

Subsection 2 of section 2 sets up time limitations for any challenge to governmental action for which notice has been given pursuant to section 2 (1) of the bill. Such governmental action would presumably include governmental projects constructed either by a governmental agency or by a private contractor. The intent of this subsection is distorted, however, by an item that makes it ambiguous as to whether such projects constructed by a private contractor would be covered by the same time limitation. In order to clarify the legislative intent in this section, I have determined to veto that item.

Section 6 (1) of the bill sets forth the duties and functions of the newly created Council on Environmental Policy. Subpart (i) of that section contains an item which would effectively shift the burden of paying for the cost of an environmental impact statement to the governmental entity having jurisdiction over proposed action, unless a proponent should volunteer to pay a share of the costs. This shift is unwarranted and will impose an undue

burden on the governmental agency, particularly at the local level. Also overlooked is the basic premise that the cost of the environmental impact statement should be borne not by the public but by the party whose proposed action would impact the environment. Accordingly, I have vetoed the referenced item. Veto Message

Section 7, which provides an elaborate legislative review procedure over guidelines, rules and regulations adopted by state agencies under the State Environmental Policy Act, violates the fundamentals of good government by interposing legislative interference in the administrative process. The legislature will always have the prerogative to set, by legislation, basic policy and such guidelines as may be needed for its implementation. Having done so, however, administrative agencies must be entrusted to carry out its functions without having to seek legislative approval at every turn of the decision-making process. For these reasons, I have determined to veto section 7.

With the foregoing exceptions, I have approved the remainder of Engrossed Substitute Senate Bill No. 3277."

CHAPTER 180

[Engrossed Senate Bill No. 2156]

COMMERCIAL TRANSACTIONS

—WARRANTIES—REMEDIES

AN ACT Relating to commercial transactions; amending section 2-316, chapter 157, Laws of 1965 ex. sess. as amended by section 1, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-316; amending section 2-719, chapter 157, Laws of 1965 ex. sess. as amended by section 2, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-719; and adding a new section to Title 63 RCW.

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

Section 1. Section 2-316, chapter 157, Laws of 1965 ex. sess. as amended by section 1, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-316 are each amended to read as follows:

(1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of this Article on parol or extrinsic evidence (RCW 62A.2-202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states,

for example, that "There are no warranties which extend beyond the description on the face hereof."

(3) Notwithstanding subsection (2)

(a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section and the provisions of ((section 2 of this 1974 amendatory act)) RCW 62A.2-719, as now or hereafter amended, in any case where goods are purchased ((or leased)) primarily for personal, family or household use ((or)) and not for commercial or business use, disclaimers of the warranty of merchantability or fitness for particular purpose shall not be effective to limit the liability of merchant sellers ((or lessors or manufacturers)) except insofar as the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted. Remedies for breach of warranty can be limited in accordance with the provisions of this Article on liquidation or limitation of damages and on contractual modification of remedy (RCW 62A.2-718 and RCW 62A.2-719).

Sec. 2. Section 2-719, chapter 157, Laws of 1965 ex. sess. as amended by section 2, chapter 78, Laws of 1974 1st ex. sess. and RCW 62A.2-719 are each amended to read as follows:

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this Article and may limit or alter the measure of damages recoverable under this Article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of non-conforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this Title.

(3) Limitation of consequential damages for injury to the person in the case of goods purchased ((or leased)) primarily for personal, family or household use or of any services related thereto is invalid unless it is proved that the limitation is not unconscionable. Limitation of remedy to repair or replacement of defective parts or nonconforming goods is invalid in sales ((or leases)) of goods primarily for personal, family or household use unless the manufacturer or seller maintains or provides within this state facilities adequate to provide reasonable and expeditious performance of repair or replacement obligations.

Limitation of other consequential damages is valid unless it is established that the limitation is unconscionable.

NEW SECTION. Sec. 3. There is added to Title 63 RCW a new section to read as follows:

In any lease or rental agreement for the lease of movable personal property for use primarily in this state (other than a lease under which the lessee is authorized to use such property at no charge), if the rental or other consideration paid or payable thereunder is at a rate which if computed on an annual basis would be six thousand dollars per year or less, no provision thereof purporting to disclaim any warranty of merchantability or fitness for particular purposes which may be implied by law shall be enforceable unless either (1) the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted, or (2) the lessee is engaged in a public utility business or a public service business subject to regulation by the United States or this state.

Passed the Senate April 18, 1974.
Passed the House April 22, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 181
[Engrossed Senate Bill No. 3062]
HIGHER EDUCATION BONDS

AN ACT Relating to the institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for said institutions of higher education; providing for the financing

thereof by the issuance of bonds; adding new sections to Title 28B RCW; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven million eight hundred one thousand eighty dollars or so much thereof as shall be required to finance the capital project relating to institutions of higher education as set forth in the capital appropriations act, chapter ... (SSB 3253), Laws of 1974, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized by this 1974 act, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state higher education construction account in the state general fund.

NEW SECTION. Sec. 3. At the time the state finance committee determines 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 the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds or notes authorized by this 1974 act shall be deposited in the state higher education construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this 1974 act

and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The state higher education bond redemption fund of 1974 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this 1974 act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state higher education bond redemption fund of 1974 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

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 and compel the transfer and payment of funds as directed therein.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this 1974 act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 6. The bonds authorized by this 1974 act shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. If any provision of this 1974 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. Sections 1 through 7 of this 1974 act are added to Title 28B RCW.

NEW SECTION. Sec. 9. This 1974 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, 1974.
Passed the House April 23, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 182

[Engrossed Second Substitute Senate Bill No. 3283]

ELDERLY, POOR, AND INFIRM
PERSONS—PROPERTY TAX RELIEF

AN ACT Relating to the support of elderly, poor, and infirm persons; authorizing property tax exemptions; adding new sections to chapter 84.36 RCW; repealing section 4, chapter 288, Laws of 1971 ex. sess., section 1, chapter 126, Laws of 1972 ex. sess., section 1, chapter 98, Laws of 1973 1st ex. sess. and RCW 84.36.370; repealing section 5, chapter 288, Laws of 1971 ex. sess., section 3, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.380; providing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed 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 was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year.

(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) 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
\$5,000 or less	One hundred percent
\$5,001 - \$6,000	Fifty percent

PROVIDED, HOWEVER, That, in addition, any person, who otherwise qualifies under the provisions of this section, and is within the income range of \$4,000 or less shall be exempt from any obligation to pay regular property taxes on up to five thousand dollars of valuation of his or her residence: PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section.

NEW SECTION. Sec. 2. As used in this chapter, except where the context clearly indicates a different meaning:

(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 such 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 "real property", except for the purposes of chapters 84.56 and 84.60 RCW, shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water or other utilities.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

NEW SECTION. Sec. 3. Claims for exemption or a renewal affidavit under section 1 of this 1974 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.

Claims under sections 1 through 5 of this 1974 amendatory act in 1974 shall be filed between January 2 and August 1, 1974.

In January of each year the county assessor shall mail renewal affidavits for exemption to each person approved for exemption during the previous year.

If the assessor finds that the applicant does not meet the qualifications as set forth in section 1 of this 1974 amendatory act, the claim shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010 (5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.

The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims pursuant to this chapter, through communications media, including such paid advertisements or notices as it deems appropriate. Whenever possible notice of the qualifications, method of making applications and availability of further information shall be included with property tax statements.

NEW SECTION. Sec. 4. (1) 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 two witnesses or the county treasurer or his deputy in the county where the real property is located.

(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.

(3) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.

NEW SECTION. Sec. 5. The director of the department of revenue shall adopt such rules and regulations and prescribe such forms as may be necessary and appropriate for implementation and administration of this chapter subject to chapter 34.04 RCW, the administrative procedure act.

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

(1) Section 4, chapter 288, Laws of 1971 ex. sess., section 1, chapter 126, Laws of 1972 ex. sess., section 1, chapter 98, Laws of 1973 1st ex. sess. and RCW 84.36.370; and

(2) Section 5, chapter 288, Laws of 1971 ex. sess., section 3, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.380.

NEW SECTION. Sec. 7. Sections 1 through 5 of this 1974 amendatory act are each added to chapter 84.36 RCW.

NEW SECTION. Sec. 8. If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This 1974 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 23, 1974.
Passed the House April 23, 1974.
Approved by the Governor May 5, 1974.
Filed in Office of Secretary of State May 5, 1974.

CHAPTER 183

[Engrossed Substitute Senate Bill No. 2906]

NOISE ABATEMENT AND CONTROL

AN ACT Relating to noise abatement and control; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that inadequately controlled noise adversely affects the health, safety and welfare of the people, the value of property, and the quality of the environment. Antinoise measures of the past have not adequately protected against the invasion of these interests by noise. There is a need, therefore, for an expansion of efforts state-wide directed toward the abatement and control of noise, considering the social and economic impact upon the community and the state. The purpose of this chapter is to provide authority for such an expansion of efforts, supplementing existing programs in the field.

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

- (1) "Department" means the department of ecology.
- (2) "Director" means director of the department of ecology.
- (3) "Local government" means county or city government or any combination of the two.
- (4) "Noise" means the intensity, duration and character of sounds from any and all sources.

(5) "Person" means any individual, corporation, partnership, association, governmental body, state, or other entity whatsoever.

NEW SECTION. Sec. 3. The department is empowered as follows:

(1) The department, after consultation with state agencies expressing an interest therein, shall adopt, by rule, maximum noise levels permissible in identified environments in order to protect against adverse affects of noise on the health, safety and welfare of the people, the value of property, and the quality of environment: PROVIDED, That in so doing the department shall take also into account the economic and practical benefits to be derived from the use of various products in each such environment, whether the source of the noise or the use of such products in each environment is permanent or temporary in nature, and the state of technology relative to the control of noise generated by all such sources of the noise or the products: PROVIDED FURTHER, That all agricultural

equipment and machinery shall be exempt from the requirements of this act.

(2) At any time after the adoption of maximum noise levels under subsection (1) of this section the department shall, in consultation with state agencies and local governments expressing an interest therein, adopt rules, consistent with the Federal Noise Control Act of 1972 (86 Stat. 1234; 42 U.S.C. Sec. 4901-4918 and 49 U.S.C. Sec. 1431), for noise abatement and control in the state designed to achieve compliance with the noise level adopted in subsection (1) of this section, including reasonable implementation schedules where appropriate, to insure that the maximum noise levels are not exceeded and that application of the best practicable noise control technology and practice is provided. These rules may include, but shall not be limited to:

(a) Performance standards setting allowable noise limits for the operation of products which produce noise;

(b) Use standards regulating, as to time and place, the operation of individual products which produce noise above specified levels considering frequency spectrum and duration: PROVIDED, The rules shall provide for temporarily exceeding those standards for stated purposes; and

(c) Public information requirements dealing with disclosure of levels and characteristics of noise produced by products.

(3) The department may, as desirable in the performance of its duties under this chapter, conduct surveys, studies and public education programs, and enter into contracts.

(4) The department is authorized to apply for and accept moneys from the federal government and other sources to assist in the implementation of this chapter.

(5) The legislature recognizes that the operation of motor vehicles on public highways as defined in RCW 46.09.020 contributes significantly to environmental noise levels and directs the department, in exercising the rule-making authority under the provisions of this section, to give first priority to the adoption of motor vehicle noise performance standards.

(6) Noise levels and rules adopted by the department pursuant to this chapter shall not be effective prior to March 31, 1975.

NEW SECTION. Sec. 4. The director shall name a technical advisory committee to assist the department in the implementation of this chapter. Committee members shall be entitled to reimbursement as provided in RCW 43.03.050 and 43.03.060, as now or hereafter amended.

NEW SECTION. Sec. 5. (1) Any person who knowingly and willfully violates any rule adopted by the department under this chapter shall be subject to a civil penalty not to exceed one hundred dollars. All violations of this act shall be administered pursuant to the provisions of RCW 34.04, the state administrative procedures act.

Penalties shall become due and payable thirty days from the date of receipt of a notice of penalty unless within such time said notice is appealed to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW and procedural rules adopted thereunder. In cases in which appeals are timely filed, penalties sustained by the pollution control hearings board shall become due and payable on the issuance of said board's final order in the appeal.

(2) Whenever penalties incurred pursuant to this section have become due and payable but remain unpaid, the attorney general shall, upon request of the director, bring an action in the name of the state of Washington, in the superior court of Thurston county or in the county in which the violation occurred for recovery of penalties incurred. In all such actions the procedures and rules of evidence shall be the same as in any other civil action. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

NEW SECTION. Sec. 6. (1) Nothing in this chapter shall be construed to deny, abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(2) Nothing in this chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any state agency, nor shall this chapter be construed as granting jurisdiction over the industrial safety and

health of employees in work places of the state, as now or hereafter vested in the department of labor and industries.

(3) No local government shall adopt resolutions, ordinances, rules or regulations concerned with the control of noise which shall be effective prior to adoption of maximum noise levels and the rules adopted by the department pursuant to this chapter or January 31, 1975, whichever occurs sooner. Such resolutions, ordinances, rules, or regulations must be consistent with section 6 (4) of this 1974 act.

(4) Standards and other control measures adopted by the department under this chapter shall be exclusive except as hereinafter provided. A local government may impose limits or control sources differing from those adopted or controlled by the department upon a finding that such requirements are necessitated by special conditions. No such noise limiting requirements of local government shall be valid unless first approved by the department. If disapproved the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require. In the determination of whether to grant any such approval, the department shall give consideration to the reasonableness and practicability of compliance with particular attention to the situation of stationary sources, the noise producing operations of which are conducted at or near jurisdictional boundaries.

(5) In carrying out the rule-making authority provided in this chapter, the department shall follow the procedures of the administrative procedure act, chapter 34.04 RCW, and shall take care that no rules adopted purport to exercise any powers preempted by the United States under federal law.

NEW SECTION. Sec. 7. Any rule adopted under this chapter relating to the operation of motor vehicles on public highways shall be administered according to testing and inspection procedures adopted by rule by the state commission on equipment. Violation of any motor vehicle performance standard adopted pursuant to this chapter shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter 46.37 RCW. Violations subject to the provisions of this section shall be exempt from the provisions of section 5 of this 1974 act.

NEW SECTION. Sec. 8. The department shall, in the exercise of rule-making power under this chapter, provide exemptions or specially limited regulations relating to recreational shooting and emergency

or law enforcement equipment where appropriate in the interests of public safety.

The department in the development of rules under this chapter, shall consult and take into consideration the land use policies and programs of local government.

NEW SECTION. Sec. 9. All rules and regulations adopted pursuant to the requirements of this chapter, except emergency rules adopted pursuant to RCW 34.04.030, shall be submitted by the adopting agency to the standing rules committees of the legislature at least twenty days before such rules are filed with the code reviser pursuant to chapter 34.04 RCW. The standing rules committees shall refer such rules to the appropriate standing committees of the senate and the house of representatives, or to a joint committee designated by the standing rules committees for substantive review and approval.

If the appropriate committee of the senate and house of representatives or joint committee has failed to approve a rule or agency regulation submitted to it within thirty days after such submission, the code reviser may file such rule or regulation if the attorney representing the agency involved files an affidavit of nonaction by the appropriate committee of the senate or house stating that no action was taken within the thirty day period specified herein.

If the appropriate committees shall reject a proposed rule as not being within the intent of the statute purporting to authorize the adoption thereof, such rejection shall be by majority vote of all the members of both such committees or of the joint committee. The agency affected shall be notified of such rejection and the reasons therefor, and the effective date of the rules suspended for a maximum of thirty days. If at the end of thirty days the agency affected and the appropriate legislative committees have not reached agreement as to the form or content of the proposed rule, such agency rule shall become effective as provided in chapter 34.04 RCW and the appropriate committees shall report to the code reviser any proposal for corrective action by the legislature.

NEW SECTION. Sec. 10. There is added to Title 70 RCW a new chapter to read as set forth in sections 1 through 9 of this 1974 act.

NEW SECTION. Sec. 11. (1) This chapter shall be liberally construed to carry out its broad purposes.

(2) 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 is not affected.

NEW SECTION. Sec. 12. This 1974 act shall be known and may be cited as the "Noise Control Act of 1974".

NEW SECTION. Sec. 13. This 1974 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 April 23, 1974.

Passed the House April 23, 1974.

Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 6, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Engrossed Substitute Senate Bill No. 2906 entitled:

"AN ACT Relating to noise abatement and control." Veto
Message

Section 3 contains an item that would exempt from the requirements of this act all agricultural equipment and machinery. While recognizing that agricultural equipment and machinery may not impact the environment insofar as noise is concerned to the same extent as industrial and other equipment, the blanket exemption granted in this bill is unwarranted. The same section specifically mandates the Department of Ecology to take into account, when adopting noise standards, such factors as economic and practical benefits, the relative permanency of the source of noise, and the technological status of such sources. If the department proves unwilling or unable to take proper consideration of these factors in respect to agricultural equipment and machinery, the legislature may well enact such an exemption in the future. For these reasons, I have determined to veto the referenced item.

Section 5 prescribes a civil penalty in an amount not to exceed one hundred dollars for each violation of a rule or standard promulgated pursuant to the act. The applicability of the penalty is substantially reduced by an item requiring the violation to be knowing and wilful, thus approximating the intent required for criminal sanctions. A similar civil penalty provision can be found in several other statutes such as the Water Pollution Control Act (RCW 90.48.142), the Air Pollution Control Act (RCW 70.94.431), and the recently enacted Forest Practices Act (Section 17, chapter 137, Laws of 1974 Third Extraordinary Session). None of these other acts cited require that a violation be knowing and wilful for the application of the civil penalty. Accordingly, I have vetoed the referenced item.

Section 9, which provides an elaborate legislative review procedure over rules and regulations adopted under the act, violates the fundamentals of good government by interposing legislative interference in the administrative process. The legislature will always have the prerogative to set, by legislation, basic policy and such guidelines as may be needed for its implementation. Having done so, however, an administrative agency must be entrusted to carry out its delegated functions without having to seek legislative approval at every turn of the decision-making process. Accordingly, I have determined to veto section 9.

With the foregoing exceptions, I have approved the remainder of Engrossed Substitute Senate Bill No. 2906."

CHAPTER 184

[Engrossed Third Substitute Senate Bill No. 2940]

COMMERCIAL SALMON LICENSES AND VESSEL
DELIVERY PERMITS—LIMITATION

AN ACT Relating to food fish and shellfish; conserving the salmon resources by limiting the number of commercial licenses and vessel delivery permits valid for salmon; adding new sections to chapter 75.28 RCW; providing for the expiration of the act; and making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the protection, welfare, and economic good of the commercial salmon fishing industry is of paramount importance to the people of this state. Scientific advancement has increased the efficiency of salmon fishing gear. There presently exists an overabundance of commercial salmon fishing gear in our state waters which causes great pressure on the salmon fishery resource. This situation results in great economic waste to the state and prohibits conservation programs from achieving their goals. The public welfare requires that the number of commercial salmon fishing licenses and vessel delivery permits issued by the state be limited to insure that sound conservation programs can be scientifically carried out. It is the intention of the legislature to preserve this valuable natural resource so that our food supplies from such resource can continue to meet the ever increasing demands placed on it by the people of this state.

NEW SECTION. Sec. 2. On and after the effective date of sections 1 through 9 of this act, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and the effective date of this act: PROVIDED, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, 1977: PROVIDED, HOWEVER, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder. All such licenses or vessel delivery permits shall be transferable.

NEW SECTION. Sec. 3. Any commercial salmon fishing vessel not qualified for a commercial salmon fishing license or vessel delivery permit under section 2 of this act and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to obtain a single delivery vessel delivery permit. The fee for such permit shall be the same as the annual vessel delivery permits.

NEW SECTION. Sec. 4. In addition to the commercial salmon fishing licenses and vessel delivery permits issued pursuant to section 2 of this act the department shall issue the required license to any commercial fishing vessel which is under construction or purchased in good faith between April 16, 1973, and the effective date of this act.

NEW SECTION. Sec. 5. No person, sole proprietorship, partnership, or any other profit or nonprofit entity of any kind shall increase the number of licenses held, as shown by the records of the department, beyond the number held in 1973 for each type of gear.

NEW SECTION. Sec. 6. Charter fishing vessels may be licensed for commercial trolling during the salmon trolling season if the director finds that the charter industry in this state is suffering economic hardship due to a national or state fuel crisis.

NEW SECTION. Sec. 7. The director shall appoint three man advisory boards of review to hear cases as provided for in section 9 of this act. The members of such a review board shall be from the commercial salmon fishing industry, shall serve without pay, and shall serve at the discretion of the director of the department of fisheries. The members of such a review board shall be reimbursed for subsistence and travel expenses pursuant to RCW 43.03.050 and 43.03.060 for each day or major portion thereof spent in the performance of their duty. The director shall promulgate regulations concerning the operation of such review boards in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 8. In addition to the licenses and permits authorized by this act the boards of review sitting jointly with the director shall have discretionary power to issue additional licenses and permits in number not to exceed a figure equal to three percent of the total number of permits and licenses issued in the previous year for each designated license and permit classification. In issuing such additional licenses and permits the board of review and the director of fisheries shall give special consideration to the previous training and commercial fishing experience of the applicant.

NEW SECTION. Sec. 9. Any person aggrieved by a decision of the department pursuant to sections 2 through 7 of this act may voluntarily request that a board of review be impaneled to hear his

case. Such a hearing before a board shall be informal and the rules of evidence shall not be applicable to the proceedings and a record shall be kept thereof as provided by chapter 34.04 RCW. After the presentation of a case such a review board shall inform in writing both the director and the initiating party of whether or not the board agrees or disagrees with the department's decision and the reasons for such agreement or disagreement. Upon receipt of the board's findings the director, at his discretion, may either uphold or reverse the department's action.

Nothing in this section shall be construed: (1) to impair an aggrieved person's right to proceed under chapter 34.04 RCW; or (2) to impose any liability on members of a review board for their actions pursuant to this section.

NEW SECTION. Sec. 10. On and after the effective date of this act the department of fisheries in cooperation with representatives of the commercial salmon fishing industry shall continually evaluate the provisions of sections 1 through 6 of this act and recommend to the legislature prior to January 1, 1977, a phase II approach to limit gear entry into this state's commercial salmon fisheries.

NEW SECTION. Sec. 11. 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. 12. The provisions of sections 1 through 9 of this act shall expire on December 31, 1977, and shall be null and void and without any further force and effect on such date without any further action by the legislature.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall be added to chapter 75.28 RCW.

NEW SECTION. Sec. 14. To carry out the provisions of this act there is appropriated to the department of fisheries from the general fund for the biennium ending June 30, 1975, the sum of ten thousand dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 15. 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 23, 1974.

Passed the House April 23, 1974.

Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 6, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections Engrossed Third Substitute Senate Bill No. 2940 entitled:

"AN ACT Relating to food fish and shellfish; conserving the salmon resources by limiting the

Veto
Message

number of commercial licenses and vessel delivery permits valid for salmon." Veto
Message

Section 5 restricts the number of commercial salmon fishing licenses held by any licensee to the number of licenses held in 1973 for each type of commercial gear. This restriction contradicts and is inconsistent with other provisions pertaining to the limitation on issuance of licenses appearing in sections 2, 4, and 6. Accordingly, I have vetoed section 5.

Section 8 authorizes issuance of additional licenses and permits in a number not exceeding three percent of the total number issued the previous year. Based on present licensing figures, the potential number of additional commercial licenses over a three year period at this rate of increase would be in excess of four hundred. This result would be inconsistent with the basic aim of the bill to impose a moratorium on the issuance of new licenses. Section 10 of the bill also directs the Department of Fisheries and the industry to evaluate continually the status of our commercial salmon resources and the fishing industry as affected by the provisions of this act. If there is reason to allow an increased number of licenses, such action should accordingly be recommended to the Legislature. For these reasons, I have determined to veto section 8.

With the foregoing exceptions, the remainder of Engrossed Third Substitute Senate Bill No. 2940 is approved."

CHAPTER 185

[House Bill No. 1]

SALES AND USE TAXES--PRESCRIPTION DRUGS,
RETURNABLE CONTAINERS, EXEMPTIONS

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961, as last amended by section 10, chapter 299, Laws of 1971 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 1, chapter 11, Laws of 1971 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.

(28) Sales of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans or animals ordered by the written direction of a dentist, physician, veterinarian or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order.

(29) Sales of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

Sec. 2. Section 82.12.030, chapter 15, Laws of 1961, as last amended by section 10, chapter 299, Laws of 1971 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.

(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.

(23) In respect to the use of prescription drugs. The term "prescription drugs" shall include any medicine, drug, prescription lens, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans or animals ordered by the written direction of a dentist, physician, veterinarian or other person duly authorized by law of this state or laws of another jurisdiction to issue such written order.

(24) In respect to the use of returnable containers for beverages and foods, including but not limited to soft drinks, milk, beer, and mixers.

NEW SECTION. Sec. 3 This 1974 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, 1974.

Passed the House April 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State May 6, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 1 entitled:

"AN ACT Relating to revenue and taxation."

Veto
Message

This act exempts from the retail sales tax and use tax prescription drugs and returnable containers for food and beverages.

Section 1(28) and section 2(23) contain identical items which would include in the definition of prescription drugs animal drugs prescribed by veterinarians. The exemption of prescription drugs for our citizens is a meritorious action by the Legislature which accords a degree of equity in an area of basic human need. No such rationale, nor any other compelling reason, exists for exempting animal drugs from the sales and use tax. Accordingly, I have vetoed the referenced items.

With the exception of the foregoing items which I have vetoed, the remainder of House Bill No. 1 is approved."

CHAPTER 186
[House Bill No. 1181]
TIDE AND SHORELANDS

AN ACT Relating to tide and shorelands; amending section 2, chapter 217, Laws of 1971 ex. sess. RCW 79.01.470; adding new sections to chapter 79.01 RCW; and repealing section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484; and declaring an emergency.

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

Section 1. Section 2, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.470 are each amended 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.

(e) Waterways as described in RCW 79.01.428.

(2) Notwithstanding any other provision of law, from and after August 9, 1971, 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 or except as provided in section 2 of this 1974 amendatory act, 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.

V NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

An owner of property fronting upon publicly owned second class shorelands on freshwater navigable lakes who has constructed on the abutting shorelands an improvement having a replacement value of more than four hundred dollars prior to January 1, 1974 may apply for and shall upon such application be afforded the opportunity, prior to June 30, 1975, to purchase at the fair market value the abutting second class shoreland or so much as may be sufficient for the

maintenance and use of such improvements unless the public interest is best served by maintaining such shoreland in state ownership for the benefit of the people of the state. It is recognized that the best public interest may be served by offering the second class shoreland for sale. If the board determines that it is not in the best public interest to offer one or more parcels of such second class shorelands for sale, the board shall state, in the notice to such applicant denying the sale, the specific reasons for so determining and shall provide for an opportunity for a "contested case" hearing of the decision in accordance with chapter 34.04 RCW if a hearing is requested within thirty days from the receipt of the notice.

NEW SECTION. Sec. 3. There is added to chapter 79.01 RCW a new section to read as follows:

Nothing in this 1974 act shall be construed to prevent the assertion of public ownership rights in publicly owned aquatic lands or the leasing of such lands when such leasing is not contrary to the state-wide public interest.

The department of natural resources may require the payment of a use and occupancy fee in lieu of a lease where improvements have been placed without authorization on publicly owned aquatic lands.

NEW SECTION. Sec. 4. Section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484 are each hereby repealed.

NEW SECTION. Sec. 5. This 1974 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 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State May 6, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections House Bill No. 1181 entitled:

"AN ACT Relating to tide and shorelands."
Veto Message

Section 2 provides for the sale of publicly owned second class shorelands in accordance with the legislative declaration that the public interest may be best served by such sale. The language of this section, however, is so drafted as to place the burden on the state, through the Board of State Land Commissioners, to prove that the sale of second class shoreland to a particular applicant is not in the public interest. This burden must further be sustained through the "contested case" procedure set forth in RCW chapter 34.04. The preservation of publicly owned property for the benefit and use of all the citizens of this state is a basic policy of the highest priority, and it should be incumbent on any individual seeking to purchase publicly owned property to prove that the public would be best served by such purchase. For these reasons, I have determined to veto section 2.

Section 4 repeals RCW 79.01.484, which provides for the sale or lease, when the public interest is best served, of second class shorelands, and grants a preference in case of such sale or lease to the abutting upland owner. Repeal of this section would take away the desired flexibility presently within the Department of Natural Resources to lease second class shorelands to abutting owners while still preserving the property ultimately for the public benefit. Accordingly, I have determined to veto section 4.

Veto
Message

With the foregoing exceptions, the remainder of House Bill 1181 is approved."

CHAPTER 187

[Substitute House Bill No. 1185]

REVENUE AND TAXATION OF
TIMBER AND FOREST LANDS

AN ACT Relating to revenue and taxation of timber and forest lands; amending section 7, chapter 294, Laws of 1971 ex. sess. as amended by section 1, chapter 148, Laws of 1972 ex. sess. and RCW 82.04.291; amending section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 90, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.050; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 92, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.080; amending section 11, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.110; amending section 12, chapter 294, Laws of 1971 ex. sess. as amended by section 5, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.120; amending section 13, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.130; amending section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 93, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.140; amending section 10, chapter 146, Laws of 1967 ex. sess. as last amended by section 1, chapter 125, Laws of 1972 ex. sess. and RCW 84.40.045; adding new sections to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW; repealing section 18, chapter 294, Laws of 1971 ex. sess., section 7, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.180; and declaring an emergency.

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

Section 1. Section 7, chapter 294, Laws of 1971 ex. sess. as amended by section 1, chapter 148, Laws of 1972 ex. sess. and RCW 82.04.291 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax with respect to such business shall be equal to the stumpage value of

timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between October 1, 1972 and September 30, 1973 inclusive, the rate shall be one and three-tenths percent;

(b) For timber harvested between October 1, 1973 and September 30, 1974 inclusive, the rate shall be two and nine-tenths percent and between October 1, 1974 and December 31, 1978, inclusive, six and one-half percent ((;

(c) For timber harvested on or after October 1, 1974, the rate shall be determined and fixed by the first session of the legislature commencing on or after January 1, 1973, whether regular or extraordinary, in accordance with the purposes and intent of RCW 84.33.180)).

(2) For purposes of this section:

(a) "Harvester" means every person who from his own privately owned land or from the privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services fells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) On or before July 1, 1972 and as necessary thereafter, the department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Before September 1, 1972 for use during the fourth quarter of 1972 and all of 1973, and before December 1 of each year commencing with 1973, for use during the succeeding year, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for

at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. If, on or before April 1 of any year commencing with 1975, the department shall determine that the stumpage value index as of January 1 of such year is greater or smaller, by ten percent or more, than the stumpage value index as of July 1 of the preceding year it shall, in the same manner prescribed for annual stumpage value determinations, prepare revised tables setting forth stumpage values. Such revised tables shall be applicable to timber harvested between July 1 and December 31 of such year, inclusive. The term stumpage value index as of any date shall mean a weighted average price of state and federal timber sales for all species during the twelve months prior to such date, such weighting to be based upon the actual volumes of the several species or subclassifications of timber harvested during the four most recent calendar quarters for which such information is available from tax returns filed by harvesters. Such index and the procedures to be followed in calculating it shall be further defined in regulations to be prepared by the department of revenue and reviewed by the ways and means committees of the house and senate prior to promulgation by the department. 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, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ((forest tax committee established pursuant to REW 84*33:100)) ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before ((October 31, 1972, with respect to stumpage values set by the department of revenue for the fourth quarter of 1972 and all of 1973, and on or before January 31 of each succeeding year commencing with 1974, with respect to stumpage values set by the department of revenue for such year,)) the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax fund A and a state timber tax fund B, separate and apart from the state general fund. The revenues from the tax imposed by subsection (1) of this section shall be deposited in state timber tax fund A and state timber tax fund B as follows:

YEAR OF COLLECTION	FUND A	FUND B
1973 through 1978	100%	0%
1979	75%	25%
1980	50%	50%
1981	25%	75%
1982 and thereafter	0%	100%

(6) In addition to the rates specified in subsection (1) of this section, there shall be imposed upon such persons a surtax at a rate of .5% of the stumpage value of timber as specified in such subsection (1) upon timber harvested between October 1, 1972 and ((December 31)) September 30, 1974 inclusive. The revenues from such surtax shall be deposited in a separate fund designated the state timber reserve fund, which is hereby created in the state treasury separate and apart from the state general fund. Such surtax shall be reimposed for one year upon timber harvested in any calendar year following any fourth quarter during which transfers from such reserve fund pursuant to subsection (3) of RCW 84.33.080 reduce the balance in such fund to less than five hundred thousand dollars, but in no event shall such surtax be imposed in any year after 1980.

(7) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(8) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.04.490 shall not apply to the taxes imposed by this section.

(9) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

~~((10) Subsection (1) of this section is enacted to be fully effective commencing upon May 24, 1974, even though all rates of tax are not specified. The forest tax committee established pursuant to RCW 84.33.180 shall, as its first priority and in addition to its other responsibilities, develop a recommendation with respect to rates for presentation to the first session of the legislature commencing on or after January 4, 1972, whether regular or extraordinary.))~~

Sec. 2. Section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 92, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending real property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

Year	Portion of Timber Roll
1972	25%
1973	55%
1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the ~~((tenth))~~ twentieth day of the second month of each calendar quarter, commencing February ~~((1973))~~ 20, 1974 and ending November ~~((19))~~ 20, 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 such quarterly payment to a taxing district, when added to ~~((the))~~ such payments made to such district the previous quarters of the same year, exceed, respectively one-fourth, one-half, three-fourths, or the full amount of 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 ~~((19 each year commencing with 1973 and ending with 1981;))~~ 20, 1974 and on the twentieth day of the second month of each calendar quarter commencing February 20, 1975 and ending November 20, 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 19 distribution to taxing districts))~~ twentieth day of the second month of each calendar quarter is not sufficient to permit a payment of one-fourth, one-half, three-fourths, or the full amount, as the case may be, 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) If, after the transfer, if any, from the state timber tax fund A (pursuant to subsection (2) of this section) in August of any year commencing with 1974, the balance in the state timber reserve fund exceeds two million dollars, the amount of the excess shall be applied first, subject to legislative appropriation of funds allocated from the state timber reserve fund, for activities undertaken by the department of revenue forest valuation section and for the activities undertaken by the department of natural resources

relating to classification of lands as required by this chapter: PROVIDED, That within the 1973-75 biennium, the state treasurer shall transfer from the state timber reserve fund to the state general fund an amount equal to actual expenditures of the department of revenue related to the activities of the forest valuation section no later than August 31, 1974 and August 31, 1975, for the fiscal year just completed. If the amount of such excess is more than is necessary for reimbursement for such purposes, the remaining amount of the excess shall be distributed to the taxing districts which distribution shall be made in the following manner:

(a) The department of revenue shall calculate a harvest factor and a harvest factor proportion for each taxing district, in the manner provided in subsection (5) of this section except that for years before 1978 there shall be used the aggregate value of timber harvested for as many quarters for which information is available;

(b) By multiplying the amount of such excess by the harvest factor proportion for each taxing district respectively, the department of revenue shall calculate the amount to be distributed to each local taxing district and to the state and shall certify such amounts to the respective county assessors and state on or before
V October 15;

(c) Along with each quarterly payment pursuant to subsection (2) of this section, the state treasurer shall pay, out of the state timber reserve fund, to the treasurer of each timber county for the account of each local taxing district one-fourth of such district's portion (determined pursuant to (b) above) of such excess and the state treasurer shall pay into the state's general fund for the support of the common schools out of the state timber reserve fund such additional one-fourth amount due the state.

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 dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending real 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 dollar 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~~) twentieth day of the second month of each calendar quarter commencing February (~~(40)~~) 20, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax fund B collected upon timber harvested in the preceding calendar quarter.

Sec. 3. Section 5, chapter 294, Laws of 1971 ex. sess. as last amended by section 90, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.050 are each amended to read as follows:

(1) In preparing the assessment roll as of January 1, 1971 for taxes payable in 1972, the assessor of each timber county shall list all timber within such county on January 1, 1971 at the 1970 timber value. For each year commencing with 1972, the assessor of each timber county shall prepare a timber roll, which shall be separate and apart from the assessment roll, listing all timber within such county on January 1, 1972 at values determined as follows:

(a) For the five years commencing with 1972, the value shall be the 1970 timber value;

(b) For each succeeding five year period, the first of which commences on January 1, 1977, the value shall be such 1970 timber value increased or decreased in proportion to the percentage change, if any, which has occurred between the last year of the preceding five year period and 1973 in the average stumpage value per unit of measure of all timber harvested in such county. Such percentage change shall be determined by the department of revenue on the basis of information contained in the excise tax returns filed pursuant to RCW 82.04.291.

(2) As used in subsection (1) of this section, "1970 timber value" means the value for timber calculated in the same manner and using the same values and valuation factors actually used by such assessor in determining the value of timber for the January 1, 1970 assessment roll, except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county

for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and except that if the value of timber in any county on January 1, 1970 was not separately determined and shown on such assessment roll, 1970 timber value shall mean the value reconstructed from available records and information in accordance with rules to be prescribed by the department of revenue.

(3) The assessor of each timber county shall add to the assessment roll showing values of property as of January 1 of the years listed below, an "assessed valuation" of the portion, indicated below opposite each such year, of the value of timber as shown on the timber roll for such year. Such assessed valuation shall be calculated by multiplying such portion of the timber roll by the assessment ratio applied generally by such assessor in computing the assessed valuation of other property in his county. The dollar rates, calculated pursuant to RCW 84.33.060 for each taxing district within which there was timber on January 1 of such year, shall be extended against such "assessed valuation" of timber within such district as well as against the assessed value of all other property within such district as shown on such assessment roll.

YEAR	PORTION OF TIMBER ROLL
1972	75%
1973	45%
1974 and thereafter	None

(4) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1 following the designation of the land upon which such timber stands pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, but only if the value of such timber was not separately determined and shown on the assessment roll as of either January 1, 1970 or January 1, 1972((?))₁.

(5) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1st following the sale or transfer of the land upon which such timber stands from an ownership in which such land was exempt from ad valorem taxation to an ownership in which such land is no longer exempt.

(6) The value of timber shall be deleted from the timber roll upon the sale or transfer of the land upon which such timber stands to an ownership in which such land is exempt from ad valorem taxation.

V- (7) A county may correct their timber inventory subject to the approval and under the direction of the department of revenue: PROVIDED, That the program is undertaken at county expense: AND

PROVIDED FURTHER, That all corrected inventories be completed by December 31, 1975. A corrected inventory shall consist of the existing timber inventory minus all inventory removed since the date of last deletion from inventory plus all new inventory that can be substantiated and certified by the department of revenue: PROVIDED, That such new inventory is adjusted to 1970 values.

Sec. 4. Section 11, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.110 are each amended to read as follows:

(1) On or before September 1, 1971, 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 RCW 84.33.120 or 84.33.130, or otherwise determined to be forest land, shall be graded in accordance with such rules. This subsection and rules promulgated thereunder shall not have any force or effect after grading of all forest land in the state has been completed by the department of natural resources or December 31, 1980, whichever first occurs.

(2) The department of natural resources, in consultation with the department of revenue and other appropriate representatives of government agencies and landowners, shall design and implement a program to determine which privately owned land is forest land as defined by RCW 84.33.100 and as classified under chapter 84.28 RCW and to have such forest land graded by the department of natural resources in conformance with factors that may affect the nurture and continued production of forests at each site, such as but not limited to species variability, characteristics of forest soils, climate variability, topography and access. The program shall include field work to obtain data which are necessary or useful in determining such grades and identifying which land is devoted to or suitable for growing and harvesting timber. The program shall be completed by December 31, 1980.

Sec. 5. Section 12, chapter 294, Laws of 1971 ex. sess. as amended by section 5, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.120 are each amended to read as follows:

(1) On or before March 1, 1972 and January 1 of each year commencing with 1973, subject to review by the ((forest tax committee

established pursuant to RCW 84.33.100) ways and means committees of the house and senate 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 bare 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. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to subsection (3) of RCW 84.33.120 or RCW 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(3) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and subsections (1) and (2) of this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application ((with due regard to all relevant evidence without any one or more items of evidence necessarily being determinative)) in the manner prescribed in subsection (3) of section 6 of this 1974 amendatory act.

(4) ((The assessor may in any year commencing with 1972 discontinue assessing and valuing pursuant to the procedures set forth in RCW 84.33.140 and subsections (1) and (2) of this section any land, except designated forest land, for which a higher and better use exists than growing and harvesting timber. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (3) of this section or RCW 84.33.130.)) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard.

The assessor shall remove classification pursuant to subsections (c) or (d) above prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of subsection (a), (b) or (d) above shall apply only to the land affected, and upon occurrence of subsection (c) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber.

(5) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (3) of this section or RCW 84.33.130 or to appeal such removal to the county board of equalization.

(6) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed

generally in that county. Except as provided in subsection (8) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (2) 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, if any, 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 dollar 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, commencing with assessment year 1975, for which such land was assessed and valued as classified forest land.

(7) 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.

(8) The compensating tax specified in subsection (6) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (4) 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.

(9) With respect to any land that has been designated prior to the effective date of this amendatory act, pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, the assessor may, prior to January 1, 1975, on his own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW

84.33.140, the status of such designated land to classified forest land.

Sec. 6. Section 13, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.130 are each amended to read as follows:

(1) An owner of land desiring that it be designated as forest land and valued pursuant to RCW 84.33.120 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 76.00-030)) such land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(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 and that the land described in the application is, by itself or with other forest land not included in the application, in contiguous ownership of twenty or more acres which is primarily devoted to and used for growing and harvesting timber.

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, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain either a "merchantable stand of timber" or an "adequate stocking" as defined in RCW 76.08.010, or any laws or regulations adopted to replace such minimum standards, except this reason (a) shall not alone be sufficient for denial of the application (i) if such land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or such longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within such land do not meet such minimum standards due to rock outcroppings, swamps, unproductive soil or other natural conditions;

(b) The applicant, with respect to such land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling such ordinary high tide line and two hundred feet horizontally landward therefrom, except that if the higher and better use determined by the assessor to exist for such land would not be permitted or economically feasible by virtue of any federal, state or local law or regulation such land shall be assessed and valued pursuant to the procedures set forth in RCW 84.33.110 and subsections (1) and (2) of RCW 84.33.120 without being designated. 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.

Sec. 7. Section 14, chapter 294, Laws of 1971 ex. sess. as last amended by section 93, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.33.140 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, a notation of such

designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Passage of sixty days following the sale or transfer of such land to a new owner without receipt of an application pursuant to RCW 84.33.130 from the new owner;

(c) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that (i) such land is no longer primarily devoted to and used for growing and harvesting timber, (ii) such owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder, or (iii) restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of subsections (a) through (c) above shall apply only to the land affected, and upon occurrence of subsection (d) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to

the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Any compensating tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

Sec. 8. Section 10, chapter 146, Laws of 1967 ex. sess. as last amended by section 1, chapter 125, Laws of 1972 ex. sess. and RCW 84.40.045 are each amended to read as follows:

The assessor shall give notice of any change in the true and fair value of real property for the tract or lot of land and any improvements thereon no later than thirty days after appraisal: PROVIDED, That for appraisals made between December 1st and February 15th notice shall not be sent out prior to March 1st; PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new true and fair value and the ratio of the assessed value to the true and fair value on which the assessment of the property is based, stating separately land and improvement values, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Wilful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a civil penalty of five dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

NEW SECTION. Sec. 9. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

(1) The legislature shall review the system of distribution and allocation of all timber excise tax revenues in January, 1975 and each year thereafter to provide a uniform and equitable distribution and allocation of such revenues to the state and local taxing districts.

(2) In order to allow legislative review of the rules and regulations to be adopted by the department of revenue establishing the stumpage value index provided for in section 1 (3) of this 1974 amendatory act, such rules and regulations shall be effective not less than sixty days after transmitting to the staffs of the senate and house ways and means committees (or their successor committees) the same proposed rules and regulations as shall have been previously filed with the office of the code reviser pursuant to RCW 34.04.025 (1) (a).

(3) The ways and means committees of the house and senate, with the advice of the department of revenue, the department of

natural resources, office of the superintendent of public instruction, county government, and affected landowners, shall review the yield tax rate and rate structure prior to December 31, 1978, and shall recommend modification of the rate and rate structure as necessary so that timber bears an equitable and proportionate tax share in conformance with the provisions of this chapter.

(4) The department of revenue and the department of natural resources shall make available to the revenue committees of the senate and house of representatives of the state legislature information and data, as it may be available, pertaining to the status of forest land grading throughout the state, the collection of timber excise tax revenues, the distribution and allocation of timber excise tax revenues to the state and local taxing districts, and any other information as may be necessary the proper legislative review and implementation of the timber excise tax system, and in addition, the departments shall provide an annual report of such matters in January of each year to such committees.

NEW SECTION. Sec. 10. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

After the department of natural resources has completed the design and outline of the grading program it shall hold public hearings for the purpose of advising interested persons of the department's program and soliciting comments on it. Such hearings shall be held prior to December 31, 1975 at no fewer than ten different locations within the state. A notice shall be published of each hearing in a newspaper of general circulation in each community where a hearing is scheduled. The notice shall state the time, place and purpose of the hearing. At such hearings the department shall explain the purpose of the program and its consequences to forest land owners and the standards, procedures and schedules it will follow in grading forest land.

NEW SECTION. Sec. 11. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

The department of natural resources shall complete the grading of forest land on or before July 1, 1980. Within three months after the grading has been completed in each county, the department shall hold a public hearing in such county at which the forest land grades shall be described and explained. A notice shall be published of such hearing in one or more newspapers of general circulation in the county where the hearing is to be held. The notice shall state the time, place and purpose of the hearing. At the hearing the department shall explain the grades it has established for forest

land within the county and shall provide maps of the county on which the established forest land grades are set forth for inspection by the public. Copies of such maps shall be provided to any person upon payment of the reasonable cost of production thereof.

NEW SECTION. Sec. 12. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

Within sixty days following the hearing held pursuant to section 11 of this amendatory act, any owner of forest land may request a review by the department for the purpose of modifying the grades established for his land. The department shall conduct such review in the county where the land is located. The forest land owner shall have the right to reasonably present testimony and data in support of his contentions. Following such review, except as provided below in sections 15 and 17, the decision of the department shall be final.

NEW SECTION. Sec. 13. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

Within three months following the hearing in each county held pursuant to section 11 of this amendatory act, the department of natural resources shall certify to the department of revenue the grades of all forest land in such county. If at that time the grade of any specific forest land is under review or has not been determined following such review, its grade shall be certified when the review is completed. If any privately owned land not initially determined to be forest land is determined to be forest land subsequent to 1980, the grade of such land shall be certified to the department of revenue promptly after such determination.

NEW SECTION. Sec. 14. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

The department of revenue shall certify to each county assessor the grades established for forest land within each respective county within twelve months after receiving the certificate from the department of natural resources pursuant to section 12 of this 1974 amendatory act or March 31, 1981, whichever is earlier.

NEW SECTION. Sec. 15. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

(1) Within sixty days after the assessor has received certification pursuant to section 14 of this 1974 amendatory act of forest land grades within his county he shall mail a notice to each

owner of forest land stating the number of acres of each grade of forest land included in any tax parcel to which the notice applies. Any such notice mailed prior to 1981 shall plainly advise the forest land owner that the grades established for his forest land will not be used as a basis for assessment of such forest land until in the assessment year 1981 for taxes payable in 1982.

(2) In addition to any other remedies provided by law, any owner who feels aggrieved by the forest land grade determined for any forest land owned by him may petition the county board of equalization for correction of such grade. The board shall have jurisdiction to review such petition and may grant or deny the relief requested. Such petition must be filed with the board on or before July 1 next succeeding the date of mailing any notice given pursuant to subsection (1) of this section. The filing of such petition shall not jeopardize the owner's right to petition the board pursuant to section 17 of this 1974 amendatory act.

NEW SECTION. Sec. 16. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

As of January 1, 1981, and in each succeeding year each county assessor shall list the true and fair value of each parcel of classified or designated forest land according to the applicable grade values certified to him pursuant to RCW 84.33.120 and the applicable forest land grades certified pursuant to section 13 of this 1974 amendatory act.

NEW SECTION. Sec. 17. There is added to chapter 294, Laws of 1971 ex. sess. and to chapter 84.33 RCW a new section to read as follows:

(1) On or before May 31, 1981 each county assessor shall mail notice to each owner of forest land within his county stating the number of acres of each grade of forest land included in any tax parcel to which the notice applies and the value established for each forest land grade and the total value of such tax parcel on which the assessment of such parcel is based.

(2) In addition to any other remedies provided by law, any owner who feels aggrieved by the valuation of any tax parcel owned by him may petition the county board of equalization for correction of such value. The board shall have jurisdiction to review such petitions and may grant or deny the requested relief.

NEW SECTION. Sec. 18. Section 18, chapter 294, Laws of 1971 ex. sess., section 7, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.180 are each hereby repealed.

NEW SECTION. Sec. 19. This 1974 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. 20. If any provision of this 1974 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 April 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State May 6, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Substitute House Bill No. 1185 entitled:

"AN ACT Relating to revenue and taxation of timber and forest lands." Veto
Message

Section 2(4)(b) requires the computation and certification by the Department of Revenue of amounts of reserve fund revenue to be distributed to local taxing districts and to the state. An item therein sets a deadline of October 15 therefor. This deadline would be impossible for the department to meet since it cannot compute the distribution until the taxing districts have reported their millage rates, and the deadline for reporting such millage rates in RCW 84.33.080 is December 15. I have accordingly vetoed the referenced item.

Section 3(7) allows for adjustments to the timber roll resulting from timber inventory adjustments made before December 31, 1975. This provision was apparently enacted to alleviate the concern in some counties over their share of the distribution of timber excise tax because of failure to update their timber rolls. It is now clear, however, that the cost of such an effort would be greater than any tax advantage that may result therefrom. Furthermore, the act provides, starting in 1976, for a different basis for distribution of timber tax revenue by using on a phase-in basis a formula which takes account of the amount of timber harvest occurring in each county. For these reasons, I have determined to veto section 3(7).

With the foregoing exceptions, I have approved the remainder of Substitute House Bill No. 1185."

CHAPTER 188

[House Bill No. 1208]

ELECTRICAL CONTRACTORS' LICENSING

AN ACT Relating to electrical contractors; amending section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.120; adding new sections to chapter 19.28 RCW; and making an effective date.

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

Section 1. Section 1, chapter 30, Laws of 1969 as last amended by section 1, chapter 129, Laws of 1971 ex. sess. and RCW 19.28.120 are each amended to read as follows:

(1) 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. 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, r~~) fasten, or 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(~~7~~)" (~~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 board of electrical examiners shall certify to the director of labor and industries all persons who are entitled to electrical contractors' qualifying certificates. The director of labor and industries shall issue the license to applicants meeting all of the requirements of this chapter. 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 14, 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:))

(2) From and after the effective date of this 1974 amendatory act, no license shall be issued pursuant to the provisions of subsection (1) of this section, except for renewals of previously issued licenses, unless the applicant possesses an electrical contractor's qualifying certificate, or alternately, has in his regular employ at least one individual possessing an electrical contractor's qualifying certificate. To obtain such a certificate an individual shall pass an examination as set forth in section 2 of this 1974 amendatory act.

NEW SECTION. Sec. 2. There is added to chapter 19.28 RCW a new section to read as follows:

There is hereby created a board of electrical examiners consisting of seven members to be appointed by the governor. It shall be the purpose and function of this board to establish and administer a written examination for an electrical contractor's qualifying certificate. The examination shall be designed to reasonably insure that electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute. The examination shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory.

The members of the board of electrical examiners shall be selected and appointed as follows: Three members shall be electrical contractors licensed to do business in the state of Washington of which one shall be a minority electrical contractor; one member shall be a professional electrical engineer licensed in the state of Washington; one member shall be the chief state electrical inspector; one member from the general public; one member from the construction industry other than electrical. The members, other than the chief state electrical inspector, shall be appointed from a list of individuals nominated by nonprofit associations representing individuals or corporations or firms engaged in the business classification from which such members shall be selected. The terms of the first electrical contractor members appointed shall be three years and four years, and shall be specified in their appointments; the term of the first electrical engineer member shall be two years; the first term of the chief state electrical inspector shall be one year; and the terms of the first general public member and the member from the construction industry other than electrical shall each be one year. Thereafter, all appointments shall be for four year terms. The governor shall fill all vacancies that occur by appointing their successors from the same classification and following the above prescribed nominating procedure. The board shall select its own chairman and the chief state electrical inspector shall serve as secretary.

Meetings of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each member of the board shall be paid a per diem 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 as provided in chapter 43.03 RCW, which shall be paid out of the electrical license fund, upon vouchers approved by the director or labor and industries.

NEW SECTION. Sec. 3. There is added to chapter 19.28 RCW a new section to read as follows:

No electrical contractor qualifying certificate shall be required as a condition of issuing or renewing a license to any applicant having been duly licensed as an electrical contractor continuously since July 1, 1974.

NEW SECTION. Sec. 4. There is added to chapter 19.28 RCW a new section to read as follows:

Each applicant, other than an individual, shall designate a supervisory employee or member of the firm to take the required examination. This person shall be designated as administrator under the license. No person may qualify as administrator under more than one license. If the relationship of the administrator with the applicant firm or corporation is terminated, the license is void within ninety days unless another administrator is qualified by the board. A license issued under this section is valid for one year after issuance, unless revoked or suspended, is nontransferable; and may be renewed without examination by appropriate application.

NEW SECTION. Sec. 5. If any provision of this 1974 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. 6. The effective date of this 1974 amendatory act is July 1, 1974.

Passed the House April 22, 1974.
Passed the Senate April 19, 1974.
Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State May 6, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items House Bill No. 1208 entitled:

"AN ACT Relating to electrical contractors."

Veto
Message

Section 1(2) contains amendatory language requiring that an applicant pass an examination given pursuant to this act as a condition to receiving an electrical contractor's license. An item therein provides for the grandfathering of those applicants who already possess a license as of the effective date of the act by exempting from the examination requirement applicants for renewal of previously issued licenses. A similar grandfathering provision appears in section 3 of the bill. The purpose of a written examination as required by this bill is to insure that contractors are competent to engage in and supervise the work of installing electric wires, equipment and appliances not only for the protection of the general public but also to maintain minimum standards in the industry itself. Neither the public nor the industry is best served by the grandfather provision as set forth in this bill. Accordingly, I have determined to veto the referenced item in section 1(2) and the entire section 3.

Section 2 provides for the creation of a board of electrical examiners. The membership of this board is prescribed in unnecessarily rigid and narrow terms by an item therein and allows

little, if any, flexibility or discretion in the appointment of the members. Such restrictive language may well disqualify from service on the board some persons who would be best qualified to serve. For these reasons, I have determined to veto the referenced item. In so doing, I recognize that the vetoed item also contains the length of the terms to be served by the members. I would urge the Legislature to consider again and reenact the relevant term provisions at its next session.

Veto
Message

With the foregoing exceptions, I have approved the remainder of House Bill No. 1208."

CHAPTER 189

[Substitute Senate Bill No. 3256]

APPROPRIATION—STATE LEGISLATURE

AN ACT Relating to appropriations for the operation of state government; amending section 2, chapter 137, Laws of 1973 1st ex. sess. (uncodified); making an appropriation; and declaring an emergency.

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

Section 1. Section 2, chapter 137, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE LEGISLATURE

General Fund Appropriation

Senate Expenses and salaries of members.\$((5,889,727))5,489,727

House of Representatives Expenses and salaries

of members.....\$((7,050,989))6,408,989

Legislative Budget Committee.....\$ 579,458

Public Pension Commission.....\$ 138,514

Oceanographic Commission.....\$ 196,244

Columbia Interstate Compact Commission.....\$ 5,000

~~((Joint Commission on Legislative Ethics.....\$ 3,500))~~

Senate Ethics Committee.....\$ ((3,500))5,250

House Ethics Committee.....\$ ((3,500))5,250

Judicial Council.....\$ 144,400

For the 1973 Convention of the

National Conference of State

Legislative Leaders.....\$ 25,000

NEW SECTION. Sec. 2. This 1974 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, 1974.
Passed the House April 18, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 190
[Substitute Senate Bill No. 3194]
FIREMEN AND POLICE PENSIONS—
COST OF LIVING ADJUSTMENTS

AN ACT Relating to firemen and police pension benefits; amending section 38, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 37, Laws of 1970 ex. sess. and RCW 41.16.145; amending section 33, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 37, Laws of 1970 ex. sess. and RCW 41.18.104; amending section 34, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 37, Laws of 1970 ex. sess. and RCW 41.26.250; amending section 35, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.260; repealing section 17, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.16.146; repealing section 18, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.18.105; and declaring an emergency.

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

Section 1. Section 38, chapter 209, Laws of 1969 ex. sess. as amended by section 3, chapter 37, Laws of 1970 ex. sess. and RCW 41.16.145 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 as now or hereafter amended, shall be increased annually as hereafter in this section provided. ((The present benefits payable under RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section:)) The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

((As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable)) Each year effective with the July payment all benefits specified herein, shall be increased ((two percent as authorized)) by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative ((but shall not be compounded)). The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 2. Section 33, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 37, Laws of 1970 ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. ((The present benefits payable under RCW 41.18.040, 41.18.080 and 41.18.100 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section:)) The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

((As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable:)) Each year effective with the July payment all benefits specified herein, shall be increased ((two percent)) as authorized by this section. This benefit increase shall be paid

monthly as part of the regular pension payment and shall be cumulative ((but shall not be compounded)). The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 3. Section 34, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 37, Laws of 1970 ex. sess. and RCW 41.26.250 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. ((On July 1, 1969 such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section:)) The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

((As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable:)) Each year effective with the July payment all benefits specified herein, shall be increased ((two percent)) as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative ((but shall not be compounded)).

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 4. Section 35, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.260 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually ((as hereafter in this section provided: On July 1, 1969 such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section:

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later; Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section: This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded)) in the same manner and to the same extent as provided for pursuant to section 3 of this 1974 amendatory act.

NEW SECTION. Sec. 5. The following acts or parts of acts are each hereby repealed:

(1) Section 17, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.16.146; and

(2) Section 18, chapter 257, Laws of 1971 1st ex. sess. and RCW 41.18.105.

NEW SECTION. Sec. 6. This 1974 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 23, 1974.
Passed the House April 23, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 191
[Substitute House Bill No. 90]
STATE PERSONAL SERVICE CONTRACTS—
FILING REQUIREMENTS

AN ACT Relating to filing of personal service contracts; and adding a new chapter to Title 39 RCW.

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

NEW SECTION. Section 1. On and after the effective date of this chapter all personal service contracts, including renewals and amendments of existing contracts, entered into by any state officer or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional and other types of institutions, shall be filed with the office of program planning and fiscal management and the legislative budget committee at least ten days prior to the date any work commences under such contracts regardless of the source of funds. The director of the office of program planning and fiscal management may exempt on a limited basis specific classes of personal service contracts involving activities of the executive and judicial branches after preparation of documented justification and consultation with the legislative budget committee: PROVIDED, That approval of the exemption is granted prior to commencement of the contract work.

In special emergency cases when work commencement is clearly a major and overriding factor and immediate contract action is mandatory, filing may be delayed for personal service contracts involving executive and judicial branches by the director of the office of program planning and fiscal management after consultation with the legislative auditor: PROVIDED, That such filing shall be made prior to commencement of the contract work with documented justification for the filing delay.

Standing and other committees of the legislature and officers or employees of the legislative branch shall file personal service contracts with the legislative budget committee and the office of program planning and fiscal management in accordance with the ten day time limitation set forth in this section. This requirement conforms with legislative intent that all personal service contracts negotiated within state government shall be subject to periodic and centralized legislative review. Requests by legislative committees or personnel for either exemptions or delays in filing individual personal service contracts shall be forwarded to the legislative budget committee for review and maintenance of a central control file for use in preparation of summary reports on personal service

contracts as directed by the legislature. Filing of personal service contracts delayed for emergency purposes shall be made not more than five days after commencement of the contract work involved.

NEW SECTION. Sec. 2. No state officer or activity of state government subject to this chapter shall expend any funds for personal service contracts without first complying with the provisions of section 1 of this act. Except in cases where filing delay has been authorized under section 1 of this act, no contract shall become effective until ten days following the date of filing pursuant to this chapter, or the effective date of the contract whichever is later. The state officer or employee executing the personal service contracts shall be responsible for compliance with the filing requirements of this chapter. Failure to comply with the filing requirements of this act shall subject the state officer or employee to a civil penalty in the amount of three hundred dollars.

NEW SECTION. Sec. 3. This chapter shall not apply to the Washington state apple advertising commission, the Washington state fruit commission, the Washington state dairy products commission, or any agricultural commodity commission created under the provisions of chapter 15.66 RCW and exempted from the budget and accounting system by chapter 43.88 RCW except for special provisions concerning budget submissions and audits.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 39 RCW.

Passed the House April 23, 1974.
Passed the Senate April 22, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 192
[House Bill No. 1269]
CLALLAM-JEFFERSON COUNTIES—
SUPERIOR COURT JUDGES

AN ACT Relating to the superior courts; and amending section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.064; and making an appropriation.

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

Section 1. Section 6, chapter 125, Laws of 1951 as last amended by section 3, chapter 83, Laws of 1971 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)) two judges of the superior court; in the county of Snohomish 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.

NEW SECTION. Sec. 2. There is hereby appropriated from the state general fund the sum of \$18,400 to implement the purposes of this act.

Passed the House April 23, 1974.
Passed the Senate April 22, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 193

[Third Substitute House Bill No. 1274]

WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the Washington state teachers' retirement system; amending section 31, chapter 80, Laws of 1947 as last amended by section 2, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.310; amending section 48, chapter 80, Laws of 1947 as last amended by section 1, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.480; amending section 50, chapter 80, Laws of 1947 as last amended by section 16, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.500; amending section 20, chapter 14, Laws of 1963 ex. sess. as last amended by section 18, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.522; amending section 52, chapter 80, Laws of 1947 as last amended by section 4, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.520; amending section 21, chapter 14, Laws of 1963 ex. sess. as last amended by section 19, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.523; amending section 54, chapter 80, Laws of 1947 as last amended by section 18, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.540; adding a new section to chapter 41.32 RCW; providing that certain provisions hereof shall be retroactive; making certain effective dates; and declaring an emergency.

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

Section 1. Section 31, chapter 80, Laws of 1947 as last amended by section 2, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.310 are each amended to read as follows:

Any member desiring to establish credit for services previously rendered, must present proof and make the necessary

payments on or before ((January 31, 1974)) June 30 of the fifth school year of his membership. Payments covering all types of membership service credit must be made in a lump sum ((prior to January 31, 1974: PROVIDED, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the state of Washington:)) when due, or in annual installments. The first annual installment of at least twenty percent of the amount due must be paid before the above deadline date, and the final payment must be made by June 30th of the fourth school year following that in which the first installment was made. The amount of payment and the interest thereon, whether lump sum or installments, shall be made by a method and in an amount established by the board of trustees: PROVIDED ((FURTHER)), That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330; PROVIDED FURTHER, That a member who was not permitted to establish credit pursuant to section 2, chapter 32, Laws of 1973 2nd ex. sess., for Washington teaching service previously rendered, must present proof and make the necessary payment to establish such credit as membership service credit. Payment for such credit must be made in a lump sum on or before June 30, 1974. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state.

Sec. 2. Section 48, chapter 80, Laws of 1947 as last amended by section 1, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.480 are each amended to read as follows:

(1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit

with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended.

(3) Any member who has attained age fifty-five years and who has completed not less than twenty-five years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended: PROVIDED, That no individual who has retired pursuant to this subsection, on or after July 1, 1969, shall suffer an actuarial reduction in his retirement allowance, except as such allowance may be actuarially reduced pursuant to the options contained in RCW 41.32.530; PROVIDED FURTHER, That this 1974 amendment shall be retroactive to July 1, 1969.

Sec. 3. Section 50, chapter 80, Laws of 1947 as last amended by section 16, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.500 are each amended to read as follows:

Membership in the retirement system is terminated ((and the prior service certificate becomes void)) when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

(1) If he is eligible for retirement;

(2) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;

(3) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section of this amendatory act, is hereby ratified, affirmed and approved.

Sec. 4. Section 20, chapter 14, Laws of 1963 ex. sess. as last amended by section 18, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.522 are each amended to read as follows:

Upon receipt of proper proof of death of a member who was employed on a full time basis and who contributed to the death benefit fund during the fiscal year in which his death occurs, or who was under contract for full time employment in a Washington public school for the fiscal year immediately following the year in which such contribution to the death fund was made, or who submits an application for a retirement allowance to be approved at the next regular meeting of the board of trustees immediately following termination of his full time Washington public school service and who dies before the first installment of his retirement allowance becomes due, or who is receiving or is entitled to receive temporary disability payments, or who upon becoming eligible for a disability retirement allowance submits an application for such an allowance to be approved at the next regular meeting of the board of trustees immediately following the date of his eligibility for a disability retirement allowance and dies before the first installment of such allowance becomes due, a death benefit of (~~four~~) six hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: PROVIDED, That the deceased member had established at least one year of credit with the retirement system for full time Washington membership service and that his contribution to the death benefit fund for a given fiscal year shall qualify him for the death benefit in the event his death occurs before the beginning of the ensuing school year: AND PROVIDED FURTHER, That a deceased member who was not employed full time in Washington public school service during the fiscal year immediately preceding the year of his death shall have been employed full time in Washington public school service for at least fifty consecutive days during the fiscal year of his death.

Sec. 5. Section 52, chapter 80, Laws of 1947 as last amended by section 4, chapter 32, Laws of 1973 2nd ex. sess. and RCW 41.32.520 are each amended to read as follows:

Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) The beneficiary, if ~~((the))~~ a surviving spouse or a dependent ~~((child or dependent parent,))~~ (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a retirement allowance under Option 2 of RCW 41.32.530. In the case of a dependent child the allowance shall continue until attainment of majority or so long as the board judges that the circumstances which created his dependent status continue to exist. In any case, if at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary: PROVIDED, That if at the time of death, the member was not then qualified for a service retirement allowance, such Option 2 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.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 6. Section 21, chapter 14, Laws of 1963 ex. sess. as last amended by section 19, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.523 are each amended to read as follows:

Upon receipt of proper proof of death of a member who does not qualify for the death benefit of ~~((four))~~ six hundred dollars under RCW 41.32.522 as now or hereafter amended, or a former member who was retired for age, service or disability, a death benefit of ~~((two))~~ four hundred ~~((fifty))~~ dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: PROVIDED, That the member or the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service.

Sec. 7. Section 54, chapter 80, Laws of 1947 as last amended by section 18, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.540 are each amended to read as follows:

Upon application of a member in service or of his employer or of his legal guardian or of the legal representative of a deceased member who was eligible to apply for a temporary disability allowance based on his final illness a member ~~((may))~~ shall be granted a temporary disability allowance by the board of trustees if the medical director, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty. Any member receiving a temporary disability allowance on July 1, 1964 or who qualifies for a temporary disability allowance effective on or after July 1, 1964 shall receive a temporary disability allowance of one hundred ~~((twenty))~~ eighty dollars per month payable from the disability reserve fund for a period not to exceed two years, but no payments shall be made for a disability period of less than sixty days: PROVIDED, That a member who is not employed full time in Washington public school service for consecutive fiscal years shall have been employed for at least fifty consecutive days during the fiscal year in which he returns to full time Washington public school service before he may qualify for temporary disability benefits: PROVIDED FURTHER, That no temporary disability benefits shall be paid on the basis of an application

received more than four calendar years after a member became eligible to apply for such benefits.

NEW SECTION. Sec. 8. There is added to chapter 41.32 RCW a new section to read as follows:

(1) Effective July 1, 1974, the pension portion of the retirement allowance being paid to all retirees who retired on or before June 30, 1970, shall be increased in an amount equal to 11.9 percent of that portion.

(2) Effective July 1, 1974, the pension portion of the retirement allowance being paid to all retirees who retired on or after July 1, 1970 through and including June 30, 1973, shall be increased in an amount equal to 2.9 percent of that portion.

(3) Solely for the purposes of RCW 41.32.499, the initial date of payment of the pension portion of the retirement allowance which is increased by this section shall be deemed to be July 1, 1973.

(4) The funds necessary for the payment of benefits provided by subsections (1) and (2) of this section shall constitute a separate biennial appropriation transfer by the legislature from the state general fund to the teachers' retirement fund.

NEW SECTION. Sec. 9. If any provision of this 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. 10. This 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 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 194

[Substitute House Bill No. 1366]

PUBLIC WORKS CONTRACTS--FUEL CRISIS PRICE
INCREASES--TERMINATION OR MODIFICATION OPTIONS

AN ACT Relating to public works contracts; adding a new section to chapter 39.04 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 39.04 RCW a new section to read as follows:

(1) The legislature finds (a) that the increase in the price of petroleum products resulting from the world wide shortage of crude oil has created a condition which has rendered performance by contractors of many public works contracts economically impossible and (b) that provision should be made to provide for the orderly termination of such contracts; the deletion of work affected by petroleum prices without the necessity of litigation; or, alternatively at the election of any contracting agency, the continuation of the contract with the agency assuming a share of the increased petroleum costs.

(2) Whenever the state or any municipality shall have awarded any public works contract during the performance of which (a) any legally enforceable private agreement or contractual arrangement between either the contractor or a first tier subcontractor and his suppliers of crude oil, residual fuel oil, refined petroleum products, or asphalt required in order to complete performance of the public works contract are superseded, with resulting increased costs of performance of the public works contract, by force majeure regulations, rules, allocations, or rulings issued by any federal, state, or other agency acting pursuant to any federal or state economic stabilization act, petroleum allocation act, or other legislation authorizing the same; or (b) the cost of petroleum products for which has increased by more than twenty percent over the current market price thereof as the date of contract award, then the contractor may elect to terminate the contract in its entirety or to delete such portions of the work from the contract, and the state or municipality shall pay the contractor for all work performed prior to the date of termination of the contract or deletion of such work. The state or municipality shall also pay the contractor for all acceptable materials ordered by the contractor and delivered on the work site prior to the termination of the contract or deletion of such work by the contractor. Such materials shall be purchased from the contractor by the state or the municipality at the actual cost of such material to the contractor and shall thereupon become the property of the state or municipality. No payment shall be made to the contractor for overhead costs or anticipated profits as to work not performed as a result of deletion of such work or termination of the contract. Amounts retained and accumulated under RCW 60.28.010 shall be held for a period of thirty days following the election of the contractor to terminate the contract in its entirety: PROVIDED, That if the contractor elects to terminate or delete such portions of the work and the state or such municipality finds that it is in the public interest to complete performance on such public works contract then the state or such municipality shall require the contractor to

complete performance of the public works contract and the state or such municipality shall modify the provisions of that public works contract to increase the contract price so that the state or municipality shall bear eighty percent of such increased costs over the contractor's estimated cost at the time of contract bid opening and the contractor shall bear the balance thereof. Upon request by the state or municipality the contractor shall make his records available for audit by the state or municipality to verify such increased costs.

(3) This section shall apply only to public works contracts awarded prior to November 1, 1973, and only to work under such contracts which has not been performed on the date the contractor elects to terminate the contract or delete such work from the contract.

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.

NEW SECTION. Sec. 3. This 1974 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 9, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 195

[House Bill No. 1363]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AN ACT Relating to public employment; amending section 3, chapter 274, Laws of 1947 as last amended by section 3, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.030; amending section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.120; amending section 16, chapter 274, Laws of 1947 as last amended by section 6, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.150; amending section 39, chapter 274, Laws of 1947 as amended by section 6, chapter 127, Laws of 1967 and RCW 41.40.380; adding new sections to chapter 41.40 RCW; making an appropriation; and declaring an emergency.

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

Section 1. Section 3, chapter 274, Laws of 1947 as last amended by section 3, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.030 are each amended to read as follows:

The retirement board shall consist of ~~((eleven))~~ twelve members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, the members provided by RCW 41.26.050, and ~~((three employee))~~ four elected representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by active or retired 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, except those board members provided by RCW 41.26.050. The active and retired members of the system shall be divided into ~~((three))~~ four 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 retired members; and classification D shall consist of all members not included in classification A ~~((or))~~ B, or C. 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, 1964; 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.))~~ The initial term of the representative from classification C shall begin July 1, 1974.

Any ~~((employee))~~ active or retired member desiring to become a candidate to represent ~~((employees))~~ active or retired members in his classification may during the first two weeks of 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 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)) elected representatives shall commence on the first day of July following their election.

Sec. 2. Section 13, chapter 274, Laws of 1947 as last amended by section 5, chapter 190, Laws of 1973 1st ex. sess. 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 application for those taking elective office for the first time after May 21, 1971 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 contributions therefor by the employee and employer contributions therefor by the employer or employee: AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which

would have been made had the person been a member during the period of such elective service;

(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 or 41.40.185;

(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, 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 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 any member elected or appointed to an elective office on or after April 1, 1971 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. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. 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.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over five hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system.

Sec. 3. Section 16, chapter 274, Laws of 1947 as last amended by section 6, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.190, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of ((two years)) six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the retirement board, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: PROVIDED, That any member who reentered service outside the ten-year period formerly provided by this subsection, and by reason of the former language of this section was

not allowed to restore withdrawn contributions, shall have two years from April 25, 1973 to restore said contributions: AND PROVIDED FURTHER, That any member who reentered service within the ten-year period formerly provided by this section, and who failed to restore withdrawn contributions within the three or five years previously allowed, shall now have two years from April 25, 1973 to restore said contributions, with interest as determined by the retirement board.

(3) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position 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 eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120 (3) shall be considered to have terminated his retirement status and he shall 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 from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is

exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120 (3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.180 (1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

Sec. 4. Section 39, chapter 274, Laws of 1947 as amended by section 6, chapter 127, Laws of 1967 and RCW 41.40.380 are each amended to read as follows:

The right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, 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, and shall be unassignable: PROVIDED, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance 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; PROVIDED FURTHER, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

NEW SECTION. Sec. 5. There is added to chapter 41.40 RCW a new section to read as follows:

For the purposes of this chapter, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all nonacademic employees of the University of Washington and the four "state colleges", as defined in RCW 28B.10.015, who are presently participating, or are presently eligible to participate, in the retirement plan of their employing education institution: PROVIDED, That the following nonacademic employees of the University of Washington shall not be included as classified employees for the purposes of this 1974 amendatory act: the president of the university; deans, directors, and chairmen of academic or research units; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; persons employed in a position primarily as an incident to and in furtherance of their education and training or the education and training of a spouse: PROVIDED FURTHER, That the following nonacademic employees of each of the four state colleges shall not be included as classified employees for the purposes of this 1974 amendatory act: Presidents, academic vice presidents or provosts, deans, chairmen of academic departments, and executive heads of major academic divisions and their principal assistants.

(2) "Retirement plan" shall mean the retirement systems established by the board of regents of the University of Washington and the boards of trustees of each of the four state colleges pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the retirement plan.

(5) "Applicable income" shall mean that income which would have qualified as compensation earnable within the meaning of RCW 41.40.010(8) during each month of University of Washington or state college service from the date of such person's initial participation in the retirement plan.

(6) "Contributing membership" shall mean that period of time during which an employee was making contributions under the retirement plan for purposes of being eligible for a retirement entitlement.

NEW SECTION. Sec. 6. There is added to chapter 41.40 RCW a new section to read as follows:

(1) On and after the effective date of this 1974 amendatory act and until January 1, 1975, classified employees presently members of the retirement plan may irrevocably transfer their years of contributing membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in this 1974 amendatory act, including rules and regulations promulgated to effect the purposes of this 1974 amendatory act.

(2) All classified employees employed by the University of Washington or each of the four state colleges on and after the effective date of this 1974 amendatory act and otherwise eligible shall become members of the Washington public employees' retirement system at such institution unless otherwise hereafter provided by law: PROVIDED, That persons who, immediately prior to the date of their hiring as classified employees, have for at least two consecutive years held membership in a retirement plan underwritten by the private insurer of the retirement plan of their respective educational institution may irrevocably elect to continue their membership in the retirement plan notwithstanding the provisions of this chapter, if such election is made within thirty days from the date of their hiring as classified employees. If such persons elect to become members of the public employees' retirement system, contributions by them and their employers shall be required from their first day of such employment.

NEW SECTION. Sec. 7. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Except as otherwise provided in this chapter, upon election by a person to transfer his years of contributing membership to the Washington public employees' retirement system, as authorized in section 6 (1) of this 1974 amendatory act, there shall be transferred from the contract(s) issued under the retirement plan to the Washington public employees' retirement system the amount which would have been paid, in employee and employer contributions, to the

retirement system with interest (as computed by the retirement board) on the applicable income (as defined in section 5 (5) of this 1974 amendatory act) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of contributing membership service at the University of Washington or the four state colleges during which such person participated in the retirement plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid, during the time of contributing membership, and which will now be required to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the retirement plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to University of Washington or state college contributions made in accordance with the retirement plan.

NEW SECTION. Sec. 8. There is added to chapter 41.40 RCW a new section to read as follows:

In the event that the transfers of moneys for a person electing transfer of membership to the public employees' retirement system as provided in section 5 (1) and (2) of this 1974 amendatory act are not sufficient to equal the total amounts required to be transferred as provided for in this 1974 amendatory act, such person shall pay upon his or her transfer of membership the total deficiency required to accomplish such transfer.

NEW SECTION. Sec. 9. There is added to chapter 41.40 RCW a new section to read as follows:

Any classified employee at the University of Washington or the four state colleges electing to transfer membership to the Washington public employees' retirement system from the retirement plan and seeking to transfer employee contributions made to the retirement plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with section 7 of this 1974 amendatory act except as otherwise provided by chapter 41.40 RCW.

NEW SECTION. Sec. 10. There is added to chapter 41.40 RCW a new section to read as follows:

Any classified employee at the University of Washington or the four state colleges electing to transfer to the Washington public employees' retirement system from the retirement plan and transferring his employee share in the retirement plan shall be

entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination of employment and withdrawal from the system prior to his death.

NEW SECTION. Sec. 11. There is added to chapter 41.40 RCW a new section to read as follows:

Recognizing that it is or has been necessary for employees to serve a period of time to establish eligibility for contributing membership in the various retirement plans established by the University of Washington and the four state colleges, any classified employee who elects to transfer to the public employees' retirement system pursuant to section 6 (1) of this 1974 amendatory act, may recover such service by paying, to the public employees' retirement system on or before January 1, 1975, the amount of employee and employer contributions with interest (as computed by the retirement board) which would have been made for such service had it been rendered while the employee was a member of the public employees' retirement system.

NEW SECTION. Sec. 12. There is added to chapter 41.40 RCW a new section to read as follows:

Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make such rules and regulations as are necessary to carry out the purposes of this 1974 amendatory act.

NEW SECTION. Sec. 13. To carry out the provisions of sections 1 and 3 through 12 of this 1974 amendatory act there is hereby appropriated from the retirement system expense fund for the biennium ending June 30, 1975 the sum of seventeen thousand five hundred dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 14. If any provision of this 1974 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. 15. This 1974 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 6, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 196

[Substitute House Bill No. 1288]

PROPERTY TAXES--DELINQUENT, INTEREST RATE--
DESTROYED PROPERTY ADJUSTMENT

AN ACT Relating to revenue and taxation; amending section 36.21.080, chapter 4, Laws of 1963 and RCW 36.21.080; and amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1974 1st ex. sess. and RCW 84.56.020; and repealing section 74, chapter 299, Laws of 1971 ex. sess. and RCW 84.40.342; adding new sections to Title 84 RCW; and declaring an emergency.

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

Section 1. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1974 1st 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 eight percent per annum shall be charged upon 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 ((ten)) eight percent per annum shall be charged upon 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)) eight 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. 2. Section 74, Chapter 299, Laws of 1971 ex. sess. and RCW 84.40.342 are each repealed.

NEW SECTION. Sec. 3. (1) If, prior to May 31 in any calendar year, any real or personal property placed upon the assessment and tax rolls as of January 1 of that year is destroyed in whole or in part by fire or by act of God, the true cash value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true cash value of such taxable property and deduct therefrom the true cash value of the remaining property.

(b) Then divide any amount remaining by twelve and multiply the quotient by the number of months or major fraction thereof remaining in the calendar year after the date of the destruction of the property.

(2) The amount of taxes to be abated or refunded under section 3 of this 1974 amendatory act shall be determined by multiplying the amount of net loss determined under subsection (1) of this section by the rate percent of levy applicable to the property in the tax year to which the reduction of assessed value is applicable.

NEW SECTION. Sec. 4. Within seventy-five days after the date of destruction, or seventy-five days after the effective date of this 1974 act, whichever is later, the taxpayer, using a form prepared by the department of revenue and provided by the assessor, shall notify the county assessor of his intention to claim the relief provided by sections 2 through 5 of this 1974 amendatory act. The taxpayer shall also file a copy with the legislative body of the county, which shall serve as a petition for abatement of the tax, if unpaid, or for refund of the tax, if paid, or part thereof, but without provision for interest: PROVIDED, That any refund under this section shall be construed to be the return of an over payment made by the taxpayer. The form shall contain such information as the department may prescribe. After receipt of the taxpayer's claim, and within thirty days after the ninetieth day provided in section 2 of this 1974 amendatory act, the county assessor shall provide the legislative

body of the county with his determination of the facts necessary to calculate the amount of relief, if any, to which he believes the taxpayer is entitled. A copy of the assessor's determination shall be sent to the taxpayer.

NEW SECTION. Sec. 5. If the taxpayer disagrees with the determination made by the county assessor, he shall advise the county legislative body of his own determination, and request a hearing. Thereafter, the county legislative body shall make a determination of the amount of relief, if any, to which the taxpayer is entitled. The determination of the county legislative body shall be final and not appealable. The legislative body may order the tax against the property, if unpaid, to be abated in whole or in part, and if paid by the taxpayer, to be refunded in whole or in part by payment from the general fund of the county, in accordance with the legislative body's determination. If an abatement is ordered the assessor and tax collector shall make the necessary adjustments to the assessment and tax rolls, and the necessary entries required by the order in the records of their respective offices. If any refund is made, the county's general fund shall be reimbursed from the several taxing districts affected from the next taxes due for distribution to such districts.

NEW SECTION. Sec. 6. No relief under sections 3 through 6 of this 1974 amendatory act shall be given to any person who is convicted of arson with regard to the property for which relief is sought.

Sec. 7. Section 36.21.080, chapter 4, Laws of 1963 and RCW 36.21.080 are each amended to read as follows:

(1) The county assessor is authorized to place any property under the provisions of RCW 36.21.040 through 36.21.080 on the assessment rolls for the purposes of tax levy up to May 31st of each year. The assessed valuation of property under the provisions of RCW 36.21.040 through 36.21.080 shall be considered as of the April 30th immediately preceding the date that the property is placed on the assessment rolls.

(2) If, prior to May 31 in any calendar year, any real or personal property placed upon the assessment and tax rolls as of January 1 of that year is destroyed in whole or in part by fire or by act of God, the true cash value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the true cash value of such taxable property and deduct therefrom the true cash value of the remaining property.

(b) Then divide any amount remaining by twelve and multiply the quotient by the number of months or major fraction thereof remaining after the date of the destruction of the property.

NEW SECTION. Sec. 8. Sections 3 through 6 of this 1974 amendatory act are each added to Title 84 RCW.

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 1974 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 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974.
Filed in Office of Secretary of State May 6, 1974.

CHAPTER 197

[Engrossed Substitute Senate Bill No. 3253]

BUDGET AND APPROPRIATIONS

AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations; amending section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 47, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 48, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 49, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 3, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 8, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 9, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 10, chapter 139, Laws of 1973 1st ex. sess. (uncodified); amending section 34, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 41, chapter 142, Laws of 1974 1st ex. sess. (uncodified); amending section 52, chapter 142, Laws of 1974 1st ex. sess. (uncodified); and declaring an emergency.

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

NEW SECTION. Section 1. That the following appropriations are hereby adopted and subject to the provisions set forth in the following sections or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed by the designated agencies and offices of the state and for other specified purposes, including operations and capital improvements, for the fiscal biennium beginning July 1, 1973 and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

V- NEW SECTION. Sec. 2. FOR THE SUPERIOR COURT JUDGES
General Fund Appropriation: PROVIDED,
That this amount shall
be used for the implementation
of chapter ..., Laws of 1974 1st
ex. sess. (SB 3181)\$ 35,333

NEW SECTION. Sec. 3. FOR THE STATE AUDITOR
General Fund Appropriation
For Operations\$ 60,152
Payment of supplies and services
furnished in previous biennia\$ 50,000
Sundry Claims\$ 14,205

NEW SECTION. Sec. 4. FOR THE SECRETARY OF STATE
General Fund Appropriation
For the purpose of carrying out the
provisions of chapter 127, Laws of
1974 1st ex. sess.\$ 93,311

NEW SECTION. Sec. 5. FOR THE PUBLIC DISCLOSURE COMMISSION
General Fund Appropriation: PROVIDED,
That these funds be used for
additional personnel to carry out
additional investigations\$ 50,000

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
General Fund Appropriation: PROVIDED,
That this appropriation shall
be used to complete the
migrant housing pilot project
authorized pursuant to the provisions
of chapter 125, Laws of 1974 1st
ex. sess.\$ 13,000

V- NEW SECTION. Sec. 7. FOR THE DEPARTMENT

<p>OF COMMERCE AND ECONOMIC DEVELOPMENT State Trade Fair Fund Appropriation: PROVIDED, That this appropriation shall be used to support The Washington State Aviation Trade Fair provisions of RCW 43.31 notwithstanding.....\$ 23,106</p>	-V
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NEW SECTION. Sec. 8. FOR THE DEPARTMENT

OF EMERGENCY SERVICES

General Fund Appropriation: PROVIDED,
That pursuant to section 67, chapter
142, Laws of 1974 1st ex. sess., any
federal funds received for fuel
allocation shall replace an equal
amount of state funds\$ 462,476

NEW SECTION. Sec. 9. FOR THE MILITARY

DEPARTMENT

General Fund Appropriation: PROVIDED,
That these funds be used only for
maintenance and operations of
state national guard facilities\$ 234,684

NEW SECTION. Sec. 10. FOR THE HIGHER

EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund\$ 99,877

NEW SECTION. Sec. 11. FOR THE TEACHERS'

RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation.....\$ 79,683
PROVIDED, That this amount shall be used for the
implementation of Chapter ..., Laws of 1974,
3rd ex. sess. (3d SHB 1274).....\$ 2,200,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT

OF MOTOR VEHICLES

General Fund Appropriation\$ 17,750

<p><u>NEW SECTION.</u> Sec. 13. FOR THE EMPLOYMENT RELATIONS COMMISSION General Fund Appropriation: PROVIDED, That \$125,000 or so much thereof as may be necessary, shall be used under the direction of chairman of the board for the purpose of paying the per diem and expenses of the Commission, the salaries and fringe benefits of the employees of the Commission, and any other expenses necessary to carry out the provisions of the proposed act: PROVIDED, That</p>	-V
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V- up to \$30,000 of this appropriation shall be used for costs incurred by the advisory committee pursuant to the proposed act: PROVIDED FURTHER, That this appropriation is contingent on the passage of chapter ..., Laws of 1974 1st ex... sess. (ESHB 1341)\$ 155,000

NEW SECTION. Sec. 14. FOR THE OCEANOGRAPHIC

COMMISSION OF WASHINGTON

General Fund Appropriation: PROVIDED, That these funds shall be used for a feasibility study of offshore monobuoy and related petroleum transfer facilities: PROVIDED, That the Commission shall commit up to \$25,000 from its FY 75 General Fund Appropriations for such study: PROVIDED FURTHER, That if federal funds are received for such study, said funds shall replace an equal amount of state funds.....\$ 402,150

NEW SECTION. Sec. 15. FOR THE THERMAL

POWER PLANT SITE EVALUATION COUNCIL

General Fund Appropriation\$ 17,293

NEW SECTION. Sec. 16. FOR THE STATE DATA

PROCESSING AUTHORITY

General Fund Appropriation: PROVIDED, That these funds shall be used by Central Washington State College to convert from operation of its own computer facility to a remote terminal environment, sharing resources of a state computer service center.....\$ 125,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT

OF FISHERIES

General Fund Appropriation: PROVIDED, That pursuant to section 67, chapter 142, Laws of 1974 1st ex. sess., the department is directed to seek federal assistance funds for the Indian Fishing rights program and for the United States-Canadian Fishing Rights Negotiations, and any such funds received shall replace an equal amount of state funds\$ 687,531

NEW SECTION. Sec. 18. FOR THE DEPARTMENT

OF NATURAL RESOURCES

General Fund Appropriation

For implementation of the 1974

Forest Practices Act, chapter

137, Laws of 1974 1st ex. sess.\$ 398,300

General Fund--Resource Management Cost

Account Appropriation\$ 1,116,895

State Timber Reserve Fund Appropriation

For the purpose of carrying out the

the provisions of chapter ...,

Laws of 1974 1st ex. sess. (SHB 1185)\$ 450,236

NEW SECTION. Sec. 19. FOR THE DEPARTMENT

OF AGRICULTURE

General Fund Appropriation: PROVIDED,

That of this amount \$95,000 shall be used for brand inspection and cattle rustling investigation activities and such amounts shall be reimbursed to the General Fund from the Brand Inspection Fund at such time as the Brand Inspection Fund accumulates a sufficient balance:

PROVIDED, That the department contract with the Department of Game in an

amount not to exceed \$50,000 for a study of predator control utilizing various chemicals approved by the Federal Environmental Protection Agency:

PROVIDED FURTHER, That \$55,955 of this appropriation shall be to implement the Poison Control Act, Chapter 49, Laws of 1974, 1st ex.

sess.....\$ 228,559

General Fund Appropriation

For expanding the Tansy Ragwort pilot eradication program as authorized in chapter 142, Laws of 1974 1st ex. sess. to include Grays Harbor, Island, Mason, Pacific, Skamania and Wahkiakum counties: PROVIDED, That this appropriation together with the \$75,000 previously appropriated shall be directed toward controlling and preventing the spread of the noxious Tansy Ragwort Weed: PROVIDED FURTHER, That each county and participating individual agricultural landowner

share equally the remaining two-thirds
cost of material used in the direct
control of said weed\$ 32,341

NEW SECTION. Sec. 20. FOR THE WASHINGTON

FUTURE PROGRAM

Appropriated to:

DEPARTMENT OF ECOLOGY

General Fund--State and Local Improvement

Revolving Account--Waste Disposal Facilities:

Appropriated pursuant to the provisions
of chapter 127, Laws of 1972 ex. sess.,
(Referendum 26), for up to fifteen
percent of the overall cost of any
project except that (1) the state
portion of solid waste management,
lake rehabilitation, or irrigation
return flows may be as much as fifty
percent; (2) the state may provide one
hundred percent of the costs necessary
to meet the conditions required to
receive federal funds; and (3) the
state may loan one hundred percent of
the eligible costs of preconstruction
activities\$ 29,623,000

General Fund--State and Local Improvement

Revolving Account--Water Supply Facilities:

Appropriated pursuant to the provisions
of chapter 128, Laws of 1972 ex. sess.,
(Referendum 27): PROVIDED, That (1)
the state portion of water supply
projects may be as much as fifty
percent; (2) the state may provide one
hundred percent of the costs necessary
to meet the conditions required to
receive federal funds; and (3) the state
may loan one hundred percent of the
eligible costs of preconstruction
activities\$ 6,430,688

NEW SECTION. Sec. 21. FOR THE

DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation

For the Program for Local Service:
PROVIDED, That \$600,156 of this
appropriation shall be from federal

sources\$ 1,200,313

For the Public Service Employment Program: PROVIDED, That these funds shall be federal Funds implementing Title II of the Comprehensive Employment and Training Act of 1973:

PROVIDED FURTHER, That allocations of these funds shall be approved by the Legislative Budget Committee or the House and Senate Ways and Means Committees:

PROVIDED FURTHER, That the Office of Program Planning and Fiscal Management shall provide the Senate and House Ways and Means Committees on a quarterly basis a report detailing actual expenditures, numbers of positions allocated, and programs or projects affected\$ 5,352,377

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY:

General Fund Appropriation: PROVIDED, That the Department shall contract with Neighbors in Need for the purpose of removing Neighbors in Need recipients from reliance on food banks to full time gainful employment and Neighbors in Need may subcontract on a performance contract basis for a statewide training, placement and follow up program to provide diagnostic, tutorial, GED, job training, job search and placement Financial penalties shall be provided for lack of performance: PROVIDED, That federal

WIN funds be provided on their normal matching ratio not to exceed \$675,000.....\$ 75,000

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: PROVIDED, That The Department shall contract with the Fred Hutchinson Cancer Research Center for the purposes of securing a viable cancer research program in this state\$ 500,000

NEW SECTION. Sec. 24. FOR DEPARTMENT OF SOCIAL AND HEALTH SERVICES General Fund--State and Local Improvement

Revolving Account--Social and Health Services Facilities:

Appropriated pursuant to the provisions of chapter 130, Laws of 1972 ex. sess., (Referendum 29), for social and health services facilities; The Department of Social and Health Services is authorized to obligate for purposes of carrying out the provisions of chapter 130, Laws of 1972 ex. sess., a total of \$24,750,000: PROVIDED, That expenditures against these obligations shall not exceed \$10,000,000:

V [That no funds shall be expended for specific projects without the prior approval of the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees or the Legislative Budget Committee:

PROVIDED FURTHER, The governing body of any county, city or political subdivision of the state may permit the use by lease, contract for service, or otherwise of the facilities of any social and health care facility by any community service organization, nonprofit corporation, group or association, for the purpose of conducting a program of education, training, or other purpose, for the residents of such institutions

V [if determined by the director to be beneficial to such residents or a portion thereof\$ 10,000,000

Sec. 25. Section 2, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES ((General Fund Appropriation: PROVIDED, That \$594,866,929 is from state funds and \$67,544,168 is from private and local funds and \$417,713,198 is from federal funds: PROVIDED, That any proposal to expend moneys or man years from an appropriated fund or account

in excess of appropriations provided by law, based upon the receipt of unanticipated revenues, shall be submitted to the House Ways and Means Committee and to the Senate Ways and Means Committee, if the state legislature is in session, or to the legislative budget committee during the interim between legislative sessions which may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members: PROVIDED, That the Department initiate negotiations with the federal government for federal administration of the state supplementation of the supplemental security income program and also initiate negotiations for the optional federal administration of eligibility for medicaid by the adult recipients: PROVIDED, That a draft negotiated contract shall be submitted to the Legislative Budget Committee or to the House and Senate Ways and Means Committees if the legislature is in session by Sept. 15, 1973 for their review and such contract shall not be completed without legislative authorization: PROVIDED, That if the claim made by the state to the U. S. Department of Health, Education and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions

of Titles I, IV, X, XIV, XVI and XIX of the Social Security Act which would have the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House Ways and Means Committee and the Senate Ways and Means Committee: PROVIDED, That the sum of \$5,500,264 currently being held by the State Treasurer in Suspense Fund 705 pending the completion of a federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching for the period of October 1, 1972 through June 30, 1973, or any portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That the department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED, That compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding

the provisions of RCW 74.08.040, the Department shall not impose ratable reductions; or any other form of reduction in public assistance grants which are in addition to, or in any way lower the maximums presently imposed: PROVIDED, That the agency charged with the responsibility for performance or management audits shall periodically monitor departmental management to insure that compliance with these provisions is being maintained:

PROVIDED FURTHER, That this appropriation

shall be expended for the following purposes: \$1,049,424,295

Adult Corrections and Rehabilitative Services

Program: \$ 42,208,946

Juvenile Rehabilitation Program: PROVIDED,

That it is the intent of the legislature that the delinquency

prevention program shall be continued \$ 29,994,492

Mental Health Program: \$

51,994,045

Developmental Disabilities Program: PROVIDED,

That \$445,050 is appropriated for auditory training systems for use at the state school for the deaf: PROVIDED, That of the new positions authorized in this act twenty-five shall be developmental disability community workers added during the first year of the biennium and an additional twenty-five developmental disability community workers to be added during the second year of the biennium

\$ 70,448,492

Veterans' Services Program: PROVIDED,

That the Department of Social and Health Services shall perform an in-depth study regarding the need for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results are to be reported to the

State Legislature prior to October 1, 1973: \$ 6,431,756
Income Maintenance Program: 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 of this sum \$3,847,082 in state moneys or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who, except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: 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 necessary incidentals shall not exceed fifty percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That of this appropriation \$3,647,163 of which \$1,692,552 is the state share, or so much thereof as shall be necessary, shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue

accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department utilize these moneys to establish new programs; to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That of this amount \$1,731,330 of which the state share shall be \$640,620 shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June 30, 1975: PROVIDED, That of this amount \$1,245,043 shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 3 of this act consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made only to eligible recipients: PROVIDED, That within the employment level provided in section 3 of this act, not to exceed \$1,049,647 of this amount shall be utilized exclusively for the purpose of providing a total of seventy-six man-years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper corrective action: \$ 350,462,055

Community Social Services Program: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under REW

74-45-020 (3) (a), (b) and (c) for costs incurred in the administration, operation and maintenance of such agencies; such costs being in addition to the purchase of care for such children as otherwise authorized by law: PROVIDED, FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty man-years and related costs to continue the delinquency prevention program: PROVIDED, FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and

regulations: \$ 102,476,039

State General Fund Appropriation:

For day care services for former and potential AFDC recipients: \$ 4,067,000

Medical Assistance Program:

PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$42.02 per day per patient for Class I care, and \$40.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for Intermediate care: \$ 274,584,420

: PROVIDED, That notwithstanding the provisions of RCW 48-54-090, the Department shall make a yearly inspection and investigation of all nursing homes; every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House

and Senate Ways and Means Committee
and to the Legislative Budget Committee:

Public Health Program.....\$ 26,945,254

Vocational Rehabilitation Program: 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 an amount
up to \$400,000 shall be allocated for the
Radio Talking Book program for the blind:
PROVIDED, That of this appropriation
\$450,000 shall be made available exclusively
for the purpose of development programs
for eligible disabled clients who were in
vocational rehabilitation programs pursuant
to performance contracts between the
department and private placement agencies:
PROVIDED FURTHER, That such services shall
be made available in a state-wide program
that teaches disabled persons {1} How
to inventory their work skills and relate
such skills to the labor market; {2}
Where jobs fitting their work skills
are most likely to be available; {3}
How to conduct a systematic search for
employment and how to present themselves
most favorably to a prospective employer;
and {4} How and where education and
training are available to develop or
improve marketable work skills.....\$ 29,800,865

Administration and Supporting Services Program.....\$ 33,554,044

General Fund Appropriation for medical services and
supplies including adjustment of hospital costs
not in excess of the unexpended balance of the
1974-73 appropriations or allotments for this
purpose:

Medical Assistance.....\$ 5,400,000

Vocational Rehabilitation.....\$ 25,000

General Fund Appropriation for grants to
communities for mental health and mental
retardation construction grants not in
excess of the unexpended balance of the

1974-73 appropriations or allotments for
this purpose:

Mental Health.....\$ 1,145,996
Developmental Disabilities.....\$ 303,497)

It is the intent of the legislature that any proposal to expend moneys or FTE Staff years from an appropriated fund or account in excess of those FTE Staff years contained in section 23 of this 1974 amendatory act or appropriations provided by law shall be subject to legislative approval as provided in section 23 of this 1974 amendatory act.

If the claim made by the state to the United States Department of Health, Education, and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions of Titles I, IV, X, XIV, XVI, and XIX of the Social Security Act which would have the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House and Senate Ways and Means Committees: PROVIDED, That the sum of \$5,508,264 currently being held by the State Treasurer in Suspense Fund 705 pending the completion of a federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of

these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching funds for the period of October 1, 1972 through June 30, 1973, or any portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law.

It is the intent of the legislature that the department of social and health services shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED,

That compliance with this 1974 amendatory act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the Department shall not impose ratable reductions, or any other form of reduction in public assistance grants which are in addition to, or in any way lower than the maximums presently imposed and covered within this 1974 amendatory act or chapter 139, Laws of 1973 1st ex.

sess.: PROVIDED, That the Legislative Budget Committee shall periodically monitor departmental management to insure that the provisions in this 1974 amendatory act and chapter 139, Laws of 1973 1st ex. sess. are being complied with: PROVIDED, That the department shall prepare and submit to the

Senate and House Ways and Means Committees by July 1, 1974 a detailed report on the status of the systems improvement project specifically identifying the compliance with legislative intent.

General Fund Appropriation

For Adult Corrections and Rehabilitative Services Program: PROVIDED, That \$40,558,521 is from state funds and \$1,703,531 is from federal funds: PROVIDED FURTHER, That \$25,384 of state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$27,752 of state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs of the Commission created by the passage of chapter 81, Laws of 1974 1st ex. sess., for jail inspections\$ 42,262,052

General Fund Appropriation

For Juvenile Rehabilitation Program: PROVIDED, That \$28,582,996 is from state funds and \$1,419,440 is from federal funds: PROVIDED FURTHER, That \$7,944 of state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates\$ 30,002,436

General Fund Appropriation

For Mental Health Program: PROVIDED, That \$49,734,338 is from state funds, \$5,019,357 is from federal funds, and \$336,710 is from local and other funds: PROVIDED FURTHER, That \$135,300 of state funds contained in this appropriation shall be used to fund 5.8 FTE Mental Health Administrator staff years: PROVIDED FURTHER, That \$851,717 of state funds contained in this appropriation shall be used to fund those salary related costs identified specifically for the administration

of the Mental Health Civil Commitment law: PROVIDED FURTHER, That \$2,027,007 in federal funds and \$76,701 in local funds contained in this appropriation or so much thereof as shall be necessary shall be used for the Alcoholism program: PROVIDED, That up to \$775,974 of state general fund moneys may be allocated to the alcoholism program if FY 75 federal receipts are not available in time for FY 75 alcoholism program requirements, and such state general fund moneys utilized shall be reimbursed to the general fund when federal funds become available: PROVIDED FURTHER, That \$5,665 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates

\$ 55,090,405

General Fund Appropriation

For Developmental Disabilities Program: PROVIDED, That \$71,202,279 is from state funds, \$2,702,621 is from federal funds, and \$621,893 is from local or other funds: PROVIDED FURTHER, That \$741,443 in state funds contained in this appropriation and \$9,382 in federal funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund those salary related costs for 29.3 FTE Attendant Counselor staff years at Fircrest School and 41.9 FTE Attendant Counselor Staff years at Rainier School: PROVIDED FURTHER, That \$200,973 in federal funds and \$99,771 in state funds contained in this appropriation shall be used to fund the construction of the Friends Services Group Home in Seattle and the W.A.R.C. Group Home in Spokane: PROVIDED FURTHER, That \$1,008,916 in federal funds and \$409,161 in local funds

contained in this appropriation shall be used for caseload related costs in the Epton Center program: PROVIDED FURTHER, That \$501,025 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund 41.5 FTE Community Worker Staff years previously authorized in chapter 139, Laws of 1973 1st ex. sess.: PROVIDED FURTHER, That \$4,155 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$1,433,775 in State funds or so much thereof as shall be necessary shall be used to fund overtime cost for institutional employees as required by the National Fair Labor Standards Act: PROVIDED, HOWEVER, That not more than \$200,000 of this sum shall be spent until the Department has presented to the Legislative Budget Committee a comprehensive review of compensatory time scheduling in the developmental disabilities institutions and the committee has approved a program of compensatory and cash overtime scheduling for the remainder of the biennium: PROVIDED FURTHER, That the Department may undertake a program of chartering transportation for students from Washington State schools for the blind and/or the deaf to and from points within this state over weekends and/or vacation periods.....\$ 74,526,793

General Fund Appropriation

For Veterans' Services Program:
 PROVIDED, That \$5,820,678 is from state funds and \$612,177 is from local and other funds: PROVIDED, That the department of social and health services shall perform an in-depth study regarding the need

for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results shall be reported to the legislature prior to June 1, 1974: PROVIDED FURTHER,

That \$1,099 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates

\$ 6,432,855

General Fund Appropriation

For Income Maintenance Program:

PROVIDED, That \$182,236,158 is from state funds and \$164,460,934 is from federal funds: PROVIDED FURTHER, That \$1,598,037 in federal funds and \$1,573,711 in state funds or so much thereof as shall be necessary shall be used to fund simplification of standards for AFDC and GA-U recipients according to the following schedule:

<u>No. of Persons</u>	<u>Area I (King, Snohomish, Pierce, Thurston)</u>	<u>Area II (Rest of State)</u>
<u>1</u>	<u>\$163</u>	<u>\$154</u>
<u>2</u>	<u>\$236</u>	<u>\$213</u>
<u>3</u>	<u>\$286</u>	<u>\$266</u>

For those families with more than three persons, the standard shall be increased by \$50 for each additional person: PROVIDED FURTHER, That any household whose grant will be reduced as a result of simplification will receive an amount equal to the reduction from the State General Assistance program, and such amount, subject to the approval of

Federal authorities, shall not be treated as income for the purposes of computing eligibility or payment levels with Federal assistance categories and to carry out this proviso \$1,000,000 in State funds shall be available: PROVIDED FURTHER, That \$1,944,737 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs to this program resulting from the impact of P.L. 93-233; PROVIDED FURTHER, That \$16,042 in federal funds and \$18,831 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates; PROVIDED FURTHER, That the Legislative Budget Committee is hereby directed to do a performance audit of the several funding and program shifts proposed by the department in this program in order to ascertain both the completeness of the departmentally proposed program reductions and additions as well as the validity of requesting expansion of the inter-program funding flexibility as set by the 1973 legislature, and to report its findings to the legislature by November 1, 1974; AND PROVIDED FURTHER, 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 \$3,817,082 in state moneys contained in this appropriation or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who,

except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: 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 necessary incidentals shall not exceed fifty percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That \$3,611,163 contained in this appropriation of which \$1,692,552 is from state funds or so much thereof as shall be necessary shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department utilize these moneys to establish new programs, to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That \$1,731,330 contained in this appropriation of which \$840,620 is from state funds shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June

30, 1975: PROVIDED, That \$1,215,043 contained in this appropriation shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 23 of this 1974 amendatory act consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made only to eligible recipients: PROVIDED, That within the employment level provided in section 23 of this 1974 amendatory act, not to exceed \$1,049,647 contained in this appropriation shall be utilized exclusively for the purpose of providing a total of seventy-six FTE staff years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper corrective action\$ 346,697,092

General Fund Appropriation

For Community Social Services Program: PROVIDED, That \$38,262,691 is from state funds, \$67,280,560 is from federal funds, and \$391,178 is from local or other funds: PROVIDED FURTHER, That \$1,039,132 in federal funds or so much thereof as shall be necessary shall be used for Public Assistance caseload related costs: PROVIDED FURTHER, That \$4,067,000 or so much thereof as shall be necessary contained in this appropriation shall be used for day care services for former and potential AFDC recipients: PROVIDED FURTHER, That \$52,458 in federal funds and \$33,128 in state funds contained in this appropriation or so much thereof as

shall be necessary shall be used to fund the costs resulting from increased postage rates: PROVIDED FURTHER, That \$343,000 from state funds and \$79,000 from federal funds shall be used to increase family foster care rates by 9%: PROVIDED FURTHER, That \$36,000 from state funds and \$4,000 from federal funds shall be used to purchase liability insurance for foster parents: PROVIDED FURTHER, That \$36,000 in state funds and \$5,000 in federal funds shall be used to increase receiving home care rates by 9%: PROVIDED FURTHER, That the Department's Community Services Division shall refer AFDC and General Assistance Disabled recipients to the Vocational Rehabilitation Services Division in accordance with the criteria developed jointly between the Community Services Division and the Vocational Rehabilitation Division a copy of which will be submitted to the House and Senate Ways and Means Committees: PROVIDED FURTHER, That Vocational Rehabilitation shall provide for diagnostic services for those recipients referred including remedial services, tutorial, GED, motivational, job skill training, job search and placement, and follow-up services and available maintenance support, then those AFDC and GA recipients referred to vocational rehabilitation and subsequently determined to be ineligible for all Vocational Rehabilitation services they shall be referred by Vocational Rehabilitation and/or Community Services Division to such organizations or vendors providing the above services utilizing Social Services funds not to exceed \$2,400,000 and additional

Vocational Rehabilitation funds provided in this 1974 amendatory act; PROVIDED FURTHER, That the Division of Vocational Rehabilitation shall be responsible and shall contract with organizations or vendors for remedial services including job placement, by competitive bid and by performance contract, with a financial penalty to contractors for failure to perform, and qualified bidders shall be able to provide such services on a state-wide basis; PROVIDED FURTHER, That starting with the first quarter of fiscal year 1975 the department shall prepare written quarterly reports and shall submit such reports to the Senate and House Ways and Means committees, which reports shall include, but not be limited to, the cost benefits to the state resulting from the concentrated effort by the department for those recipients receiving remedial services; PROVIDED FURTHER, That the Legislative Budget Committee is hereby directed to implement a performance audit of the several funding and program shifts proposed by the department in these program areas in order to ascertain both the completeness of the departmentally proposed program reductions and additions as well as the validity of requesting expansion of the inter-program funding flexibility as set by the 1973 legislature, and report its findings to the chairmen of the Senate and House Ways and Means Committees by November 1, 1974: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under RCW 74.15.020 (3) (a), (b) and

(c) for costs incurred in the administration, operation and maintenance of such agencies, such costs being in addition to the purchase of care for such children as otherwise authorized by law: PROVIDED, FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty man-years and related costs to continue the delinquency prevention program: PROVIDED, FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and regulations: PROVIDED FURTHER, That \$396,505 in state funds and \$328,256 in federal funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund those salary related costs for 38 FTE Caseworker Staff-Years for the Protective Services Program.....\$ 105,934,429

General Fund Appropriation

For Medical Assistance Program: PROVIDED, That \$152,239,416 is from state funds and \$143,945,331 is from federal funds: PROVIDED FURTHER, That \$10,518,398 in federal funds and \$13,747,163 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used for Public Assistance caseload related costs: PROVIDED FURTHER, That \$482,400 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs to this program resulting from the impact of P.L. 93-233: PROVIDED FURTHER, That \$7,385 in federal funds and \$8,000 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to

fund the costs resulting from increased postage rates: PROVIDED FURTHER, That the Legislative Budget Committee is hereby directed to implement a performance audit of the several funding and program shifts proposed by the department in this program in order to ascertain both the completeness of the departmentally proposed program reductions and additions as well as the validity of requesting expansion of the inter-program funding flexibility as set by the 1973 legislature, and to report its findings to the legislature prior to the next regular session: PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$12.82 per day per patient for Class I care, and \$10.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for Intermediate care: PROVIDED, That notwithstanding the provisions of RCW 18.51.090, the Department shall make a yearly inspection and investigation of all nursing homes: every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House and Senate Ways and Means Committee and to the Legislative Budget Committee: PROVIDED FURTHER, That the Legislature having found that information received from the Department of Social and Health Services concerning utilization

review has been inadequate and that there is substantial question as to the continuing quality of health care rendered in the state, the Department shall provide to the House and Senate Ways and Means Committees a full and complete report including utilization review procedures, reports, and departmental actions taken as a result of such reports as well as similar efforts concerning quality control within the medical assistance program and such reports shall be provided initially by June 1, 1974 and submitted quarterly thereafter.....\$ 296,184,747

General Fund Appropriation

For Public Health Program: PROVIDED, That \$8,727,005 is from state funds, \$13,533,371 is from federal funds, and \$4,693,600 is from local and other funds: PROVIDED FURTHER, That \$8,725 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates\$ 26,953,976

General Fund Appropriation

For Vocational Rehabilitation Program: PROVIDED, That \$7,744,528 is from state funds and \$26,107,868 is from federal funds and \$563,975 is from local and other funds: 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 an amount up to \$100,000 shall be allocated for the Radio Talking Book program for the blind: PROVIDED, That of this appropriation \$150,000 shall be made available exclusively for the purpose of development programs for eligible disabled clients who were in

vocational rehabilitation programs pursuant to performance contracts between the department and private placement agencies: PROVIDED FURTHER, That such services shall be made available in a state-wide program that teaches disabled persons (1) How to inventory their work skills and relate such skills to the labor market; (2) Where jobs fitting their work skills are most likely to be available; (3) How to conduct a systematic search for employment and how to present themselves most favorably to a prospective employer; and (4) How and where education and training are available to develop or improve marketable work skills:

PROVIDED, That of this appropriation \$1 million dollars or as much thereof as is necessary shall be made available for the purpose of providing specialized rehabilitation services to those severely handicapped persons including paraplegics and quadraplegics as defined in the Vocational Rehabilitation Program regulations who should receive intensive and early rehabilitation services to improve their opportunity to be restored, to the extent possible, to a productive capacity:

PROVIDED FURTHER, That the Vocational Rehabilitation, Community Social Services and Health Services Divisions of the Department of Social and Health Services shall review their caseload and develop program plans for this special program involving the severely handicapped and shall report to the House and Senate Ways and Means Committees the caseload findings

V — and program plans for approval of those
V — committees, prior to July 1, 1974:

PROVIDED FURTHER, That, to the extent possible such plans shall consider

programs for such severely disabled persons that are not determined as eligible for vocational rehabilitation program funding but can be assisted by such a program to achieve some degree of self-care from other available funding sources\$ 34,416,371

General Fund Appropriation

For Administration and Supporting Services Program: PROVIDED, That \$19,812,857 is from state funds and \$14,478,494 is from federal funds; PROVIDED FURTHER, That \$106,815 in federal and \$160,223 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund those salary related costs for 19.8 FTE Support Enforcement Officer Staff years; PROVIDED FURTHER, That \$116,951 in federal funds and \$175,427 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund 15.6 FTE staff years for Nursing Home Audit Staff; PROVIDED FURTHER, That \$95,115 in federal funds and \$83,226 in state funds contained in this appropriation or so much thereof as shall be necessary shall be used to fund the costs resulting from increased postage rates; PROVIDED FURTHER, That \$4,000 shall be used by the Department to compile and maintain public records, using information from any available source, on all persons in the state who have been affected with a burn injury affecting five percent or more of his body as a result of fabric ignition.....\$ 34,291,351

General fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Medical Assistance.....	\$	5,100,000
Vocational Rehabilitation.....	\$	25,000
<u>General Fund Appropriation for grants</u>		
<u>to communities for mental health</u>		
<u>and mental retardation construction</u>		
<u>grants not in excess of the</u>		
<u>unexpended balance of the 1971-73</u>		
<u>appropriations or allotments for</u>		
<u>this purpose.</u>		
Mental Health.....	\$	1,115,996
Developmental Disabilities.....	\$	303,197

Sec. 26. Section 3, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

It is the intent of the Legislature that the department of social and health services shall not expend in excess of ((26,320 man-years)) 26,395 FTE staff-years during the 1973-75 biennium. The department shall allocate these ((man-years)) FTE staff-years among the various programs in such a manner as to effect the maximum efficiency and effectiveness possible(=: PROVIDED; That it)). It is the further intent of the Legislature that in making necessary adjustments in ((man-years)) FTE staff-years the Department of Social and Health Services shall retain those local office personnel officers and staff needed to maintain adequate position control and((;)) to process personnel actions ((and that)). Any reductions necessitated by legislative intent shall reduce state level personnel officers(=: PROVIDED; That this restriction shall not apply to staff positions funded by one hundred percent federal moneys in the Office of Disability Insurance throughout the 1973-75 biennium: PROVIDED; That this restriction shall not apply to those staff positions directly concerned with the enumeration and conversion of the current old age assistance, aid to blind and disability assistance programs to Supplemental Security Income as these functions are performed through federal contract and funded one hundred percent from federal moneys for the period up to January 1, 1974: PROVIDED FURTHER; That any deviations)). Any exceptions from the overall ((man-year)) FTE staff-year limitations ((because of these three exceptions)) imposed

V by this section shall be ((promptly reported to)) approved by either the House and Senate Ways and Means Committees ((chairmen if the Legislature is in session or to)) or the Legislative Budget Committee(=: PROVIDED; That)). It is the intent of the Legislature that compliance with overall intent expressed through this 1974 amendatory act and chapter 139, Laws of 1973 1st ex. sess. shall result in the least disruption of currently filled positions and that every effort shall be made by the Department, within the rules and

regulations of the Personnel Board, to comply with the intended man-year adjustments through failing to fill vacancies caused by attrition and other similar means including reclassifications of existing positions as necessary.

Sec. 27. Section 8, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

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))~~ or any portion of the funds herein appropriated or included in this budget, to the department for such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment. ~~((a) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.140(2); (b) When the department 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 the department shall not exceed the total of applicable appropriations ((and)) and local funds available to the department or allied agency and unanticipated receipts approved for expenditure pursuant to law. 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, 1973; for the sole purpose of authorizing the department and its allied agencies to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

Sec. 28. Section 9, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

~~((Whenever possible, the receipt of))~~ Federal or other funds which ((are)) were not anticipated by the governor's budget for the 1973-75 biennium or in the appropriations enacted by ((the)) all

sessions of the 43rd Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources pursuant to policies and procedures in section 67, chapter 142, Laws of 1974 1st ex. sess.

Sec. 29. Section 10, chapter 139, Laws of 1973 1st ex. sess. (uncodified) is amended to read as follows:

In the event that receipts from any source 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 8, chapter 139, Laws of 1973 1st ex. sess. 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. 30. FOR THE OFFICE OF GOVERNOR

General Fund Appropriation

Community Assistance	\$	163,824
State Headstart Program	\$	29,608
Program coordination: PROVIDED, That \$82,410 of this appropriation shall be from federal funds	\$	99,688

NEW SECTION. Sec. 31. SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation

For allocation to state agencies to provide an additional monthly contribution of \$15 per employee effective June 1, 1974 to employee insurance programs approved pursuant to chapter 41.05 RCW: PROVIDED, That \$1,004,947 shall be from federal revenue sources.....\$ 6,858,027

Special Fund - Insurance Benefits Increase Revolving Fund Appropriation

There is hereby created in the state treasury the Special Fund Insurance Benefits Increase Revolving Fund which shall be used solely to facilitate payment of state employee insurance benefit increases from special funds, and the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Insurance Benefits Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and

Fiscal Management, as required, effective June 1, 1974 for additional monthly contribution of \$15 per employee to employee insurance programs to be allotted to those agencies for employees who are participating in insurance programs approved pursuant to chapter 41.05 RCW.....\$ 2,141,973

Sec. 32. Section 34, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
General Fund Appropriation for General

Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled -1.0; 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; all identified culturally disadvantaged children receiving an approved program, an added -.1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 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 adjusted to reflect legislative appropriation levels 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 1972-73

school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 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 \$1,148,325 is included for allocation to local school districts outside the school apportionment formula during the 1973-74 school year for the purpose of funding the difference between funds received to date and hereafter through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: PROVIDED, That an amount not to exceed \$345,020 is included for the five 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 the Board of Education: ((PROVIDED; That it is the intent of the Legislature that \$44,400,000 of the funds contained in this appropriation shall be used to reduce maintenance and operations excess levies to the extent an individual school district's revenue for 1974-75 exceeds the school district's revenue for 1973-74 exclusive of the two mill payment delayed from June to July: PROVIDED; That the Superintendent of Public Instruction shall withhold from the amounts otherwise to be distributed through the apportionment formula to the districts any funds in excess of such 1973-74 revenues unless such districts demonstrate that excess maintenance and operations levies have been reduced to a comparable level with 1973-74 school district revenues: PROVIDED; That no district shall be required to reduce excess maintenance and operation levies if such districts revenue per pupil for basic support is below the state-wide average of the 1973-74 school year for comparable districts:)) PROVIDED, That the receipt of federal funds which can be distributed through the apportionment formula and which provide funding in excess of 1973-74 categorical funding levels shall require the reversion of an equal amount of state funds at the end of the biennium: PROVIDED, That \$3,900,776 of this appropriation shall be allocated to local districts for additional reimbursement of incurred 1974-75 transportation costs: PROVIDED, That up to \$100,000 of this appropriation shall be utilized by the Superintendent of Public Instruction to further implement the provisions of chapter 91, Laws of 1974

1st ex. sess. and to promote the safe transportation of common school students: PROVIDED FURTHER, That the Superintendent of Public Instruction shall consult with the House and Senate Ways and Means Committees prior to taking any action in compliance with ((these)) the following provisos and the determination of such committees shall be interpreted as a directive to the Superintendent of Public Instruction: PROVIDED, That \$646,819 is included for allocation to local school districts outside the school apportionment formula during the 1974-75 school year for the purpose of funding the difference between funds to be received through the school apportionment formula for continuation of the \$40 per month salary increase provided for classified employees February 1, 1973 and the amount necessary for such continuation: PROVIDED, That the Superintendent of Public Instruction shall conduct internal audits of all districts whose staff characteristics factor for 1974-75 has increased from fiscal 1973-74: PROVIDED, That the county treasurers shall withhold that percentage of May 1974 real estate excise tax receipts until July 1974 for distribution as directed by the Department of Revenue: PROVIDED, That the Department of Revenue shall establish such percentage to insure that not more than \$29,600,000 of county real estate excise taxes are distributed between July 1, 1973 and June 30, 1974: PROVIDED, That the Superintendent of Public Instruction is directed to adjust the per weighted pupil guarantee for the 1974-75 school year period to the extent additional revenue in excess of \$30,800,000 from the real estate excise tax becomes available: PROVIDED,

That, \$800,000 or so much thereof as may be necessary to maintain the \$89,547,000 contained in this appropriation for the state collected property tax, shall be distributed to local school districts in the same manner as the distribution of the state collected property tax, contingent on the passage of chapter Laws of 1974 1st ex. sess.

(SSB 3283) ((\$145,775,342)) \$120,833,472

NEW SECTION. Sec. 33. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: PROVIDED, That this appropriation shall be distributed by the Superintendent of Public Instruction on the basis of \$30 per FTE pupil, or as much as may be available for each FTE enrolled pupil in each district levying an excess levy for maintenance and operation purposes for 1975 collection, or in which the maximum number of elections pursuant to law have been conducted for maintenance and operation excess levies for 1975 collection; or in each district in which the per pupil cost in such district, excluding transportation is less than the state average for the preceeding year.....\$ 25,000,000

NEW SECTION. Sec. 34. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: PROVIDED, That an amount not to exceed \$114,000 shall be utilized for Gifted Student pilot programs\$ 114,000

NEW SECTION. Sec. 35. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation For Handicapped Children--Excess Costs: PROVIDED, That these funds shall be utilized exclusively for an additional 1,000 handicapped children with learning language disabilities: PROVIDED FURTHER, That the Superintendent of Public Instruction shall conduct internal audits of learning disabilities programs in school districts to determine

the effectiveness of the learning disabilities definition and shall report back to the Ways and Means Committees of the legislature prior to January 1, 1975\$ 500,000

NEW SECTION. Sec. 36. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation: PROVIDED, That an amount not to exceed \$250,000 shall be utilized to conduct a study of local school district data processing: PROVIDED, That recommendations resulting from this study shall be presented to the Governor and the Legislature on or before December 20, 1974: PROVIDED FURTHER, That this study shall be conducted in cooperation with representatives of local school districts, the State Data Processing Authority, the Office of Program Planning and Fiscal Management, and the House and Senate Ways and Means Committees\$ 250,000

NEW SECTION. Sec. 37. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation: PROVIDED, That this appropriation shall be used to conduct a review of noninstructional education costs by a task force selected from the state business community\$ 35,000

NEW SECTION. Sec. 38. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation For continuation of the classified salary study\$ 34,000

NEW SECTION. Sec. 39. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION General Fund Appropriation: PROVIDED, That an amount not to exceed \$225,000 shall be utilized for the development of basic skills accountability pilot programs in

grades kindergarten through six:
PROVIDED, That such a system shall
include a survey of student
achievement in reading, communications
skills, and mathematics: PROVIDED
FURTHER, That beginning July 1, 1975,
the Office of the Superintendent of
Public Instruction shall include in
its biennial budget request such
additional funds as it deems necessary
to expand the kindergarten through
sixth grade basic skills accountability
program to all school districts in the
State of Washington\$ 225,000

NEW SECTION. Sec. 40. FOR THE
SUPERINTENDENT OF PUBLIC INSTRUCTION
General Fund Appropriation

To replace actual losses to affected
school districts attendant to a
final determination of Case 4263
Ralph C. Valentine et. al. vs.
Kenneth B. Johnston, et. al.\$ 750,298

NEW SECTION. Sec. 41. FOR THE STATE
BOARD OF EDUCATION

Common School Construction Account Fund\$ 21,500,000

NEW SECTION. Sec. 42. FOR THE COUNCIL
ON HIGHER EDUCATION

General Fund Appropriation: PROVIDED,
That the council on higher
education shall transmit copies
of such budget review reports as
are addressed in RCW 28B.80.030 to
the house and senate ways and means
committees and to the legislative
budget committee no later than
twenty days prior to the date on
which the governor submits the
budget document to the legislature:
PROVIDED FURTHER, That the institutions
of higher education and the state
board for community college education
shall furnish, at the council's
direction, all information which the
council deems necessary to execute the

provisions of RCW 28B.80.030\$ 123,700

NEW SECTION. Sec. 43. FOR THE STATE

BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED,

That none of these funds shall be used for faculty salary increases or related benefits: PROVIDED

FURTHER, That the State Board for Community College Education shall submit a written report to the Office of Program Planning and

Fiscal Management and the House and Senate Ways and Means Committees documenting the procedures adopted to apply the intent of this proviso to all formula generated funds:

PROVIDED, That recommendations to the 44th Legislature, Regular Session, shall be made for appropriate adjustments to the Community College funding formulas on the basis of institutional size and such other factors for which valid cost

information exists: PROVIDED FURTHER, That such recommendations shall be made by the Office of Program Planning and Fiscal Management after consultation with and the receipt of recommendations of the staff of the Council on Higher Education and of the State Board and the staffs of the House and Senate Ways and Means Committees by January 15, 1975:

PROVIDED, That \$100,000 of this appropriation or so much thereof as shall be necessary shall be used to support the intent of the commitment of the State Board for Community College Education Resolution No. 73-69 and these funds shall be used for the first year of a three-year demonstration project designed to provide community college services on a decentralized basis and without major capital

facilities as a viable alternative delivery system and the community college Board is hereby required to compile data for (1) analysis of the demonstration as an effective means of delivery of educational services, and (2) identification of the cost factors and the accommodations necessary to relate the funding of this style of operation with that of the traditional approaches to delivery of services and a report of progress in implementing this proviso including specific information on the demonstration supported with these and related funds shall be submitted to the Legislative Budget Committee, the Council on Higher Education, and the Governor prior to the regular session of the legislature in January, 1975\$ 3,127,502

Community College Capital Projects Account

Appropriation: PROVIDED, That funds are made available from releases of current reserve requirements, as retained in the Community College Bond Retirement Fund, contingent upon refinancing of revenue tuition bonds to full faith in credit bonds under HJR 52: PROVIDED, That such funds released shall only be used for the purchase and maintenance of capital assets, including equipment, and for such other purchases as set forth in RCW 28B.50.360: PROVIDED FURTHER, That none of these funds will be used for salary increases or additional PTE positions: PROVIDED, FURTHER, That the State Board for Community College Education shall submit a written report to the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees documenting the procedures

adopted to apply the intent of this proviso to all formula generated funds\$ 4,900,000

Community College Capital Improvements Account

Appropriation: PROVIDED, That such funds shall be used for an inflationary adjustment to 1973 approved projects: PROVIDED FURTHER, That no expenditure of these funds shall be made until each project has been reviewed by the Office of Program Planning and Fiscal Management\$ 2,146,591

NEW SECTION. Sec. 44. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED, That this appropriation shall be used for the independent development of an equipment inventory system to be used by all community colleges and to obtain an independent audit of the current inventory reported under the common system to be accomplished December 1, 1974: PROVIDED, That the common equipment inventory system shall include, but not be limited to, identification of equipment items, date of acquisition, estimated useful life, original cost, location, and programs which utilize the equipment\$ 40,000

NEW SECTION. Sec. 45. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation: PROVIDED, That these funds will be released to the State Board for Community College Education after the Office of Program Planning and Fiscal Management has received a written commitment from the State Board for Community College Education that by September 1, 1976 all community colleges will be using a single administrative information system which employs a data base approach and that all processing of the administrative system will be accomplished on computer systems approved by the Data Processing

Authority.....\$ 268,000

NEW SECTION. Sec. 46. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation\$ 35,600

Sec. 47. Section 41, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE LIBRARY

General Fund Appropriation: PROVIDED, That

(((\$1,336,000 of this amount should be allotted to local library districts to replace local property tax revenues and maintain present levels of library services: PROVIDED, That \$1,669,353 of this amount shall be from Federal funds under which \$1,400,620 is available for library service and \$260,733 is available for capital construction purposes: PROVIDED HOWEVER, That no Federal funds shall be expended unless authorized by the Senate and House Ways and Means Committees of the legislature: PROVIDED FURTHER, That \$863,000 of the State General Funds appropriated to the state library for the 1973-75 biennium shall be held in unallotted status and against which no expenditures or commitments shall be made pending the determination by the Office of Program Planning and Fiscal Management and the House and Senate Ways and Means Committees as to whether or not Federal funds can be authorized in lieu of the \$863,000 appropriation of state funds: PROVIDED FURTHER, That if the Federal funds are available, the \$863,000 in state funds shall revert to the state treasury\$ 3,005,353))

\$1,128,081 of this amount be in state funds and that \$317,124 of this amount shall be allotted to the on-going operation of the resource directory and \$810,957 shall be allotted to the further development of said resource directory: PROVIDED FURTHER, That the executive director,

data processing authority shall approve all work orders and deliverables under such work orders in the further development of the resource directory: PROVIDED FURTHER, That the office of program planning and fiscal management shall determine an appropriate method of fair and equitable reimbursement by local library district participants for service provided through said resource directory, and make recommendations to the 44th Legislature, Regular Session: PROVIDED FURTHER, That \$1,997,822 of this amount be in federal funds, of which \$260,733 is available for local capital construction grant purposes: PROVIDED FURTHER, That \$863,000 from the state appropriation from the 43rd Legislature, 1st extraordinary session, chapter 137, Laws of 1973 shall be returned to the state general fund and an appropriation contained herein of \$863,000 in federal funds shall be substituted in lieu of state funds in compliance with federal law\$ 3,125,903

NEW SECTION. Sec. 48. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 General Fund -Capitol Building Construction

Account Appropriation:

For a proposal to dredge and modify water flow into and from Capitol Lake\$ 50,000

<p>NEW SECTION. Sec. 49. FOR THE STATE BOARD OF PRISON TERMS AND PAROLES General Fund Appropriation: PROVIDED, That this appropriation shall be used to implement reorganization under chapter ..., Laws of 1974 1st ex. sess. (ESHB No. 647)\$ 211,297</p>
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NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF REVENUE
 General Fund Appropriation

For the purpose of uniform distribution of relief to local library districts for reductions resulting from SJR 1

and the 106% levy limitation for taxes due and payable in 1974 only: PROVIDED, That said distribution will be made on the basis of values utilized for taxing purposes by respective districts for the 1972 levy.....\$ 1,336,000

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF REVENUE General Fund Appropriation: PROVIDED, That the Department shall use the money appropriated herein only for the purpose of reimbursing the Pierce County Refund Fund for amounts not to exceed that required to be paid therefrom to the road districts, fire districts, rural library districts, and cities and towns of Pierce County by reason of the Washington State Supreme Court decision in Valentine v. Johnston, 83 Wash. 2d 390 (1974): PROVIDED FURTHER, That notwithstanding RCW 84.68.040, it is the intent of the legislature that no levy shall be made to recover any amount for which the fund has been reimbursed under this appropriation.....\$ 674,033

NEW SECTION. Sec. 52. FOR THE STATE TREASURER--TRANSFERS General Fund Appropriation For transfer to the General Fund--Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1975 as required to meet obligations of the Economic Assistance Authority\$ 662,932

NEW SECTION. Sec. 53. FOR THE WASHINGTON STATE LEGISLATURE General Fund Appropriation: PROVIDED, That an amount not to exceed \$75,000 shall be utilized by the Ways and Means Committees of the House and Senate to design a fiscal information and budget review system that will include providing the Ways and Means Committees of the House and Senate with sufficient analytical data on integrated and multiple organizations and programs so that responsive and more effective policy decisions can

be made regarding the allocation and reallocation of limited program resources and the design shall be responsive to legislative intent to have a system that will clearly provide accountability at various program and organizational levels\$ 75,000

NEW SECTION. Sec. 54. FOR THE DEPARTMENT OF ECOLOGY
General Fund Appropriation: PROVIDED,
That the department shall grant the moneys contained within this appropriation to activated air pollution control authorities:
PROVIDED FURTHER, That the moneys contained in this appropriation shall be exclusively from federal funds\$ 680,400

NEW SECTION. Sec. 55. FOR THE CENTRAL WASHINGTON STATE COLLEGE
General Fund Appropriation: PROVIDED,
That Central Washington State College explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies\$ 150,000

Sec. 56. Section 7, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 49, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON STATE COLLEGE
General Fund Appropriation: PROVIDED,
That none of the increased funds shall be expended to increase the faculty staffing level over the current funded level which reflects the revised annual average enrollment for 1973-74.....\$((24,648,545)) \$24,801,750
General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 1,032,000

Sec. 57. Section 5, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 48, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That Central Washington State College may expend an amount not to exceed \$125,000 to explore the feasibility of the development and implementation of a management by objective program for the administration of public agencies: PROVIDED FURTHER, That none of the increased funds shall be expended to increase the faculty staffing level over the current funded level which reflects the revised annual average enrollment for 1973-74......\$((2476557934)) \$21,857,169

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 850,876

Sec. 58. Section 4, chapter 131, Laws of 1973 1st ex. sess. (uncodified) as amended by section 47, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That none of the increased funds shall be expended to increase the faculty staffing level over the current funded level which reflects the revised annual average enrollment for 1973-74; PROVIDED, That up to \$146,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75 biennium.....\$((2079927445)) \$20,999,511

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter 137, Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 684,383

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation

For distribution of federal funds received from Federal-State Disaster Assistance Agreement No. FDAA-414-DR for relief of flood and storm damages to public property as incurred in January 1974: PROVIDED, That this appropriation shall be entirely from federal funds\$ 4,000,000

NEW SECTION. Sec. 60. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation: To provide, to the School of Public Health and Community Medicine sufficient appropriations to implement a program of research and analysis of health care and health care programs in the State of Washington that will provide independent data to the legislative and administrative branches of state government necessary to the formulation of policies and the development of improved health care programs\$ 85,700

NEW SECTION. Sec. 61. FOR THE WASHINGTON STATE LEGISLATURE

General Fund Appropriation: PROVIDED, That this amount shall be used to fund a survey and those necessary activities, related to the survey, by a Select Committee of the House and Senate necessary to enable that Legislative Committee to make recommendations to the 44th Regular session of the Legislature concerning the feasibility of converting the the state-owned liquor operations to a privately-owned system, or to a system combining state and private ownership: PROVIDED FURTHER, That the analysis shall include evaluation of the economics and operating characteristics of the existing state-owned liquor operations and

analysis of the economics and operating characteristics of a state-owned wholesaling system combined with privately-owned package stores and, privately-owned wholesaling combined with privately-owned package stores: PROVIDED, That such analysis shall include, in considering the feasibility of converting the existing system to an alternative system, consideration of the revenue impact on the various units of government receiving revenues from the existing system\$ 63,250

NEW SECTION. Sec. 62. FOR THE EASTERN WASHINGTON STATE COLLEGE
 Eastern Washington State College Capital Projects Account: Appropriation for remodeling of Martin Hall\$ 35,000

NEW SECTION. Sec. 63. FOR THE EASTERN WASHINGTON STATE COLLEGE
 General Fund--State Higher Education Construction Account: Construct and equip a Fresh Water Research Laboratory\$ 260,000

NEW SECTION. Sec. 64. FOR THE WESTERN WASHINGTON STATE COLLEGE
 General Fund--State Higher Education Construction Account
 For finishing space in Environmental Sciences Building, remodeling space in Arts Building and for instructional equipment in technology and home economics department\$ 1,820,900

NEW SECTION. Sec. 65. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
 General Fund Appropriation
 For the final matching appropriation of the state's share of one-half the cost of the new wing addition\$ 111,000

Sec. 66. Section 52, chapter 142, Laws of 1974 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 General Fund Appropriation

For capital improvements required to certify schools for the retarded as skilled nursing homes\$ 650,000

((General Fund--State and Local

Improvement Revolving Account--Social and Health Services Facilities:

Appropriated pursuant to the provisions of chapter 1307 Laws of 1972 ex. sess., (Referendum 29), for social and health services facilities:

The Department of Social and Health Services is authorized to obligate for purposes of carrying out the provisions of chapter 1307

Laws of 1972 ex. sess., For Capital Improvements at the State Veterans' Home and the State Soldiers' Home

required to meet state fire and safety standards\$ 2,000,000))

NEW SECTION. Sec. 67. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	From the General Fund	From the CEP&RI Account
Capital improvements at the State Veterans' Home and the State Soldiers' Home	\$1,800,000	\$200,000

PROVIDED, That the CEP&RI Account shall reimburse the general fund in the amount of \$500,000 in the 1975-77 biennium: PROVIDED, FURTHER, That the department obtain and utilize all federal funds available for such purposes and any such federal funds will replace an equal amount of state general funds.

NEW SECTION. Sec. 68. FOR THE EVERGREEN STATE COLLEGE

Construct and equip Communications Arts Building The Evergreen State College Capital Projects Account	\$ 1,032,000
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General Fund--State Higher Education

Construction Account\$ 5,720,180

NEW SECTION. Sec. 69. The State Board for Community College Education shall reallocate, among the 1973 capital projects approved by the legislature, funds which become available when bids are awarded in amounts less than the State Board authorization for purposes of offsetting increased costs of original project designs.

NEW SECTION. Sec. 70. It is the intention of the legislature that after January 1, 1975 no warrant issued by the state in payment of salary and wages or reimbursement of expenses paid state officials or employees shall contain any statement, representation, contract, or commitment that requires the payee to consent thereto as a condition of endorsement or receiving payment of such warrant.

NEW SECTION. Sec. 71. All acts of the Legislative Budget Committee and of the House and Senate Committees on Ways and Means in approving proposed expenditures from unanticipated receipts under subsections (2) and (3) of section 67, chapter 142, Laws of 1974 1st ex. sess. (uncodified) and in approving exceptions to subsection (1) of section 67, chapter 142, Laws of 1974 1st ex. sess. (uncodified) are hereby approved and ratified.

NEW SECTION. Sec. 72. If federal funds become available for use in capital improvements at the schools for the retarded, such federal funds will be used in lieu of state funds appropriated for that purpose in chapter 142, Laws of 1974 1st ex. sess.

NEW SECTION. Sec. 73. It is the intent of the legislature that to the extent any district received funds through the state apportionment formula in excess of the amount anticipated when such district established its excess levies for the 1975 collection which relieves special levy burdens, the local district should place a first priority on reducing such special levies.

NEW SECTION. Sec. 74. All personal services contracts except those 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 1974 amendatory act.

NEW SECTION. Sec. 75. In order to carry out the provisions of this 1974 amendatory act, the director of the Office of Program Planning and Fiscal Management with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated or included in this budget, to state executive agencies subject to allotment requirements for such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment. The aggregate of allotments shall not exceed the total of applicable appropriations, local funds available and unanticipated receipts approved for expenditure. It shall be unlawful for any officer or employee to incur obligations in excess of approval 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.

NEW SECTION. Sec. 76. If any provision of this 1974 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. 77. This 1974 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 23, 1974.

Passed the House April 20, 1974.

Approved by the Governor May 6, 1974, with the exception of certain sections and items which are vetoed.

Filed in Office of Secretary of State May 6, 1974.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain sections and items Engrossed Substitute Senate Bill No. 3253 entitled:

"AN ACT Relating to expenditures by state agencies and offices of the state; making appropriations for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; making other appropriations; designating effective dates for certain appropriations." Veto
Message

The specific sections and items which I have vetoed are as follows:

1. Superior Court Judges

On page 2, lines 11 through 17, I have vetoed the entire section 2.

This appropriation of \$35,333 was intended to fund the costs for two additional Superior Court judges authorized by Senate Bill No. 3181. The bill authorizing additional judges was not approved by the Legislature, and this appropriation is unnecessary.

2. Department of Commerce and Economic Development

On page 3, lines 12 through 17, I have vetoed the entire section 7. Section 7 proposes an appropriation of \$23,106 from the State Trade Fair Fund to the Department of Commerce and Economic Development for a Washington State Aviation Trade Fair. Through the enactment of Chapter 43.31 RCW, the Legislature determined that the State Trade Fair Fund should not be subject to appropriation. Expenditures from the fund are governed by the provisions of Chapter 43.31 RCW, and this appropriation is clearly contrary to the intent of that earlier legislative decision. If the Legislature desires to reverse an earlier decision on a non-appropriated fund, that change should be effected by amendment of the basic statute rather than through the appropriation bill. It should be

noted that the veto of this section will not prevent the Department of Commerce and Economic Development from expending funds for a Washington State Aviation Trade Fair under the present provisions of Chapter 43.31.

Veto
Message

3. Employment Relations Commission

On page 4, lines 11 through 30, I have vetoed the entire section 13.

This proposed appropriation of \$155,000 was intended to fund the Employment Relations Commission and its Advisory Committee to be authorized by Engrossed Substitute House Bill No. 1341. The bill authorizing the Commission was not approved by the Legislature, and this appropriation is unnecessary.

4. Department of Agriculture

On page 6, section 19, I have vetoed the item on lines 22 and 23 which requires the Department of Agriculture to contract with the Department of Game for the study of predator control funded in this section.

Although predators do affect both game and non-game wildlife species, this particular study is intended chiefly to control livestock predators. Because of this emphasis on the protection of livestock, the study should be conducted by the Department of Agriculture rather than through the Department of Game. The deletion of the referenced item will ensure that the study is conducted by the agency having major responsibility for livestock programs.

5. Department of Employment Security

On page 9, section 22, line 22, I have vetoed the item "WIN".

The proposed wording of this proviso would specifically require that federal WIN funds be used to contract with Neighbors in Need for training, job placement, and other employment services to make persons served by Neighbors in Need employable. The specification that only federal WIN funds be used for this purpose, however, is unduly restrictive. There is no assurance that WIN funds will be available, and there is a possibility that other federal funds might be available for use in this worthwhile program. The deletion of "WIN" in this section will enhance the possibility that federal funds might be obtained.

6. Department of Social and Health Services

On page 11, section 24, line 1, I have vetoed the item "by the director".

These words appear in a proviso which is intended to give counties, cities and other political subdivisions the authority to lease publicly-owned social and health care facilities to private organizations. In copying the proviso from an existing statute, these words were inadvertently included. If the words are not deleted, the intent of this proviso cannot be accomplished.

7. Department of Social and Health Services

On page 22, section 25, I have vetoed the proviso starting on line 27 and ending on page 23, line 6, which prohibits the Department from imposing ratable reductions in public assistance grants.

The proviso could impose on the Department a task that might not be possible to perform. It would require the Department to meet the necessary caseload financial costs from established appropriations without imposing ratable reductions or reducing grants. Should the legislature's estimate of caseloads prove to be mistaken and the caseload increases, the

Department would have no choice but to reduce grants through ratable reductions or otherwise lower maximum grants so as to avoid expending funds in excess of those appropriated. Veto Message

8. Board of Prison Terms and Paroles

On page 61, lines 22 through 28, I have vetoed the entire section 49.

This appropriation of \$211,297 was intended to fund the costs of reorganizing the Board of Prison Terms and Paroles under the provisions of Engrossed Substitute House Bill No. 647. This bill was not approved by the Legislature, and the appropriation is unnecessary.

9. Department of Revenue

On page 62, section 50, I have vetoed the proviso starting on line 3 and ending on line 6.

Under this proviso, the Department of Revenue would be required to use 1972 values instead of the 1973 values which would be contrary to legislative intent. The confusing language in this section was a result of an error in legislative drafting, and removal of this proviso is supported by the Department of Revenue to clarify the basis of distribution to library districts as contained in this section.

10. Department of Revenue

On page 62, I have vetoed the entire section 51.

This appropriation is intended to reimburse certain taxing districts in Pierce County for losses they might suffer under the recent Washington State Supreme Court decision in Valentine v. Johnston, 83 Wn. 2d 390 (1974). I am vetoing this section in its entirety for several reasons. First, the language used in the appropriation may be technically in error since it provides for a payment to the Pierce County Refund Fund for amounts paid to certain taxing districts. Payments from the Refund Fund are not made to the taxing districts but rather to the individual taxpayer. Second, the necessary mechanics already exist in the present property tax laws (RCW 84.68.030 and 84.68.040) for the county to reimburse itself for payments from the County Refund Fund. County officials also have several other alternative courses of action to make the necessary adjustments. Third, this appropriation discriminates against certain units of local government such as the county and port districts in that they are excluded from the proposed reimbursement. Fourth, this appropriation requires taxpayers all over the state to provide the necessary funds to resolve a problem unique to a single county. This is not equitable nor is it necessary given the fact that local officials have ample means to resolve the problem.

11. Department of Ecology

On page 63, I have vetoed the entire section 54.

This section appropriates \$680,400 from federal sources to the Department of Ecology and directs that this amount be granted by the Department to activated air pollution control authorities.

Presently the Environmental Protection Agency directs the manner and designates agencies which may receive federal funds available for air pollution control. The effect of the language in this section could bring the state in conflict with federal regulations and jeopardize the receipt of any of these federal funds. Federal funds are made available to the state for a statewide air pollution control program with available funds directed to be used by those agencies which the Environmental Protection Agency considers can contribute the most to statewide control. If the Environmental

Protection Agency were to require that a lesser amount than that contained in the appropriation should go to local authorities and a greater amount to the Department of Ecology, this appropriation could result in withholding of all federal air pollution control funds from the state. Further, should any local authority cease to function, which is a possibility, the Department of Ecology is required by state statute to carry out the air pollution control efforts in that area. Federal funds designated for that area should reasonably be available to the Department to carry out those responsibilities. This would not be possible under the terms of this section.

Veto
Message

12. Apportionment Formula Funds

On page 70 I have vetoed the entire section 73.

The section would require local school districts to place a high priority on reducing special levies to the extent that any districts receive state apportionment formula funds in excess of those anticipated when the districts established their excess levies for collection in 1975.

This section purports to direct that the twenty-five million dollars appropriated in section 33 of this bill be employed for relief of special levies. In fact, it does nothing of the kind, inasmuch as the referenced appropriation was not made through the apportionment formula. To say that this constitutes special levy relief is a cruel hoax to beleaguered taxpayers across the state.

It now appears that the twenty-five million dollars appropriated in section 33 may be channelled to fund salary increases for certificated personnel. I initially contemplated vetoing both sections 33 and 73 on the grounds that the purported special levy relief passed by the Legislature was purely fictitious. I have instead determined to veto only section 73 and allow the section 33 appropriation to be used for salary increases for certificated personnel. Any such increases will be taken into account when I next present a request to the Legislature to deal with the question of salary increases for state employees and employees in the higher education sector.

13. Legislative approval requirements.

For the reasons set forth below, I have determined to veto certain items appearing as follows:

1. Page 8, section 21, beginning on line 30 and ending on page 9, line 1;
2. Page 10, section 24, beginning on line 15 and ending on line 22;
3. Page 40, section 25, beginning on line 20 and ending on line 21;
4. Page 43, section 26, line 5.

Each of the referenced items provides for the review and approval by the Legislature or designated legislative committees of actions and/or expenditures authorized in their respective sections. This requirement violates the fundamentals of good government by interposing legislative interference in the administrative process. The Legislature will always have the prerogative to set, by legislation, basic policy and such guidelines as may be needed for its implementation. Having done so, however, administrative agencies must be entrusted to carry out its functions without having to seek legislative approval at every turn of the decision-making process.

With the exception of the sections and items described above, the remainder of Engrossed Substitute Senate Bill No. 3253 is approved."

CHAPTER 198
[Substitute Senate Bill No. 3312]
CRIMINALLY INSANE

AN ACT Relating to the criminally insane; amending section 1, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.010; amending section 2, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.020; amending section 3, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.030; amending section 4, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.040; amending section 5, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.050; amending section 6, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.060; amending section 8, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.080; amending section 9, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.090; amending section 10, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.100; amending section 11, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.110; amending section 12, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.120; amending section 14, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.140; amending section 15, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.150; amending section 18, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.180; amending section 19, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.190; amending section 20, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.200; amending section 22, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.220; and amending section 23, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.230; and declaring an emergency.

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

Section 1. Section 1, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.010 are each amended to read as follows:

As used in this chapter:

(1) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of (~~mental disease or defect excluding responsibility~~) insanity, and thereupon found to be a substantial danger to (~~himself or~~) other persons (~~and in need of~~) or to present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions. (~~No condition of mind proximately induced by the voluntary act of a~~

person charged with a crime shall be deemed a mental disease or defect excluding responsibility:))

(2) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to himself or his family.

(3) "Secretary" means the secretary of the department of social and health services or his designee.

(4) "Department" means the state department of social and health services.

(5) "Treatment" means any currently standardized medical or mental health procedure including medication.

(6) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or to assist in his own defense as a result of mental disease or defect.

(7) No condition of mind proximately induced by the voluntary act of a person charged with a crime shall constitute "insanity".

Sec. 2. Section 2, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.020 are each amended to read as follows:

(1) At any and all stages of the proceedings pursuant to this chapter, any person subject to the provisions of this chapter shall be entitled to the assistance of counsel, and if the person is indigent ((and unable to retain counsel)) the court shall appoint counsel to assist him. A person may waive his right to counsel ((only following)); but such waiver shall only be effective if a court makes a specific finding ((by the court)) that he is or was competent to so waive. In making such findings, the court shall be guided but not limited by the following standards: Whether the person attempting to waive the assistance of counsel, does so understanding:

- (a) The nature of the charges;
- (b) The statutory offense included within them;
- (c) The range of allowable punishments thereunder;
- (d) Possible defenses to the charges and circumstances in mitigation thereof; and
- (e) All other facts essential to a broad understanding of the whole matter.

(2) Whenever any person is subjected to an ((mental status)) examination pursuant to any provision of this chapter, he may retain an expert or professional person to ((participate in the)) perform an examination in his behalf. In the case of a person who is indigent, ((either)) the court ((or the secretary)) shall upon his request assist the person in obtaining an expert or professional person to ((participate in the)) perform an examination or participate in the hearing on his behalf. An expert or professional person obtained by

an indigent person pursuant to the provisions of this chapter shall be compensated for his services out of funds of the department, in an amount determined by it to be fair and reasonable.

(3) Whenever any person has been committed under any provision of this chapter, or ordered to undergo alternative treatment following his acquittal of a crime charged by reason of ~~((mental disease or defect excluding responsibility))~~ insanity, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged for which he was acquitted by reason of insanity. If at the end of that period the person has not been finally discharged and is still in need of commitment or treatment, civil commitment proceedings may be instituted, if appropriate.

(4) Any time the defendant is being examined by court appointed experts or professional persons pursuant to the provisions of this chapter, he shall be entitled to have his attorney present. ~~((If the defendant is indigent and unable to retain counsel, the court upon the request of the defendant shall appoint counsel to assist the defendant.))~~ The defendant may refuse to answer any question if he believes his answers may tend to incriminate him or form links leading to evidence of an incriminating nature.

Sec. 3. Section 3, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.030 are each amended to read as follows:

(1) Evidence of ~~((mental disease or defect excluding responsibility))~~ insanity is not admissible unless the defendant, at the time of arraignment or within ten days thereafter or at such later time as the court may for good cause permit, files a written notice of his intent to rely on such a defense.

(2) ~~((Mental disease or defect excluding responsibility is a))~~ Insanity is a defense which the defendant must establish by a preponderance of the evidence.

~~((3) When the defendant is acquitted on the grounds of mental disease or defect excluding responsibility, the verdict and judgment shall so state.))~~

Sec. 4. Section 4, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.040 are each amended to read as follows:

Whenever the issue of ~~((mental disease or defect excluding responsibility has been raised by the defendant))~~ insanity is submitted to the jury, the court shall instruct the jury to return a special verdict in substantially the following form:

answer
yes or no

1. Did the defendant commit
the ~~((crime))~~ act
charged?

2. If your answer to number 1 is yes, do you acquit ((hime)) him because of ((~~mental disease or defect~~ excluding responsibility)) insanity existing at the time of the act charged? -----
3. If your answer to number 2 is yes, is the defendant a substantial danger to ((~~himself or others and in need of~~) other persons unless kept under further control by the court or other persons or institutions or property? ----- V
4. If your answer to number 2 is yes, does the defendant present a substantial likelihood of committing felonious acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions? -----
5. If your answers to either number 3 or number 4 is yes, is it in the best interests of the defendant and others that the defendant be placed in treatment that is less restrictive than detention in a state mental hospital? -----

Sec. 5. Section 5, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.050 are each amended to read as follows:

No incompetent person ((~~who lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of mental disease or defect~~)) shall be tried, convicted, or sentenced for the commission of an offense so long as such incapacity continues.

Sec. 6. Section 6, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.060 are each amended to read as follows:

(1) Whenever a defendant has pleaded not guilty by reason of ~~((mental disease or defect excluding responsibility))~~ insanity, or there is reason to doubt his ~~((fitness to proceed as a result of mental disease or defect))~~ competency, the court on its own motion or on the motion of any party shall either appoint~~((7))~~ or ~~((shall))~~ request the secretary to designate~~((7))~~ at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examination, but not to exceed fifteen days.

(2) The court ~~((shall))~~ may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that he shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right ~~((either to join in the report filed by the court appointed experts or professional persons authorized by subsection (1) of this section, or))~~ to file his own ~~((separate))~~ report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him in obtaining an an ~~((duly qualified))~~ expert or professional person ~~((to participate in the examination on the defendant's behalf))~~.

(3) The report of the examination shall include the following:

(a) A description of the nature of the examination;
(b) A diagnosis of the mental condition of the defendant;
(c) If the defendant suffers from a mental disease or defect, an opinion as to his ~~((capacity to understand the proceedings against him and to assist in his own defense))~~ competency;

(d) If the defendant has indicated his intention to rely on the defense of ~~((irresponsibility))~~ insanity pursuant to RCW 10.77.030, an opinion as to the ~~((extent he lacked capacity either:~~

~~(i) To know or appreciate the nature and consequences of such conduct; or~~

~~(ii) To know or appreciate the criminality of such conduct))~~
defendant's sanity at the time of the act;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to ~~((himself or others and is in need of)) other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.~~

Sec. 7. Section 8, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.080 are each amended to read as follows:

~~((If the report filed pursuant to RCW 10.77.060 finds that the defendant at the time of the criminal conduct charged did not have capacity to either (1) know or appreciate the nature and consequence of such conduct; or (2) know or appreciate the criminality of such conduct; the defendant, upon notification to the prosecuting attorney, may move that a judgment of acquittal on the grounds of mental disease or defect excluding responsibility be entered. If the court, after a hearing on the motion, is satisfied that such impairment was sufficient to exclude responsibility, the court shall enter judgment of acquittal on the grounds of mental disease or defect excluding responsibility. If the motion is denied, the question shall be submitted to the trier of fact in the same manner as all other issues of fact.))~~ The defendant may move the court for a judgment of acquittal on the grounds of insanity. PROVIDED, That a defendant so acquitted may not later contest the validity of his detention on the grounds that he did not commit the acts charged. At the hearing upon said motion the defendant shall have the burden of proving by a preponderance of the evidence that he was insane at the time of the offense or offenses with which he is charged. If the court finds that the defendant should be acquitted by reason of insanity, it shall enter specific findings in substantially the same form as set forth in RCW 10.77.040 (2), (3), (4), and (5), as now or hereafter amended. If the motion is denied, the question may be submitted to the trier of fact in the same manner as other issues of fact.

Sec. 8. Section 9, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.090 are each amended to read as follows:

(1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in RCW 10.77.060, as now or hereafter amended, that the defendant is ~~((incapable of understanding the proceedings against him or assisting in his own defense)) incompetent~~, the court shall order the proceedings against him be stayed, except as provided in subsection (5) of this section, and may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and

treatment at some other facility, or under the guidance and control of some other person, until he has regained the competency necessary to understand the proceedings against him and assist in his own defense, but in any event, for no longer than a period of ninety days. ((If during the)) On or before expiration of the initial ninety day period((?)) of commitment the court ((on its own motion; or upon application of the secretary; the prosecuting attorney; or the defendant; finds by a preponderance of the evidence; after)) shall conduct a hearing, ((that)) at which it shall determine whether or not the defendant is ((now able to understand the proceedings against him and assist in his own defense; the proceedings shall be resumed)) incompetent.

(2) If ((at the end of the ninety day period)) the court finds by a preponderance of the evidence that the defendant is ((not able to understand the proceedings against him and assist in his own defense)) incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a prompt hearing to determine the defendant's competency ((if the defendant has not been judged competent to proceed)) before the expiration of the second ninety day period. The defendant, his attorney, the prosecutor, or the judge shall have the right to demand that the ((competency)) hearing ((at the end of the)) on or before the expiration of the second ninety day ((extension)) period be before a jury. If no demand is made, the hearing shall be before the court. ((The sole issue to be determined at such a hearing is)) The court or jury shall determine whether or not the defendant has ((the competency to understand the proceedings against him and to assist in his own defense)) become competent.

(3) At the hearing upon the expiration of the second ninety day period if the jury or court, as the case may be, finds ((by a preponderance of the evidence)) that the defendant is ((unable to understand the proceedings against him and assist in his own defense)) incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall ((immediately)) be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That ((if the jury or court; as the case may be; also finds by a preponderance of the evidence that; on or before ninety days from the expiration date of the second ninety day period; the defendant will be so improved as to be able to understand the proceedings against him and assist in his own defense; the court shall extend the order of commitment or alternative treatment for a period no longer than an additional ninety days and shall also order that if the defendant has not been

judged competent to proceed and has not been brought to trial on or before the end of said additional ninety day period; then at the end of said period; upon providing notice to the court; but without further order of the court; either civil commitment proceedings shall immediately be instituted; if appropriate; or the defendant shall be released) the criminal charges shall not be dismissed if at the end of the second ninety day period the court or jury finds that the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, and that there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for an additional six months. At the end of said six month period, if the defendant remains incompetent, the charges shall be dismissed without prejudice and either civil commitment proceedings shall be instituted, if appropriate, or the court shall order release of the defendant.

(4) ((If the jury or the court, as the case may be, finds by a preponderance of the evidence that the defendant has regained the ability to understand the proceedings against him and to assist in his own defense; the criminal proceedings shall be resumed;

(5)) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

((6)) (5) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables him to understand the proceedings against him and to assist in his own defense, or does not disable him from so understanding and assisting in his own defense.

Sec. 9. Section 10, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.100 are each amended to read as follows:

((At any proceeding held pursuant to this chapter:

(1)) Subject to the rules of evidence, experts or professional persons who have reported pursuant to this chapter may be called as witnesses at any proceeding held pursuant to this chapter. Both the prosecution and the defendant may summon any other qualified expert or professional persons to testify ((but no one who has not examined the defendant outside of court shall be competent to testify to an expert opinion with respect to the mental condition or responsibility of the defendant; as distinguished from the validity of the procedure followed by; or the general scientific propositions stated by; another witness)).

((2) Experts or professional persons who have examined the defendant and who have been called as witnesses concerning his mental condition shall be permitted to make a statement as to the nature of his examination; his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged and his opinion as to the extent, if any, the defendant lacked capacity either (1) to know or appreciate the nature and consequence of such conduct; or (2) to know or appreciate the criminality of such conduct. He shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion.))

Sec. 10. Section 11, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.110 are each amended to read as follows:

If a defendant ((charged with a crime)) is acquitted by reason of ((mental disease or defect excluding responsibility)) insanity, and it is found that he is not a substantial danger to ((himself or other persons; and not in need of)) other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct his ((release)) final discharge. If it is found that the defendant is a substantial danger to ((himself or others and in need of)) other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court ((may)) shall order his hospitalization ((or may order alternative treatment)), or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter. If it is found that the defendant is not a substantial danger to other persons, or does not present a substantial likelihood of committing felonious acts jeopardizing public safety or security, but that he is in need of control by the court or other persons or institutions, the court shall direct his conditional release.

Sec. 11. Section 12, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.120 are each amended to read as follows:

The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons 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 condition. In order that the secretary may adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of discharge.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him in the custody of one or more department employees 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 facility, he shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return him to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause. ~~((If the state does not appeal, the order of discharge shall be sufficient acquittal to the secretary.))~~

Sec. 12. Section 14, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.140 are each amended to read as follows:

Each ~~((patient))~~ person committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his mental condition made by one or more experts or professional persons at least once every six months. ~~((The patient))~~ Said person may retain, or if he is indigent and so requests, the court may appoint a ~~((duty))~~ qualified expert or professional person to examine him, and such expert or professional person shall have access to all hospital records concerning the ~~((patient))~~ person. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section.

Sec. 13. Section 15, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.150 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140, as now or hereafter amended, may make application to the secretary for conditional release. The secretary shall, after considering the

reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered his commitment the person's application for conditional release as well as his recommendations concerning the application and any proposed terms and conditions upon which he reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) The court of the county which ordered his commitment, upon receipt of an application for conditional release with the secretary's recommendation for conditional release, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary. The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of his choice. If the ~~((patient))~~ committed person is indigent, and he so requests, the court shall appoint a ~~((duly))~~ qualified expert or professional person to examine ~~((the patient))~~ him on his behalf. The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to ~~((himself or other persons and is not in need of further control by the court or other persons or institutions))~~ other persons, or substantial likelihood of committing felonious acts jeopardizing public safety or security. The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of ~~((said recommendations))~~ conditional release, may do so only on the basis of substantial evidence. The court ~~((7 prior to conditional release))~~ may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(3) ~~((A recommendation by the secretary pursuant to this section that the person should not be conditionally released does not preclude such person from applying for a writ of habeas corpus on the issue of whether he may be released without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, where no hearing has been held pursuant to subsection {2} of this section.~~

~~{4})~~ Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

Sec. 14. Section 18, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.180 are each amended to read as follows:

Each person conditionally released pursuant to RCW 10.77.150, as now or hereafter amended, shall have his case reviewed by the court which conditionally released him no later than one year after such release and no later than every two years thereafter, such time to be scheduled by the court. Review may occur in a shorter time or more frequently, if the court, in its discretion, on its own motion, or on motion of the person, the secretary or the prosecuting attorney, so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released. The court in making its determination shall be aided by the periodic reports filed pursuant to RCW 10.77.140, as now or hereafter amended, and 10.77.160, and the opinions of the secretary and other experts or professional persons.

Sec. 15. Section 19, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.190 are each amended to read as follows:

(1) Any person submitting reports pursuant to *RCW 10.77.160, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary, or the court, after examining the report filed with them pursuant to *RCW 10.77.160, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his conditional release, and because of that failure he has become a substantial danger to ((himself or other persons)) other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, the court or secretary may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the ((patient should be rehospitalized)) person's conditional release should be revoked or modified. The court shall be notified before the close of the next judicial day of ((a patient's)) the apprehension. Both the prosecuting attorney and the ((patient)) conditionally released person shall have the right to request an immediate mental ((status)) examination of the ((patient)) conditionally released person. ((In the case of a patient who)) If the conditionally released person is indigent, the court or secretary shall, upon

request ((of the patient)), assist him in obtaining a ((duly)) qualified expert or professional person to conduct the examination.

(3) The court, upon receiving notification of the ((patient's)) apprehension, shall promptly schedule a hearing. The issue to be determined is whether the conditionally released person did or did not adhere to the terms and conditions of his release, and is ((likely to harm himself or other persons if not hospitalized or whether the conditions of release should be modified)) a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or his conditional release shall be revoked and he shall be ((rehospitalized)) committed subject to release only in accordance with ((the)) provisions of this chapter.

Sec. 16. Section 20, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.200 are each amended to read as follows:

(1) ((If)) Upon application by the criminally insane or conditionally released person, the secretary ((determines, after such investigation as he may deem necessary, that a patient committed as criminally insane pursuant to this chapter may be finally discharged without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions; he shall make application to the court for the final discharge)) shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the ((application)) petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the ((patient)) petitioner examined by an expert or professional person of his choice. If the ((patient)) petitioner is indigent, and he so requests, the court shall appoint a ((duly)) qualified expert or professional person to examine ((the patient on his behalf)) him. The hearing shall be before a jury if demanded by either the ((patient)) petitioner or the prosecuting attorney. The ((issue to be determined at such a hearing is whether the person may be)) burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to ((himself or others and is not in need of)) other persons, or

presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning ((by writ of habeas corpus)) the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the ((patient)) petitioner is a substantial danger to ((himself or)) other persons ((and is not in need of)), or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Sec. 17. Section 22, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.220 are each amended to read as follows:

No person confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility; PROVIDED, That nothing herein shall prohibit confinement in a mental health facility located wholly within a correctional institution.

Sec. 18. Section 23, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.230 are each amended to read as follows:

Either party may appeal to the court of appeals the judgment of any hearing held pursuant to the provisions of this chapter. ((The procedure on appeal shall be the same as in other cases:))

NEW SECTION. Sec. 19. This 1974 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 23, 1974.
Passed the House April 23, 1974.
Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State May 6, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to certain items Substitute Senate Bill No. 3312 entitled:

"AN ACT Relating to the criminally insane."

Veto
Message

The third of the proposed jury instructions in section 4 of the bill contains an item which is an obvious drafting error overlooked in the legislative process since that item has no meaning within the proposed jury instruction. Accordingly, I have vetoed that item.

Section 7 contains amendatory language relating to the procedure on the defendant's motion for judgment of acquittal on the grounds of insanity, and requires the court, if it finds for the defendant on such motion, to enter specific findings in substantially the same form as set forth in subsections (2) through (5) of RCW 10.77.040. The omission of subsection (1) from the required findings of the court is not explained, and raises a serious constitutional

question as to how the court can find that the defendant should be acquitted by reason of insanity if it does not first find that the defendant committed the crime charged. In order to remove the cloud of constitutionality, I have determined to veto the item consisting of the subsection references so that a court would still be required to enter findings in substantially the same form as set forth in RCW 10.77.040. Veto Message

Section 10 of the bill contains another obvious drafting error which reverses the intent of the amendatory language. Presumably, the Legislature intended that if a defendant acquitted by reason of insanity is found, among other things, to present a substantial likelihood of committing felonious acts jeopardizing public safety or security, the court would be required to order his hospitalization or other treatment less restrictive than detention in a state mental hospital. As drafted and enacted, the result would be the exact opposite. Accordingly, I have determined to veto that item in section 10 and by this veto I am restoring the language of the existing law, and urge the Legislature to make another attempt at enacting correct amendatory language at its next session. I have been urged by some to correct this drafting error by simply vetoing the word "not" contained in that item, but have determined not to do so as such a veto would be of questionable constitutionality.

With the exception of the foregoing items, I have approved the remainder of Substitute Senate Bill No. 3312."

CHAPTER 199

[Substitute House Bill No. 779]

WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to public employment; amending section 1, chapter 80, Laws of 1947 as last amended by section 95, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.010; amending section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.260; amending section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.497; amending section 3, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.498; adding a new section to chapter 41.32 RCW; creating new sections; providing for the retroactive effect of certain provisions; and declaring an emergency.

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

Section 1. Section 1, chapter 80, Laws of 1947 as last amended by section 95, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: PROVIDED, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature 5 or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for 5 or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system; PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation; PROVIDED, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, intermediate school district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

Sec. 2. Section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 189, Laws of 1973 1st ex. sess. 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 (1), 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 (2), That a member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his salary in the amount of ((seven and one-half) six percent of earnable compensation and that service credit shall 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 (3), That such elected official who has retired or otherwise terminated his public school service may then elect to terminate his membership in the retirement system and receive retirement benefits while continuing to serve as an elected official: AND, PROVIDED FURTHER (4), That a member of the retirement system who had previous service as an elected or appointed official, for which he did not contribute to the retirement system, may receive

credit for such legislative service unless he has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees.

Sec. 3. Section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to receive either the retirement allowance by RCW 41.32.498 as now or hereafter amended or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: PROVIDED, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520 (1), options 2 and 3 provided in RCW 41.32.530, or options 2 or 3 of RCW 41.32.498 as now or hereafter amended, shall receive a pension of less than six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month ((: PROVIDED FURTHER; That notwithstanding the provisions of subsections (1) through (3) of this section; the retirement allowance payable for service where a member was elected or appointed to the office of state senator; state representative or superintendent of public instruction shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service; whether or not elected or appointed service; for each year of such elected or appointed service: However; the initial retirement allowance of a member retiring only under the provisions of this proviso shall not exceed the average final compensation upon which the retirement allowance is based: In addition; the member shall be allowed to have the pension provided by this proviso adjusted and paid pursuant to the options provided in RCW 41.32.530; as now or hereafter amended)).

Sec. 4. Section 3, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.498 are each amended to read as follows:

Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive

the benefit provided by this section, shall receive a retirement allowance consisting of-

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation: PROVIDED, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: PROVIDED FURTHER, That no member may withdraw an amount of accumulated contributions which would lower his retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: AND PROVIDED FURTHER, That said reduced amount may be reduced even further pursuant to the options provided in subsection (4) below;

(3) ((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. However, 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 to the office of state senator or state representative. Accumulated contributions for elected or appointed service may only be withdrawn if the member elects to waive the pension provided by this subsection. In addition, the member shall be allowed to have the pension provided by this subsection adjusted and paid pursuant to the options provided in subsection (4) below.)) Notwithstanding the provisions of subsections (1) and (2) of this section, the retirement allowance payable for service of a

member who was state superintendent of public instruction on January 1, 1973 shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service for each year of such service.

(4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

NEW SECTION. Sec. 5. (1) Subsection (3) of section 4 of this 1974 amendatory act relating to elected and appointed officials shall be retroactive to January 1, 1973.

(2) Amendatory language contained in subsection (11) of section 1 relating to members as members of the legislature and in provisos (2) and (3) of section 2 of this 1974 amendatory act shall only apply to those members who are serving as a state senator, state representative or state superintendent of public instruction on or after the effective date of this 1974 amendatory act.

(3) Notwithstanding any other provision of this 1974 amendatory act, RCW 41.32.497 as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. shall be applicable to any member serving as a state senator, state representative or superintendent of public instruction on the effective date of this 1974 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 41.32 RCW a new section to read as follows:

Notwithstanding any other provision of this 1974 act, when the salary of any member as a member of the legislature is increased

beyond the amount provided for in Initiative Measure No. 282 then earnable compensation for the purposes of this chapter shall be based solely on the sum of (1) the compensation actually received from the salary for the job from which such leave of absence may have been taken and (2) such member's salary as a legislator during his two highest compensated consecutive years.

NEW SECTION. Sec. 7. This 1974 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. 8. If any provision of this 1974 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 April 23, 1974.
Passed the Senate April 23, 1974.
Approved by the Governor May 6, 1974, with the exception of one item which is vetoed.
Filed in Office of Secretary of State May 6, 1974.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one item Substitute House Bill No. 779 entitled:

Veto
Message

"AN ACT Relating to public employment."

This bill provides for improved retirement benefits for teacher-legislators by enabling, among other things, current teacher-legislators to receive pensions amounting to three percent of the average earnable compensation of his or her two highest consecutive years of service, which earnable compensation would include both the full contract salary as a teacher and the annual legislative salary.

Notwithstanding the increased benefits, section 2 of the bill contains an item which reduces the employee contribution of the teacher-legislator from seven and one-half percent to six percent of earnable compensation. This reduction in the employee contribution may be justified in respect to future teacher-legislators whose benefits are limited elsewhere in the bill to two percent of the average earnable compensation of the two highest consecutive years of service, but is wholly unwarranted in the case of current teacher-legislators whose benefits have been increased under the bill. For these reasons, I have determined to veto that item.

With the exception of the foregoing item, the remainder of Substitute House Bill No. 779 is approved."

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1974 FIRST
EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1974
SENATE JOINT RESOLUTION NO. 140

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, a proposal to amend
Article III of the Constitution of the state of Washington by
amending section 12 as follows:

Article III, section 12. Every act which shall have passed
the legislature shall be, before it becomes a law, presented to the
governor. If he approves, he shall sign it; but if not, he shall
return it, with his objections, to that house in which it shall have
originated, which house shall enter the objections at large upon the
journal and proceed to reconsider. If, after such reconsideration,
two-thirds of the members present shall agree to pass the bill it
shall be sent, together with the objections, to the other house, by
which it shall likewise be reconsidered, and if approved by two-
thirds of the members present, it shall become a law; but in all such
cases the vote of both houses shall be determined by the yeas and
nays, and the names of the members voting for or against the bill
shall be entered upon the journal of each house respectively. If any
bill shall not be returned by the governor within five days, Sundays
excepted, after it shall be presented to him, it shall become a law
without his signature, unless the general adjournment shall prevent
its return, in which case it shall become a law unless the governor,
within ((ten)) twenty days next after the adjournment, Sundays
excepted, shall file such bill with his objections thereto, in the
office of secretary of state, who shall lay the same before the
legislature at its next session in like manner as if it had been
returned by the governor; PROVIDED, That within forty-five days next
after the adjournment, Sundays excepted, the legislature may, upon
petition by a two-thirds majority or more of the membership of each
house, reconvene in extraordinary session, not to exceed five days
duration, solely to reconsider any bills vetoed. If any bill
presented to the governor contain several sections or appropriation
items, he may object to one or more sections or appropriation
while approving other portions of the bill; PROVIDED, That he may
not object to less than an entire section, except that if the section
contain one or more appropriation items he may object to any such
appropriation item or items. In ((such)) case of objection he shall

append to the bill, at the time of signing it, a statement of the section ((7)) or sections ((7)), appropriation item or items to which he objects and the reasons therefor ((7)); and the section or sections, appropriation item or items so objected to ((7)) shall not take effect unless passed over the governor's objection, as hereinbefore provided. The provisions of Article II, section 12 insofar as they are inconsistent herewith are hereby repealed.

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 22, 1974.
Passed the House February 9, 1974.
Filed in Office of Secretary of State February 13, 1974.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1974 FIRST
EXTRAORDINARY SESSION FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1974
SENATE JOINT RESOLUTION NO. 143

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the 1974 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 VI of the Constitution of the State of Washington by amending section 1 (Amendment 5) thereof as follows:

Article VI, section 1. QUALIFICATIONS OF ELECTORS. All persons of the age of ((twenty-one)) eighteen years or over ((possessing the following qualifications,)) who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections. ((r They shall be citizens of the United States, they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote, they shall be able to read and speak the English language: PROVIDED, That Indians not taxed shall never be allowed the elective franchise: AND FURTHER PROVIDED, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the

qualifications of voters as to their ability to read and speak the English language; and providing for punishment of persons voting or registering in violation of the provision of this section: There shall be no denial of the elective franchise at any election on account of sex.)

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 February 11, 1974.
Passed the House February 5, 1974.
Filed in Office of Secretary of State February 13, 1974.

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 1974 1st Ex. Sess. (3rd Extraordinary Session of the 43rd 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 at Olympia, Washington, this fifteenth day of May, 1974.



Richard O. White

RICHARD O. WHITE
Code Reviser

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1974 1st Ex. Sess.

Chapter Number Laws of 1974		Chapter Number Laws of 1974		Chapter Number Laws of 1974	
Bill Number	1st ex.s.	Bill Number	1st ex.s.	Bill Number	1st ex.s.
SB 2046	3	SB 3168	69	HB 869	164
SB 2095	13	SB 3169	160	HB 916	138
SB 2120	4	SB 3184	148	HB 916	154
SB 2132	94	SB 3194	190	HB 931	82
SB 2156	180	SB 3200	161	HB 967	49
SB 2235	73	SB 3202	177	HB 1006	118
SB 2329	146	SB 3206	106	HB 1031	20
SB 2366	123	SB 3209	132	HB 1044	83
SB 2408	74	SB 3229	70	HB 1063	84
SB 2416	124	SB 3235	107	HB 1077	119
SB 2429	35	SB 3253	197	HB 1084	50
SB 2540	95	SB 3256	189	HB 1144	139
SB 2551	9	SB 3257	162	HB 1169	140
SB 2562	159	SB 3272	108	HB 1171	85
SB 2572	58	SB 3277	179	HB 1173	51
SB 2574	14	SB 3283	182	HB 1180	52
SB 2584	39	SB 3304	109	HB 1181	186
SB 2634	96	SB 3312	198	HB 1183	171
SB 2675	97	SB 3329	110	HB 1185	187
SB 2701	125	SB 3338	133	HB 1206	53
SB 2843	37	SB 3351	71	HB 1208	188
SB 2904	98	SB 3354	111	HB 1211	19
SB 2906	183	SB 3355	112	HB 1226	76
SB 2937	5	SB 3358	178	HB 1238	172
SB 2938	126	SB 3362	113	HB 1240	18
SB 2940	184	SB 3366	72	HB 1245	120
SB 2961	6	SB 3378	114	HB 1255	86
SB 2962	7	SB 3379	115	HB 1259	87
SB 2969	59	SB 3380	163	HB 1261	54
SB 2989	60			HB 1268	88
SB 3002	40			HB 1269	192
SB 3003	127			HB 1272	42
SB 3021	128	HB 1	185	HB 1273	17
SB 3022	36	HB 10	78	HB 1274	193
SB 3023	150	HB 29	152	HB 1276	158
SB 3024	99	HB 90	191	HB 1282	91
SB 3029	15	HB 94	170	HB 1288	196
SB 3032	8	HB 102	79	HB 1292	173
SB 3037	10	HB 135	43	HB 1294	55
SB 3039	151	HB 138	116	HB 1295	141
SB 3040	147	HB 150	24	HB 1296	92
SB 3041	1	HB 188	156	HB 1301	169
SB 3049	11	HB 289	80	HB 1302	16
SB 3050	61	HB 383	134	HB 1303	77
SB 3052	100	HB 385	44	HB 1309	56
SB 3055	41	HB 437	75	HB 1310	142
SB 3058	101	HB 473	135	HB 1316	174
SB 3059	62	HB 473	155	HB 1328	121
SB 3062	181	HB 474	136	HB 1334	122
SB 3064	129	HB 541	153	HB 1354	25
SB 3075	63	HB 556	33	HB 1355	26
SB 3077	38	HB 566	22	HB 1356	27
SB 3078	102	HB 636	23	HB 1357	29
SB 3080	64	HB 637	137	HB 1358	28
SB 3100	2	HB 670	167	HB 1360	30
SB 3106	103	HB 671	45	HB 1361	31
SB 3116	104	HB 717	46	HB 1363	195
SB 3117	65	HB 748	117	HB 1366	194
SB 3118	130	HB 757	47	HB 1373	143
SB 3122	66	HB 761	21	HB 1388	57
SB 3135	131	HB 767	34	HB 1420	89
SB 3143	165	HB 779	199	HB 1423	144
SB 3144	67	HB 784	157	HB 1463	93
SB 3145	166	HB 804	48	HB 1469	12
SB 3146	176	HB 816	90	HB 1504	175
SB 3147	105	HB 833	81	HB 1508	32
SB 3159	68	HB 867	168	HB 1525	145

TABLE OF RCW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

RCW		CH.	SEC.	RCW		CH.	SEC.
01.12.025	AMD	87	1	11.28.010	AMD	117	28
02.04.090	AMD	149	3	11.28.070	AMD	117	25
02.06.060	AMD	149	4	11.28.110	AMD	117	29
02.08.064	AMD	192	1	11.28.130	REP	117	55
02.08.090	AMD	149	5	11.28.180	REP	117	55
02.50	ADD	5	1	11.28.200	REP	117	55
02.56.010	AMD	156	1	11.28.237	AMD	117	30
03.34.040	AMD	95	2	11.28.280	AMD	117	26
03.58.010	AMD	149	6	11.40.010	AMD	117	33
03.58.020	AMD	95	1	11.40.020	AMD	117	34
03.62.015	AMD	130	2	11.40.030	AMD	117	35
07.40	ADD	153	1	11.40.040	AMD	117	36
08.25	ADD	79	1-7	11.40.050	REP	117	55
09.26A	ADD	160	1	11.40.060	AMD	117	37
09.45.240	AMD	160	2	11.40.100	AMD	117	47
09.46	ADD	135	6	11.40.110	AMD	117	38
09.46	ADD	135	11	11.44	ADD	117	49
09.46	ADD	152	26	11.44.025	AMD	117	48
09.46	ADD	155	6	11.44.055	REP	117	55
09.46	ADD	155	11	11.44.065	REP	117	55
09.46.010	AMD	135	1	11.44.070	AMD	117	50
09.46.010	AMD	155	1	11.44.080	REP	117	55
09.46.020	AMD	135	2	11.52.010	AMD	117	7
09.46.020	V.Ov.	155	2	11.52.012	AMD	117	8
09.46.030	AMD	135	3	11.52.020	AMD	117	9
09.46.030	V.Ov.	155	3	11.52.022	AMD	117	10
09.46.040	AMD	135	12	11.68	ADD	117	17-24
09.46.040	AMD	152	27	11.68.010	AMD	117	13
09.46.040	AMD	155	12	11.68.020	AMD	117	14
09.46.070	AMD	135	4	11.68.030	AMD	117	15
09.46.070	V.Ov.	155	4	11.68.040	AMD	117	16
09.46.080	AMD	135	7	11.76.080	AMD	117	45
09.46.080	AMD	155	7	11.76.090	AMD	117	11
09.46.110	AMD	135	8	11.76.095	AMD	117	12
09.46.110	AMD	155	8	16.49A.490	AMD	18	1
09.46.200	AMD	135	10	16.52.080	AMD	12	1
09.46.200	AMD	155	10	16.57	ADD	38	1-3
09.46.210	AMD	135	9	16.57	ADD	64	6
09.46.210	AMD	155	9	16.57.040	AMD	64	1
09.46.230	AMD	135	5	16.57.080	AMD	64	2
09.46.230	AMD	155	5	16.57.090	AMD	64	3
09.46.280	REP	135	15	16.57.140	AMD	64	4
09.46.280	REP	155	15	16.57.150	AMD	64	5
09.54.030	AMD	124	1	17.10	ADD	143	5
10.77.010	AMD	198	1	17.10.050	AMD	143	1
10.77.020	AMD	198	2	17.10.150	AMD	143	2
10.77.030	AMD	198	3	17.10.170	AMD	143	3
10.77.040	AMD	198	4	17.21.230	AMD	20	1
10.77.050	AMD	198	5	18.18.010	REEN	25	1
10.77.060	AMD	198	6	18.25	ADD	97	1-7
10.77.080	AMD	198	7	18.25.017	AMD	97	8
10.77.090	AMD	198	8	18.25.020	AMD	97	9
10.77.100	AMD	198	9	18.25.030	AMD	97	10
10.77.110	AMD	198	10	18.25.070	AMD	97	11
10.77.120	AMD	198	11	18.26	ADD	97	15
10.77.140	AMD	198	12	18.26.030	AMD	97	12
10.77.150	AMD	198	13	18.26.040	AMD	97	13
10.77.180	AMD	198	14	18.26.070	AMD	97	14
10.77.190	AMD	198	15	18.27.090	REEN	25	2
10.77.200	AMD	198	16	18.92	ADD	44	6
10.77.220	AMD	198	17	18.92.015	AMD	44	1
10.77.230	AMD	198	18	18.92.030	AMD	44	2
11.	ADD	117	4,5	18.92.040	AMD	44	3
11.	ADD	117	52,53	18.92.060	AMD	44	4
11.04.015	AMD	117	6	18.92.070	AMD	44	5
11.12.120	AMD	117	51	18.92.160	AMD	44	7
11.20.020	AMD	117	27	19.	ADD	96	1-9
11.28	ADD	117	31,32	19.	ADD	100	1-6
11.28	ADD	117	44	19.09.020	AMD	106	1
11.28	ADD	117	46	19.09.030	AMD	106	2

TABLE OF RCW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

RCW		CH.	SEC.	RCW		CH.	SEC.
19.09.100	AMD	106	3	28A.65	ADD	91	6
19.09.120	AMD	106	4	28A.70.140	AMD	55	1
19.28	ADD	188	2,4	28A.70.160	AMD	55	2
19.28.120	AMD	188	1	28B.	ADD	177	1-7
19.48.110	AMD	21	1	28B.	ADD	181	1-7
19.86.170	AMD	158	1	28B.10	ADD	176	4
20.01	ADD	102	8,10	28B.10.215	AMD	68	1
20.01.010	AMD	102	2	28B.10.220	AMD	68	2
20.01.040	AMD	102	3	28B.10.255	AMD	68	3
20.01.060	AMD	102	4	28B.20	ADD	174	1
20.01.210	AMD	102	5	28B.20.380	REP	174	2
20.01.370	AMD	102	6	28B.30	ADD	109	1-11
20.01.385	AMD	102	7	28B.40.226	AMD	14	1
20.01.430	AMD	102	9	28B.50	ADD	112	1-3
21.20	ADD	7	12,13	28B.50	ADD	112	5-7
21.20.040	AMD	77	1	28B.50.360	AMD	112	4
21.20.070	AMD	77	2	28B.50.851	AMD	33	1
21.20.135	AMD	77	3	28B.50.869	AMD	33	2
21.20.230	AMD	77	4	28B.80	ADD	4	1-5
21.20.260	AMD	77	5	29.04.055	AMD	127	1
21.20.320	AMD	77	6	29.04.100	AMD	127	2
21.20.325	AMD	77	7	29.04.120	AMD	127	3
21.20.340	AMD	77	8	29.07	ADD	127	12-14
21.20.380	AMD	77	9	29.07.160	AMD	127	4
21.20.390	AMD	77	10	29.18.110	AMD	127	5
21.20.430	AMD	77	11	29.36.010	AMD	35	1
26.09	ADD	15	1-3	29.36.030	AMD	73	1
26.09	ADD	99	1	29.36.070	AMD	73	2
28A.02	ADD	92	2	29.36.095	AMD	73	3
28A.02.200	REP	92	7	29.36.120	AMD	35	2
28A.02.210	REP	92	8	29.36.140	AMD	35	3
28A.02.220	AMD	92	3	29.39.120	AMD	127	6
28A.02.230	AMD	92	4	29.72.010	AMD	127	7
28A.02.240	AMD	92	5	29.72.025	REP	127	15
28A.04.120	AMD	92	1	29.72.030	AMD	127	8
28A.21	ADD	75	2-7	29.72.045	REP	127	15
28A.21	ADD	7	14-16	29.72.050	AMD	127	9
28A.21.030	AMD	75	1	29.72.060	AMD	127	10
28A.21.035	AMD	75	8	29.72.070	AMD	127	11
28A.21.095	AMD	75	9	29.72.900	REP	127	15
28A.21.100	AMD	75	10	30.	ADD	166	1-5
28A.21.105	AMD	75	11	30.04.260	AMD	117	43
28A.21.106	AMD	75	12	30.20.020	AMD	117	39
28A.21.110	AMD	75	13	31.24.020	AMD	16	1
28A.21.120	AMD	75	17	31.24.050	AMD	16	2
28A.21.145	REP	75	19	31.24.090	AMD	16	3
28A.21.180	AMD	75	20	32.12.020	AMD	117	40
28A.21.185	REP	75	21	33.08.110	AMD	98	1
28A.21.190	REP	75	22	33.20.080	AMD	117	41
28A.24	ADD	93	1	33.28.020	AMD	22	1
28A.24.172	AMD	171	1	35.21	ADD	7	1
28A.41	ADD	85	1-5	35.21	ADD	37	1-7
28A.47	ADD	108	4	35.21	ADD	60	1
28A.47.792	AMD	108	1	35.22	ADD	1	1
28A.47.794	AMD	108	2	35.22.150	AMD	1	2
28A.47.796	AMD	108	3	35.23.352	AMD	74	2
28A.47.801	AMD	56	1	35.58.010	AMD	70	1
28A.47.802	AMD	56	2	35.58.020	AMD	70	2
28A.47.803	AMD	56	3	35.58.020	AMD	84	1
28A.47.805	AMD	56	4	35.58.050	AMD	70	3
28A.47.807	AMD	56	5	35.58.080	AMD	70	4
28A.47.808	AMD	56	6	35.58.120	AMD	70	5
28A.47.809	AMD	56	7	35.58.160	AMD	84	2
28A.47.810	AMD	56	8	35.58.180	AMD	84	3
28A.48.010	AMD	89	1	35.58.200	AMD	70	6
28A.58	ADD	8	1	35.58.210	AMD	70	7
28A.58	ADD	11	1	35.58.278	AMD	54	1
28A.58	ADD	161	1	35.58.460	AMD	70	8
28A.58	ADD	176	5	35.75	ADD	141	10
28A.61.030	AMD	101	1	35.77	ADD	141	11

TABLE OF RCW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

RCW	CH.	SEC.	RCW	CH.	SEC.		
35A.11	ADD	60	2	41.04.010	AMD	170	1
35A.38.010	AMD	171	2	41.04.180	AMD	82	1
36.	ADD	81	1-6	41.06.250	AMD	136	1
36.	ADD	167	1-9	41.16.145	AMD	190	1
36.17.030	REP	24	1	41.16.146	REP	190	5
36.21.080	AMD	196	7	41.18	ADD	148	1
36.27	ADD	6	1	41.18.104	AMD	190	2
36.32	ADD	51	1	41.18.105	REP	190	5
36.32.240	AMD	52	1	41.20	ADD	148	2
36.32.440	AMD	171	3	41.24.180	REEN	26	1
36.75.240	AMD	141	7	41.26.030	AMD	120	1
36.81	ADD	141	9	41.26.040	AMD	120	7
36.82	ADD	141	8	41.26.045	AMD	120	8
38.12	ADD	34	1-5	41.26.046	AMD	120	12
38.12.080	REP	34	7	41.26.050	AMD	120	2
38.12.100	REP	34	7	41.26.100	AMD	120	3
38.12.110	REP	34	7	41.26.110	AMD	120	9
38.12.120	REP	34	7	41.26.120	AMD	120	10
38.12.130	REP	34	7	41.26.140	AMD	120	4
38.12.140	REP	34	7	41.26.150	AMD	120	11
38.12.190	REP	34	7	41.26.160	AMD	120	5
38.24	ADD	46	2	41.26.200	AMD	120	6
38.24.050	AMD	46	1	41.26.240	AMD	120	13
38.52.007	REP	171	47	41.26.250	AMD	190	3
38.52.010	AMD	171	4	41.26.260	AMD	190	4
38.52.020	AMD	171	5	41.32	ADD	193	8
38.52.040	AMD	171	6	41.32	ADD	199	6
38.52.050	AMD	171	7	41.32.010	AMD	199	1
38.52.060	AMD	171	8	41.32.260	AMD	199	2
38.52.070	AMD	171	9	41.32.310	AMD	193	1
38.52.080	AMD	171	10	41.32.480	AMD	193	2
38.52.090	AMD	171	11	41.32.497	AMD	199	3
38.52.100	AMD	171	12	41.32.498	AMD	199	4
38.52.110	AMD	171	13	41.32.500	AMD	193	3
38.52.120	AMD	171	14	41.32.520	AMD	193	5
38.52.130	AMD	171	15	41.32.522	AMD	193	4
38.52.140	AMD	171	16	41.32.523	AMD	193	6
38.52.150	AMD	171	17	41.32.540	AMD	193	7
38.52.160	AMD	171	18	41.40	ADD	195	5-12
38.52.170	AMD	171	19	41.40.030	AMD	195	1
38.52.180	AMD	171	20	41.40.120	AMD	195	2
38.52.190	AMD	171	21	41.40.150	AMD	195	3
38.52.195	AMD	171	22	41.40.380	AMD	195	4
38.52.200	AMD	171	23	43.	ADD	48	1,2
38.52.205	AMD	171	24	43.	ADD	94	1-20
38.52.207	AMD	171	25	43.	ADD	113	1-6
38.52.210	AMD	171	26	43.	ADD	140	1-11
38.52.240	AMD	171	27	43.03.010	AMD	149	2
38.52.250	AMD	171	28	43.03.060	AMD	157	1
38.52.260	AMD	171	29	43.10	ADD	162	1-3
38.52.270	AMD	171	30	43.10.150	AMD	146	1
38.52.280	AMD	171	31	43.10.160	AMD	146	2
38.52.290	AMD	171	32	43.10.180	AMD	146	3
38.52.310	AMD	171	33	43.17	ADD	176	2
38.52.320	AMD	171	34	43.19	ADD	40	1-3
38.52.330	AMD	171	35	43.19	ADD	176	3
38.52.340	AMD	171	36	43.21B	ADD	69	5
38.52.350	AMD	171	37	43.21B	ADD	179	9
38.52.360	AMD	171	38	43.21B.090	AMD	69	1
38.52.370	AMD	171	39	43.21B.150	AMD	69	2
38.52.380	AMD	171	40	43.21B.160	AMD	69	3
38.52.900	AMD	171	41	43.21B.210	REP	69	6
39.	ADD	191	1-3	43.21C	ADD	150	1
39.04	ADD	194	1	43.21C	ADD	179	3-6,8,
39.30	ADD	74	1				10-13
39.42.080	AMD	111	1	43.21C.080	AMD	179	2
39.53.020	AMD	111	2	43.22.010	REEN	27	1
39.53.050	AMD	111	3	43.31.200	AMD	171	42
39.53.140	AMD	111	4	43.51	ADD	151	1
39.58.120	AMD	50	1	43.79.415	AMD	53	1

TABLE OF RCW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

RCW		CH.	SEC.	RCW		CH.	SEC.
43.100.010	REP	94	23	48.21	ADD	42	2
43.100.020	REP	94	23	48.21	ADD	119	2,3
43.100.030	REP	94	23	48.21	ADD	139	2
43.100.040	REP	94	23	48.44	ADD	119	4
43.100.050	REP	94	23	48.44	ADD	139	3
43.100.060	REP	94	23	48.52	ADD	139	4
43.100.070	REP	94	23	49.46.010	AMD	107	1
43.100.080	REP	94	23	49.48.120	AMD	117	42
43.100.085	REP	94	23	49.60.030	AMD	32	1
43.100.090	REP	94	23	49.60.178	AMD	32	2
43.100.100	REP	94	23	51.12.035	AMD	171	44
43.100.110	REP	94	23	51.32.040	REEN	30	1
43.100.120	REP	94	23	51.32.040	AMD	30	1
43.100.130	REP	94	23	52.	ADD	126	1-9
43.100.140	REP	94	23	52.12.050	AMD	17	1
43.100.150	REP	94	23	52.36.020	AMD	88	1
43.100.160	REP	94	23	53.	ADD	121	1-5
43.100.170	REP	94	23	53.08	ADD	62	1
43.100.900	REP	94	23	53.35	ADD	19	1
43.100.910	REP	94	23	53.36.010	AMD	13	1
43.105	ADD	129	1	54.44.020	AMD	72	1
44.04.120	AMD	157	2	56.04.020	AMD	58	1
46.04	ADD	76	4	56.08.010	AMD	58	2
46.04.620	AMD	76	3	56.16.090	AMD	58	3
46.08.080	REP	3	1	56.20	ADD	58	4
46.08.085	REP	3	1	56.20.020	AMD	58	5
46.08.086	REP	3	1	56.20.030	AMD	58	6
46.09.150	AMD	144	1	57.16.020	REEN	31	1
46.09.160	AMD	144	2	57.16.020	AMD	31	1
46.09.170	AMD	144	3	58.17	ADD	134	12-14
46.12.030	AMD	128	1	58.17.030	AMD	134	1
46.12.040	AMD	128	2	58.17.040	AMD	134	2
46.12.060	AMD	36	1	58.17.060	AMD	134	3
46.16.137	AMD	172	1	58.17.090	AMD	134	4
46.16.340	AMD	171	43	58.17.110	AMD	134	5
46.37.020	AMD	124	2	58.17.120	AMD	134	6
46.44.030	AMD	76	2	58.17.130	AMD	134	7
46.44.040	AMD	86	1	58.17.140	AMD	134	8
46.44.095	AMD	76	1	58.17.210	AMD	134	10
46.61	ADD	130	3	58.17.240	AMD	134	11
46.61	ADD	133	2	62A.2-316	AMD	78	1
46.61.385	AMD	47	1	62A.2-316	AMD	180	1
46.61.405	AMD	103	1	62A.2-719	AMD	78	2
46.61.410	AMD	103	2	62A.2-719	AMD	180	2
46.61.415	AMD	103	3	62A.9-204	AMD	102	1
46.61.430	AMD	103	4	63.	ADD	180	3
46.61.515	AMD	130	1	66.24	ADD	65	1
46.61.770	AMD	141	14	66.24.010	AMD	66	1
46.68.130	AMD	9	1	67.	ADD	152	1-23
47.01.160	REEN	29	1	67.08.080	AMD	45	1
47.26	ADD	141	1-3,6	69.04.900	AMD	57	1
47.30.030	AMD	141	12	69.04.905	AMD	57	2
47.42.	ADD	80	2,4	70.	ADD	49	1-17
47.42.020	AMD	80	1	70.	ADD	147	1-12
47.42.045	AMD	154	1	70.	ADD	183	1-9
47.42.062	AMD	154	2	70.39.140	ADD	163	1
47.42.100	AMD	154	3	70.44	ADD	165	5
47.42.140	REP	138	4	70.44.005	AMD	165	1
47.42.140	REP	154	4	70.44.060	AMD	165	2
47.42.140	REEN	138	4	70.44.110	AMD	165	3
47.42.140	REEN	154	4	70.44.240	AMD	165	4
47.42.140	AMD	138	4	70.82.010	AMD	91	2
47.42.140	AMD	154	4	70.82.040	AMD	91	3
47.52	ADD	133	3	70.92A	ADD	96	11
47.52.025	AMD	133	1	70.94.181	AMD	59	1
47.56	ADD	10	1	70.94.211	AMD	69	4
47.60	ADD	105	1	70.94.775	AMD	164	1
48.14.021	AMD	132	1	70.96A.120	AMD	175	1
48.20	ADD	42	1	70.96A.130	REP	175	3
48.20	ADD	139	1	70.96A.140	AMD	175	2

TABLE OF RCW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

RCW	CH.	SEC.	RCW	CH.	SEC.		
71.05.030	AMD	145	4	82.08.030	AMD	185	1
71.05.040	AMD	145	5	82.12.030	AMD	185	2
71.05.050	AMD	145	6	82.14	ADD	167	10
71.05.120	AMD	145	7	82.36.020	REEN	28	1
71.05.150	AMD	145	8	82.37.190	REEN	28	2
71.05.160	AMD	145	9	82.44.070	AMD	54	2
71.05.170	AMD	145	10	82.44.110	AMD	54	3
71.05.180	AMD	145	11	82.44.120	AMD	54	4
71.05.190	AMD	145	12	82.44.150	AMD	54	5
71.05.200	AMD	145	13	82.44.150	AMD	54	6
71.05.210	AMD	145	14	82.44.160	AMD	54	7
71.05.230	AMD	145	15	82.48.080	AMD	54	8
71.05.240	AMD	145	16	82.50.170	AMD	54	9
71.05.250	AMD	145	17	84.	ADD	122	1
71.05.260	AMD	145	18	84.	ADD	196	3-6
71.05.280	AMD	145	19	84.33	ADD	187	9-17
71.05.290	AMD	145	20	84.33.050	AMD	187	3
71.05.300	AMD	145	21	84.33.080	AMD	187	2
71.05.310	AMD	145	22	84.33.110	AMD	187	4
71.05.320	AMD	145	23	84.33.120	AMD	187	5
71.05.340	AMD	145	24	84.33.130	AMD	187	6
71.05.360	AMD	145	25	84.33.140	AMD	187	7
71.05.370	AMD	145	26	84.33.180	REP	187	18
71.05.390	AMD	145	27	84.34	ADD	41	1
71.05.400	AMD	115	1	84.36	ADD	169	8
71.05.440	AMD	145	28	84.36	ADD	182	1-5
71.05.480	AMD	145	29	84.36.070	AMD	118	1
71.05.510	AMD	145	30	84.36.370	REP	182	6
71.12.560	AMD	145	1	84.36.380	REP	182	6
71.20	ADD	71	1,2	84.40	ADD	169	3,9
71.20.040	AMD	71	3	84.40.045	AMD	187	8
71.20.050	AMD	71	4	84.40.220	AMD	83	1
71.20.060	AMD	71	5	84.40.342	REP	196	2
71.20.070	AMD	71	6	84.41	ADD	131	2
71.20.090	AMD	71	7	84.41.040	AMD	131	1
71.20.110	AMD	71	8	84.56.020	AMD	116	1
72.23.010	AMD	145	2	84.56.020	AMD	196	1
72.23.070	AMD	145	3	84.69.020	AMD	122	2
72.33.800	AMD	71	9	85.05.410	AMD	39	1
72.33.805	AMD	71	10	90.48	ADD	137	30
72.33.810	AMD	71	11	90.58.080	AMD	61	1
72.33.815	AMD	71	12				
73.04.090	AMD	171	45				
73.04.130	AMD	63	1				
73.32.130	AMD	173	1				
73.34.120	AMD	173	2				
75.16.120	AMD	23	1				
75.28	ADD	104	2				
75.28	ADD	184	1-11				
75.28.420	AMD	104	1				
76.	ADD	127	1-29, 31,32				
76.08.010	REP	137	34				
76.08.020	REP	137	34				
76.08.030	REP	137	34				
76.08.040	REP	137	34				
76.08.050	REP	137	34				
76.08.060	REP	137	34				
76.08.070	REP	137	34				
76.08.080	REP	137	34				
76.08.090	REP	137	34				
77.12.320	AMD	67	1				
79.	ADD	43	1-30				
79.01	ADD	186	3				
79.01.470	AMD	186	1				
80.50	ADD	110	1,2				
80.50.030	AMD	171	46				
81.44.030	AMD	90	1				
82.04	ADD	169	2,4-6				
82.04.291	AMD	187	1				

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<u>LAWS OF 1890</u>					<u>1974 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
2	96	AMD	21	1	34	26	AMD	17	1
					93		ADD	5	1
					139	2	AMD	117	42
<u>LAWS OF 1895</u>					<u>1974 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>LAWS OF 1941</u>				
117	41	AMD	39	1	<u>1974 STATS.</u>				
					<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
<u>LAWS OF 1901</u>					71	4	AMD	44	2
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	71	6	AMD	44	5
146	5	AMD	12	1	71	13	AMD	44	7
					71	20	AMD	44	4
<u>LAWS OF 1907</u>					71	21	AMD	44	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	139	1	AMD	88	1
124	13	AMD	44	3	210	1	AMD	58	1
					210	10	AMD	58	2
<u>LAWS OF 1917</u>					210	22	AMD	58	3
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>LAWS OF 1943</u>				
60	1	AMD	124	1	<u>1974 STATS.</u>				
					<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
<u>LAWS OF 1919</u>					130		ADD	46	2
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	130	22	REP	34	7
5	5	AMD	97	9	130	24	REP	34	7
5	6	AMD	97	10	130	25	REP	34	7
5	10	AMD	97	11	130	26	REP	34	7
					130	27	REP	34	7
<u>LAWS OF 1927</u>					130	28	REP	34	7
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	130	32	REP	34	7
281	REEN	25	1		130	43	AMD	46	1
					<u>LAWS OF 1945</u>				
<u>LAWS OF 1929</u>					<u>1974 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
216	6	AMD	21	1	189	1	AMD	170	1
					193	1	REP	137	34
<u>LAWS OF 1933</u>					193	2	REP	137	34
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	193	3	REP	137	34
18	1	REP	3	1	193	4	REP	137	34
18	2	REP	3	1	193	5	REP	137	34
184	14	AMD	45	1	193	6	REP	137	34
					193	7	REP	137	34
<u>LAWS OF 1933 EX.S.</u>					193	8	REP	137	34
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	193	9	REP	137	34
62	27	AMD	66	1	235	46	AMD	117	41
					235	77	AMD	22	1
<u>LAWS OF 1947</u>					261	18	REEN	26	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	264	1	AMD	165	1
80	1	AMD	199	1	264	6	AMD	165	2
80	26	AMD	199	2	264	12	AMD	165	3
80	31	AMD	193	1	<u>LAWS OF 1947</u>				
80	48	AMD	193	2	<u>1974 STATS.</u>				
80	50	AMD	193	3	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
80	52	AMD	193	5	80	1	AMD	199	1
80	54	AMD	193	7	80	26	AMD	199	2
					80	31	AMD	193	1
					80	48	AMD	193	2
					80	50	AMD	193	3
					80	52	AMD	193	5
					80	54	AMD	193	7

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LAWS OF 1947 (Cont.) 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
142	1	AMD	171	45
218	1	REP	137	34
218	2	REP	137	34
218	3	REP	137	34
218	4	REP	137	34
218	5	REP	137	34
218	6	REP	137	34
240	1	AMD	91	2
240	4	AMD	91	3
274	3	AMD	195	1
274	13	AMD	195	2
274	16	AMD	195	3
274	39	AMD	195	4

LAWS OF 1953 (Cont.) 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
223	13	AMD	171	32
223	15	AMD	171	33
223	16	AMD	171	34
223	17	AMD	171	35
223	18	AMD	171	36
223	19	AMD	171	37
223	20	AMD	171	38
223	21	AMD	171	39
223	22	AMD	171	40

LAWS OF 1955 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
13	32.12.020	AMD	117	40
33	30.04.260	AMD	117	43
33	30.20.020	AMD	117	39
36	77.12.320	AMD	67	1
114	1	AMD	160	2
115	1	REP	137	34
115	2	REP	137	34
162	1	AMD	87	1
348	5	AMD	13	1

LAWS OF 1949 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
183	2	AMD	32	1

LAWS OF 1951 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
30	1	AMD	39	1
125	6	AMD	192	1
178	1	AMD	171	41
178	2	AMD	171	5
178	3	AMD	171	4
178	5	AMD	171	6
178	6	AMD	171	7
178	7	AMD	171	8
178	8	AMD	171	9
178	9	AMD	171	10
178	10	AMD	171	11
178	11	AMD	171	20
178	12	AMD	171	12
178	13	AMD	171	13
178	14	AMD	171	14
178	15	AMD	171	15
178	16	AMD	171	16
178	18	AMD	171	17
178	19	AMD	171	18
178	20	AMD	171	19

LAWS OF 1957 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
79	1	REP	137	34
79	2	REP	137	34
79	3	REP	137	34
259	1	AMD	156	1

LAWS OF 1959 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
18	7	REEN	31	1
18	7	AMD	31	1
25	71.12.560	AMD	145	1
28	72.23.010	AMD	145	2
28	72.23.070	AMD	145	3
53	2	AMD	97	8
53	3	AMD	97	9
53	4	AMD	97	10
54		ADD	64	6
54	4	AMD	64	1
54	8	AMD	64	2
54	9	AMD	64	3
54	14	AMD	64	4
54	15	AMD	64	5
103	1	AMD	58	2
103	11	AMD	58	3
139	1	AMD	102	2
139	4	AMD	102	3
139	6	AMD	103	4
139	37	AMD	102	6
139	43	AMD	102	9
159		ADD	19	1
280	7	AMD	98	1
282		ADD	77	12, 13
282	4	AMD	77	1
282	7	AMD	77	2
282	23	AMD	77	4
282	26	AMD	77	5

LAWS OF 1953 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
39		ADD	151	1
44	1	REP	137	34
44	2	REP	137	34
44	3	REP	137	34
44	4	REP	137	34
144	1	AMD	149	3
144	2	AMD	149	5
145	2	AMD	171	15
223	3	AMD	171	21
223	4	AMD	173	26
223	7	AMD	171	27
223	8	AMD	171	28
223	9	AMD	171	23
223	10	AMD	171	29
223	11	AMD	171	30
223	12	AMD	171	31

TABLE OF SESSION LAW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

LAWS OF 1959 (Cont.) 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
282	32	AMD	77	6
282	34	AMD	77	8
282	38	AMD	77	9
282	39	AMD	77	10
282	43	AMD	77	11
294	1	AMD	107	1
305	5	AMD	45	1

LAWS OF 1959 EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
10	1	AMD	157	2

LAWS OF 1961 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
1	25	AMD	136	1
12	46.04.620	AMD	76	3
12	46.08.080	REP	3	1
12	46.12.030	AMD	128	1
12	46.12.040	AMD	128	2
12	46.12.060	AMD	36	1
12	46.16.137	AMD	172	1
12	46.16.340	AMD	171	43
12	46.37.020	AMD	124	2
12	46.44.030	AMD	76	2
12	46.44.040	AMD	86	1
12	46.44.095	AMD	76	1
12	46.48.041	AMD	103	4
12	46.48.160	AMD	47	1
12	46.68.130	AMD	9	1
13	47.01.160	REEN	29	1
13	47.52.025	AMD	133	1
14	81.44.030	AMD	90	1
15		ADD	169	2-6 8,9
15	82.08.030	AMD	185	1
15	82.12.030	AMD	185	2
15	82.36.020	REEN	28	1
15	82.44.070	AMD	54	2
15	82.44.110	AMD	54	3
15	82.44.120	AMD	54	4
15	82.44.160	AMD	54	7
15	82.48.080	AMD	54	8
15	82.50.170	AMD	54	9
15	84.36.070	AMD	118	1
15	84.40.220	AMD	83	1
15	84.41.040	AMD	131	1
15	84.56.020	AMD	116	1
15	84.56.020	AMD	196	1
15	84.69.020	AMD	122	2
23	51.32.040	REEN	30	1
23	51.32.040	AMD	30	1
37	6	AMD	77	4
37	10	AMD	77	3
40	1	REP	137	34
96		ADD	80	2
96	2	AMD	80	1
96	10	AMD	154	3
96	14	REP	138	4
96	14	REP	154	4
96	14	REEN	138	4
96	14	REEN	154	4
96	14	AMD	138	4

LAWS OF 1961 (Cont.) 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
96	14	AMD	154	4
216	17	AMD	158	1
249	23	AMD	20	1
251	1	AMD	71	9
251	2	AMD	71	10
251	3	AMD	71	11
251	4	AMD	71	12
280	2	AMD	117	39
299	13	AMD	95	2
299	100	AMD	149	6
299	101	AMD	95	1

LAWS OF 1961 EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
18	2	AMD	107	1
215	3	REP	92	7
215	4	REP	92	8

LAWS OF 1963 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
4		ADD	141	8,9
4	36.17.030	REP	24	1
4	36.21.080	AMD	196	7
4	36.32.240	AMD	52	1
4	36.75.240	AMD	141	7
16	2	AMD	103	1
16	3	AMD	103	2
16	4	AMD	103	3
75	1	AMD	82	1
77	9	REEN	25	2
154	2	AMD	124	2
162	2	AMD	16	1
162	5	AMD	16	2
162	9	AMD	16	3
166	1	AMD	132	1
232	3	AMD	102	6
232	5	AMD	102	5
246	6	AMD	117	41

LAWS OF 1963 EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
14	16	AMD	199	3
14	18	AMD	193	7
14	20	AMD	193	4
14	21	AMD	193	6
22	19	REEN	28	2

LAWS OF 1965 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
7		ADD	1	1
7		ADD	141	10,11
7	35.22.150	AMD	1	2
7	35.23.352	AMD	74	2
7	35.58.010	AMD	70	1
7	35.58.020	AMD	70	2
7	35.58.020	AMD	84	1

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LAWS OF 1965 (Cont.) 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
7	35.58.050	AMD	70	3
7	35.58.080	AMD	70	4
7	35.58.120	AMD	70	5
7	35.58.160	AMD	84	2
7	35.58.180	AMD	84	3
7	35.58.200	AMD	70	6
7	35.58.210	AMD	70	7
7	35.58.460	AMD	70	8
8	43.03.010	AMD	149	2
8	43.03.060	AMD	157	1
8	43.22.010	BEEN	27	1
8	43.31.200	AMD	171	42
9		ADD	127	12-14
9	29.04.055	AMD	127	1
9	29.07.160	AMD	127	4
9	29.18.110	AMD	127	5
9	29.36.010	AMD	35	1
9	29.36.030	AMD	73	1
9	29.36.070	AMD	73	2
9	29.36.095	AMD	73	3
9	29.39.120	AMD	127	6
17	4	AMD	77	8
34	1	AMD	71	9
34	2	AMD	71	10
34	3	AMD	71	12
66	2	AMD	64	63
114	1	AMD	74	2
145	11.04.015	AMD	117	6
145	11.12.120	AMD	117	51
145	11.20.020	AMD	117	27
145	11.28.010	AMD	117	28
145	11.28.070	AMD	117	25
145	11.28.110	AMD	117	29
145	11.28.130	REP	117	55
145	11.28.180	REP	117	55
145	11.28.200	REP	117	55
145	11.28.237	AMD	117	30
145	11.28.280	AMD	117	26
145	11.40.010	AMD	117	33
145	11.40.020	AMD	117	34
145	11.40.030	AMD	117	35
145	11.40.040	AMD	117	36
145	11.40.050	REP	117	55
145	11.40.060	AMD	117	37
145	11.40.100	AMD	117	47
145	11.40.110	AMD	117	38
145	11.44.025	AMD	117	48
145	11.44.055	REP	117	55
145	11.44.065	REP	117	55
145	11.44.070	AMD	117	50
145	11.44.080	REP	117	55
145	11.52.010	AMD	117	7
145	11.52.012	AMD	117	8
145	11.52.020	AMD	117	9
145	11.52.022	AMD	117	10
145	11.68.010	AMD	117	13
145	11.68.020	AMD	117	14
145	11.68.030	AMD	117	15
145	11.68.040	AMD	117	16
145	11.76.080	AMD	117	45
145	11.76.090	AMD	117	11
145	11.76.095	AMD	117	12
158	1	REP	94	23
158	2	REP	94	23
158	3	REP	94	23
158	4	REP	94	23
158	5	REP	94	23
158	6	REP	94	23

LAWS OF 1965 (Cont.) 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
158	7	REP	94	23
158	8	REP	94	23
158	9	REP	94	23
158	10	REP	94	23
158	11	REP	94	23
158	12	REP	94	23
158	13	REP	94	23
158	14	REP	94	23
158	15	REP	94	23
158	17	REP	94	23
158	18	REP	94	23
158	20	REP	94	23
158	21	REP	94	23

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
40	1	AMD	58	5
138	3	AMD	111	2
138	6	AMD	111	3
155	62	AMD	130	1
155	83	AMD	141	14
156	6	AMD	127	2
157	2-316	AMD	78	1
157	2-316	AMD	180	1
157	2-719	AMD	78	2
157	2-719	AMD	180	2
157	9-204	AMD	102	1

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
32	17	AMD	172	1
32	23	AMD	171	43
73	6	AMD	127	10
105	6	AMD	84	3
121	1	AMD	54	3
121	2	AMD	54	4
127	6	AMD	195	4
147	1	AMD	158	1
159	2	AMD	72	1
168	2	AMD	117	6
168	7	AMD	117	33
168	10	AMD	117	50
168	11	REP	117	55
171	3	AMD	97	12
171	4	AMD	97	13
171	7	AMD	97	14
199	2	AMD	77	11
199	3	AMD	77	7
203	1	AMD	171	4
203	2	AMD	171	5
210	1	AMD	117	42
227	3	AMD	165	4
238	31	AMD	59	1
238	34	AMD	69	4
240	42	AMD	102	7

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<u>LAWS OF 1967 EX.S.</u>			<u>1974 STATS.</u>		<u>LAWS OF 1969 EX.S.(cont.)1974 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
9	5	AMD	54	8	184	4	AMD	101	1
16	4	AMD	157	1	192	1	AMD	95	1
50	1	AMD	44	1	193	12	AMD	50	1
50	3	AMD	44	2	199	1	AMD	130	2
50	4	AMD	44	3	209	3	AMD	120	1
50	5	AMD	44	4	209	4	AMD	120	7
50	10	AMD	44	7	209	5	AMD	120	2
73	1	AMD	127	7	209	10	AMD	120	3
73	3	AMD	127	8	209	11	AMD	120	9
73	5	AMD	127	9	209	12	AMD	120	10
73	7	AMD	127	11	209	14	AMD	120	4
83		ADD	141	1-3,6	209	15	AMD	120	11
100	1	AMD	149	2	209	16	AMD	120	6
109	6	AMD	35	2	209	17	AMD	120	5
109	8	AMD	35	3	209	24	AMD	120	13
110	4	AMD	71	3	209	33	AMD	190	2
110	5	AMD	71	4	209	34	AMD	190	3
110	6	AMD	71	5	209	35	AMD	190	4
110	7	AMD	71	6	209	38	AMD	190	1
110	9	AMD	71	7	220	1	REP	94	23
110	16	AMD	71	8	220	2	REP	94	23
119	35A.38.010	AMD	171	2	220	3	REP	94	23
144	15	AMD	52	1	221	6	AMD	149	4
146	10	AMD	187	8	223		ADD	8	1
					223		ADD	11	1
					223		ADD	85	1-5
					223		ADD	91	6
					223		ADD	92	2
					223		ADD	93	1
					223		ADD	112	1-3
					223		ADD	112	5-7
					223		ADD	161	1
					223		ADD	174	1
					223		ADD	177	1-7
					223	28A.04.120	AMD	92	1
					223	28A.61.030	AMD	101	1
					223	28A.70.140	AMD	55	1
					223	28A.70.160	AMD	55	2
					223	28B.10.215	AMD	68	1
					223	28B.10.220	AMD	68	2
					223	28B.10.255	AMD	68	3
					223	28B.20.380	REP	174	2
					240		AMD	87	1
					244		AMD	56	1
					244		AMD	56	2
					244		AMD	56	3
					244		AMD	56	4
					244		AMD	56	5
					244		AMD	56	6
					244		AMD	56	7
					244		AMD	56	8
					252		AMD	171	3
					255		AMD	54	1
					269		AMD	170	1
					271		ADD	134	12-14
					271		AMD	134	1
					271		AMD	134	2
					271		AMD	134	3
					271		AMD	134	4
					271		AMD	134	5
					271		AMD	134	6
					271		AMD	134	7
					271		AMD	134	8
					271		AMD	134	10
					271		AMD	134	11
					277		ADD	4	1-5
					283		AMD	33	1
					283		AMD	33	2

TABLE OF SESSION LAW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

LAWS OF 1971 EX.S.(cont.)1974 STATS.

<u>LAWS OF 1970 EX.S. 1974 STATS.</u>					<u>LAWS OF 1971 EX.S.(cont.)1974 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
5	3	AND	33	1	47	22	AMD	144	3
6	6	AND	120	9	62	1	AND	80	1
6	9	AND	120	4	62	5	AND	154	1
6	16	AND	120	13	62	7	AND	154	2
15	15	AND	89	1	62	11	AND	154	3
15	20	AND	112	4	62	18	REP	138	4
37	1	AND	190	2	62	18	REP	154	4
37	2	AND	190	3	62	18	REEN	138	4
37	3	AND	190	1	62	18	REEN	154	4
42	5	AND	56	1	62	18	AMD	138	4
45		ADD	110	1,2	62	18	AMD	154	4
45	3	AND	171	46	71	1	AND	146	1
56	39	AND	70	8	71	2	AND	146	2
62		ADD	69	5	71	4	AND	146	3
62		ADD	179	9	73	28	REP	138	4
62	39	AND	69	1	73	28	REP	154	4
62	45	AND	69	2	73	28	REEN	138	4
62	46	AND	69	3	73	28	REEN	154	4
62	51	REP	69	6	73	28	AND	138	4
62	57	AND	69	4	73	28	AND	154	4
87		ADD	41	1	83	3	AND	192	1
94		ADD	167	10	109		ADD	179	3-6, 8,10-13
100	1	AND	103	2	129	1	AND	188	1
100	2	AND	103	1	135	2	AND	64	2
100	1	AND	171	44	147	2	AND	95	2
					153	1	AND	17	1
					178	2	AND	127	6
					178	3	AND	127	7
					178	5	REP	127	15
					178	6	AND	127	8
					178	8	REP	127	15
					178	9	AND	127	9
					178	10	AND	127	10
					178	11	AND	127	11
					178	13	REP	127	15
					182	2	AND	102	2
20	1	AND	171	44	182	3	AND	102	3
24	2	AND	171	1	182	4	AND	102	4
28	1	AND	117	45	182	8	AND	102	5
28	2	AND	117	11	184	8	AND	111	1
28	3	AND	117	12	191	8	AND	20	1
35	4	AND	23	1	202	20	AND	127	4
48	6	AND	75	11	202	37	AND	35	1
48	7	AND	75	12	202	39	AND	73	3
48	51	AND	55	2	207	10	REP	137	34
257	10	AND	120	11	207	11	REP	137	34
					207	12	REP	137	34
					215	1	AND	92	1
					215	4	REP	92	8
					215	5	AND	92	3
					215	6	AND	92	4
					215	7	AND	92	5
4	1	AND	108	1	217	2	AND	186	1
4	3	AND	108	3	219		ADD	96	11
8	1	AND	171	13	248	2	AND	76	2
8	2	AND	171	20	257	3	AND	120	8
8	4	AND	171	24	257	4	AND	120	12
8	5	AND	171	25	257	13	AND	120	6
8	7	AND	171	22	257	17	REP	190	5
11	1	AND	185	1	257	18	REP	190	5
12	2	AND	117	7	266	5	AND	97	11
12	3	AND	117	9	272	1	AND	58	1
12	4	AND	117	10	272	9	AND	58	6
18	1	AND	83	1	279	20	AND	112	4
28	1	AND	14	1	282	3	AND	75	1
47	20	AND	144	1	282	4	AND	75	8
47	21	AND	144	2	282	15	AND	75	9

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LAWS OF 1971 EX.S.(cont.)1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
282	16	AMD	75	10
282	18	AMD	75	17
282	24	AMD	75	20
282	25	REP	75	21
282	27	REP	75	22
282	43	REP	75	19
284	1	AMD	130	1
286	8	AMD	61	1
288	3	AMD	116	1
288	4	REP	182	6
288	5	REP	182	6
288	7	AMD	131	1
289	71	AMD	171	32
289	72	AMD	171	35
292	28	AMD	44	5
294		ADD	187	9-17
294	5	AMD	187	3
294	7	AMD	187	1
294	8	AMD	187	2
294	11	AMD	187	4
294	12	AMD	187	5
294	13	AMD	187	6
294	14	AMD	187	7
294	18	REP	187	18
299	10	AMD	185	2
299	74	REP	196	2
303	2	AMD	70	2
303	2	AMD	84	1
303	5	AMD	70	5
303	7	AMD	70	6

LAWS OF 1972 EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
3	1	AMD	75	13
4	1	AMD	63	1
6	3	REP	171	47
75	1	AMD	160	2
79	1	AMD	77	6
87	1	AMD	54	5
87	1	AMD	54	6
99	2	AMD	128	1
100	3	AMD	149	5
100	4	AMD	149	6
103	2	AMD	141	12
103	7	AMD	9	1
122	12	AMD	175	1
122	13	REP	175	3
122	14	AMD	175	2
125	1	AMD	187	8
126	1	REP	182	6
126	2	AMD	122	2
126	3	REP	182	6
131	1	AMD	120	1
131	2	AMD	120	12
131	4	AMD	120	2
131	7	AMD	120	3
131	8	AMD	120	10
131	9	AMD	120	5
146	1	AMD	89	1
147	1	AMD	193	2
148	1	AMD	187	1
148	5	AMD	187	5
148	7	REP	187	18
153	13	AMD	144	1
153	14	AMD	144	2

LAWS OF 1972 EX.S.(cont.)1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
153	15	AMD	144	3
154	13	AMD	173	2

LAWS OF 1973 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
41	1	AMD	173	1
95	6	REEN	28	2
106	2	AMD	149	3
106	3	AMD	149	4
106	21	REEN	29	1
141	6	AMD	32	2

LAWS OF 1973 1ST EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
5	15	AMD	163	1
7	2	AMD	72	1
13	2	AMD	106	1
13	3	AMD	106	2
13	10	AMD	106	3
13	12	AMD	106	4
25	7	AMD	111	4
52	2	REEN	27	1
64	1	AMD	88	1
90	1	AMD	16	2
98	1	REP	182	6
111	2	AMD	127	2
111	4	AMD	127	3
112	1	AMD	57	1
112	2	AMD	57	2
114	2	AMD	114	3
114	4	AMD	114	4
114	6	AMD	114	5
114	7	AMD	114	6
114	9	AMD	114	7
114	10	AMD	114	8
117	1	AMD	198	1
117	2	AMD	198	2
117	3	AMD	198	3
117	4	AMD	198	4
117	5	AMD	198	5
117	6	AMD	198	6
117	8	AMD	198	7
117	9	AMD	198	8
117	10	AMD	198	9
117	11	AMD	198	10
117	12	AMD	198	11
117	14	AMD	198	12
117	15	AMD	198	13
117	18	AMD	198	14
117	19	AMD	198	15
117	20	AMD	198	16
117	22	AMD	198	17
117	23	AMD	198	18
124	2	REEN	28	1
124	3	REEN	28	2
129	1	AMD	53	1
131	4	AMD	142	47
131	4	AMD	197	58
131	5	AMD	142	48
131	5	AMD	197	57
131	7	AMD	142	49

TABLE OF SESSION LAW SECTIONS AFFECTED BY 1974 1ST EX. SESS.

<u>LAWS OF 1973 1ST EX.S.</u>					<u>LAWS OF 1973 1ST EX.S.</u>				
<u>(contd.)</u>					<u>(contd.)</u>				
1974 STATS.					1974 STATS.				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
131	7	AMD	197	56	195	69	REEN	31	1
136	5	AMD	54	6	195	69	AMD	31	1
137	2	AMD	189	1	195	83	AMD	165	2
137	74	AMD	114	1	195	85	AMD	71	8
137	89	AMD	114	2	195	90	AMD	187	3
137	110	AMD	149	1	195	92	AMD	187	2
137	112	AMD	142	36	195	93	AMD	187	7
139	2	AMD	197	25	197	5	AMD	157	2
139	3	AMD	197	26	209	10	AMD	66	1
139	6	REP	142	74	214	3	AMD	32	1
139	8	AMD	197	27	218		ADD	135	6
139	9	AMD	197	28	218		ADD	135	11
139	10	AMD	197	29	218		ADD	152	26
142	1	AMD	145	1	218		ADD	155	6
142	3	AMD	145	2	218		ADD	155	11
142	8	AMD	145	4	218	1	AMD	135	1
142	9	AMD	145	5	218	1	AMD	155	1
142	10	AMD	145	6	218	2	AMD	135	2
142	17	AMD	145	7	218	2	V.Ov.	155	2
142	20	AMD	145	8	218	3	AMD	135	3
142	21	AMD	145	9	218	3	V.Ov.	155	3
142	22	AMD	145	10	218	4	AMD	135	12
142	23	AMD	145	11	218	4	AMD	152	27
142	24	AMD	145	12	218	4	AMD	155	12
142	25	AMD	145	13	218	7	AMD	135	4
142	26	AMD	145	14	218	7	V.Ov.	155	4
142	28	AMD	145	15	218	8	AMD	135	7
142	29	AMD	145	16	218	8	AMD	155	7
142	30	AMD	145	17	218	11	AMD	135	8
142	31	AMD	145	18	218	11	AMD	155	8
142	33	AMD	145	19	218	20	AMD	135	10
142	34	AMD	145	20	218	20	AMD	155	10
142	35	AMD	145	21	218	21	AMD	135	9
142	36	AMD	145	22	218	21	AMD	155	9
142	37	AMD	145	23	218	23	AMD	135	5
142	39	AMD	145	24	218	23	AMD	155	5
142	41	AMD	145	25	218	28	REP	135	15
142	42	AMD	145	26	218	28	REP	155	15
142	44	AMD	145	27					
142	45	AMD	115	1					
142	49	AMD	145	28					
142	53	AMD	145	29					
142	56	AMD	145	30					
147	6	AMD	82	1					
148	16	REEN	25	1					
150	1	AMD	86	1	11	1	AMD	164	1
150	3	AMD	76	1	12	2	REEN	29	1
153	6	REEN	25	2	24	1	AMD	145	3
153	8	REEN	27	1	24	2	AMD	145	4
154	21	REEN	25	1	24	5	AMD	145	7
154	75	REEN	26	1	24	6	AMD	115	1
154	95	REEN	30	1	32	2	AMD	193	1
154	95	AMD	30	1	32	4	AMD	193	5
157		ADD	15	1-3	41	4	AMD	135	4
160	1	REEN	28	1	41	4	V.Ov.	155	4
161	1	REEN	25	2					
170	3	REEN	26	1					
173	4	AMD	104	1					
179	2	AMD	179	2					
189	1	AMD	199	2					
189	2	AMD	199	3					
189	3	AMD	199	4	78	1	AMD	180	1
190	3	AMD	195	1	78	2	AMD	180	2
190	5	AMD	195	2	116	1	AMD	196	1
190	6	AMD	195	3	135	2	V.Ov.	155	2
193	9	AMD	164	1	135	3	V.Ov.	155	3
195	44	AMD	120	7	135	4	V.Ov.	155	4

LAWS OF 1973 2ND EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
11	1	AMD	164	1
12	2	REEN	29	1
24	1	AMD	145	3
24	2	AMD	145	4
24	5	AMD	145	7
24	6	AMD	115	1
32	2	AMD	193	1
32	4	AMD	193	5
41	4	AMD	135	4
41	4	V.Ov.	155	4

LAWS OF 1974 EX.S. 1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
78	1	AMD	180	1
78	2	AMD	180	2
116	1	AMD	196	1
135	2	V.Ov.	155	2
135	3	V.Ov.	155	3
135	4	V.Ov.	155	4

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LAWS OF 1974 EX.S(cont.)1974 STATS.

<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
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